



# Minutes

## Board of Commissioners Regular Meeting

7 p.m. April 14, 2025

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.

Present: Mayor Mark Bell and commissioners Meaghun Darab, Robb English, Matt Hughes and Evelyn Lloyd

Absent: Commissioner Kathleen Ferguson (Remote)

Staff: Assistant Town Manager and Community Services Director Matt Efird, Budget and Management Analyst Josh Fernandez, Environmental Engineering Manager Bryant Green, Town Clerk and Human Resources Technician Sarah Kimrey, Town Attorney Lydia Lavelle, Finance Director Dave McCole, Town Manager Eric Peterson, Utilities Director Marie Strandwitz, Public Space and Sustainability Manager Stephanie Trueblood, Interim Police Chief Jason Winn and Communications Manager Catherine Wright

### Opening of the meeting

Mayor Mark Bell called the meeting to order at 7:02 p.m.

#### 1. Public charge

Bell noted but did not read the public charge.

#### 2. Audience comments not related to the printed agenda

There were none.

#### 3. Agenda changes and approval

- Add Item 5.C-1: Discussion on FEMA BRIC funding loss
- Move Item 5.C to 5.C-2

Motion: Commissioner Meaghun Darab moved to approve the agenda as amended. Commissioner Matt Hughes seconded.

Vote: 4-0.

#### 4. Items for decision – consent agenda

- Minutes
  - Budget retreat March 1, 2025
  - Regular meeting March 10, 2025
  - Regular meeting closed session March 10, 2025
  - Work session March 24, 2025
  - Work session closed session March 24, 2025
- Miscellaneous budget amendments and transfers
- Proclamation – Volunteer Appreciation Week
- Special Event Permit – UPROAR Festival of Public Art 2025
- Special Event Permit – Last Fridays and Art Walk 2025-26 Season

- F. Annexation request for 500 Valley Forge Road (Piedmont Food Processing Center)
- G. General use rezoning request for 119 W. Orange St.
- H. Text amendment to Unified Development Ordinance Section 2.3, Planning Board (staff-initiated)
- I. Text amendment to Unified Development Ordinance Section 3.7.8, Unified Development Ordinance and Map Amendments – Public Hearing (staff-initiated)
- J. Text amendment to Unified Development Ordinance sections 6.3.1 - 6.3.3, Dimensional Tables
- K. Resolution to accept Clean Water Revolving Loan funding for Lawndale Sewer Basin Rehabilitation and Replacement Project
- L. Reimbursement Resolution – N.C. 86 North Facility Project
- M. Resolution for the adoption of a Complete Streets Policy
- N. Resolution establishing a policy to promote the use of native plants and the elimination of invasive plants on town-owned property
- O. Contract for year-end audit services in connection with fiscal year ending June 30, 2025
- P. Approval of membership agreement for Clean Water Education Partnership services
- Q. Dedication of six bus shelters from Orange County to the Town of Hillsborough
- R. Approval of water and sewer extension contract for Bluffberry Way Extension and Pod D apartments

Motion: Commissioner Evelyn Lloyd moved to approve all items on the consent agenda. Commissioner Robb English seconded.

Vote: 4-0. Nays: None.

#### **5. Items for decision – regular agenda**

- A. Resident request – consideration of changes to Code of Ordinances and Utilities Standards regarding customer responsibilities for sewer laterals within public rights of way

Utilities Director Marie Strandwitz presented a discussion about a resident's request to change the town code on ownership responsibilities for sewer lateral pipes, which connect a property's sewage plumbing to the public sewer main. She explained that property owners without a sewer cleanout pipe at the right of way own the lateral line all the way to the main, according to longstanding town code. She described a situation where a homeowner replaced the sewer lateral from the home to the right of way but was misinformed by a plumber that the town would be responsible for the rest of the line. When the line failed under the roadway, the homeowner had difficulty finding a utility contractor to make repairs and handle street cut permits.

Hillsborough resident Dajer Fernandez detailed his experience. He spent \$7,500 on repairs from his home to the road and an additional \$9,650 for the portion under the road, totaling \$17,150. He emphasized the difficulty in finding contractors willing to work with private homeowners and the time pressure of dealing with a failing sewer line.

Fernandez requested the board consider changing the ordinance to provide relief to homeowners in similar situations, particularly those with older homes built before current standards. He said the ordinance disproportionately affects middle- to low-income homeowners in certain neighborhoods.

Board members asked clarifying questions about insurance coverage and the prevalence of homes without sewer cleanouts. They expressed sympathy for Fernandez's situation and an interest in finding a solution.

Staff will return to the board in June with a proposal that addresses various scenarios and considers the implications for the town and homeowners.

- B. Unified Development Ordinance text amendment – Section 9.1.5.2, Permissible Encroachment into Required Setbacks (resident initiated)

Senior Planner Tom King presented a proposed amendment to the Unified Development Ordinance regarding permissible encroachment into required setbacks for swimming pools, hot tubs and spas. The amendment would allow the features to be located up to 5 feet from property lines in side or rear yards that are not adjacent to a street.

King noted the applicant requested a change after the joint public hearing on March 20 to remove language about "pertinent equipment" being subject to the setback requirement. The change would allow pool equipment to be placed within setbacks, similar to generators and to heating and air conditioning units.

Board members discussed and agreed the proposed amendment was reasonable.

Motion: Hughes moved to approve the text amendment. English seconded.  
Vote: 4-0.

#### C-1. Discussion on FEMA BRIC funding loss

Town Manager Eric Peterson presented information on the recent announcement that the Federal Emergency Management Agency was ending the Building Resilient Infrastructure and Communities program. The decision affects two major projects in Hillsborough, resulting in a potential loss of over \$6 million in grant funding.

Peterson explained the significance of the loss, comparing it proportionally to Raleigh losing \$216 million in grants. He detailed the two affected projects: relocating the Eno River Pump Station and constructing an emergency water booster pump station connecting to Orange Water and Sewer Authority.

The board discussed potential impacts, including:

- Possible rate increases of 8-11% if the town had to borrow money to complete the projects.
- Delays or cancellations of other capital improvement projects.
- Potential slowdown or pause in development due to limited capacity.
- Negative effects on the town's financial status and bond ratings.

Board members discussed strategies for addressing the issue, including:

- Reaching out to federal and state representatives.
- Exploring legal options, potentially in coordination with other affected municipalities.
- Engaging the development community to advocate for funding reinstatement.
- Considering a temporary pause in development to spur action.

Staff will prepare a one-page summary about the impact to send to the town's state and federal elected representatives within the next few days.

#### C-2. Capital priority requests to federal and state representatives

The town manager presented a proposed one-page summary of the town's priorities for capital project funding requests from legislators. The document included four key projects focusing on public safety and economic development.

Given the loss of funding from the Building Resilient Infrastructure and Communities program, the manager suggested postponing presenting the four priorities to legislators to focus on the immediate funding loss. It was determined that the priority requests could not be postponed.

#### D. Hot topics for work session April 28, 2025

The April 28 work session is expected to include a public hearing on the closeout of Coronavirus aid funding from the Community Development Block Grant Program and an update on the Building Resilient Infrastructure and Communities grants.

**6. Updates**

A. Board members

Board members gave updates on the committees and boards on which they serve.

B. Town manager

Peterson said he gave approval for the Police Department to purchase two hybrid vehicles that were immediately available. He noted the difficulty in obtaining certain models now and said the department had had three vehicles on order.

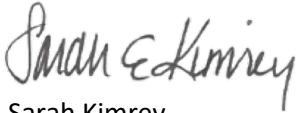
C. Staff (written reports in agenda packet)

There were no additional updates.

**7. Adjournment**

The mayor adjourned the meeting at 9:17 p.m.

Respectfully submitted,



Sarah Kimrey

Town Clerk

Staff support to the Board of Commissioners

FY 2024-2025

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT  
DATES: 04/14/2025 TO 04/14/2025

|                 | <u>REFERENCE</u>                                       | <u>CHANGE<br/>NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL<br/>BUDGET</u> | <u>BUDGET<br/>CHANGE</u> | <u>AMENDED<br/>BUDGET</u> |
|-----------------|--|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
| GF              | 10-00-9990-5300-000 CONTINGENCY                        |                          |             |             |                            |                          |                           |
| Contingency     | To cover student loan program                          | 46125                    | 04/14/2025  | EBRADFORI   | 450,000.00                 | -7,500.00                | 34,872.35                 |
|                 | Vactor truck repairs                                   | 46174                    | 04/14/2025  | EBRADFORI   | 450,000.00                 | -10,353.00               | 24,519.35                 |
| Admin.          | 10-10-4200-5300-320 SUPPLIES - OFFICE                  |                          |             |             |                            |                          |                           |
|                 | To cover office supplies.                              | 46178                    | 04/14/2025  | JFernandez  | 800.00                     | 400.00                   | 1,600.00                  |
| Admin.          | 10-10-4200-5300-330 SUPPLIES - DEPARTMENTAL            |                          |             |             |                            |                          |                           |
|                 | To cover office supplies.                              | 46179                    | 04/14/2025  | JFernandez  | 915.00                     | -400.00                  | 515.00                    |
| Admin.          | 10-10-4200-5300-454 CONTRACT SERVICES                  |                          |             |             |                            |                          |                           |
|                 | To cover student loan program                          | 46122                    | 04/14/2025  | EBRADFORI   | 9,713.00                   | 4,553.00                 | 16,338.91                 |
|                 | Reverse amendment                                      | 46127                    | 04/14/2025  | EBRADFORI   | 9,713.00                   | -4,553.00                | 11,785.91                 |
| Admin.          | 10-10-4200-5300-570 MISCELLANEOUS                      |                          |             |             |                            |                          |                           |
|                 | To cover student loan program                          | 46123                    | 04/14/2025  | EBRADFORI   | 53,653.00                  | -4,553.00                | 48,700.00                 |
|                 | Reverse amendment                                      | 46126                    | 04/14/2025  | EBRADFORI   | 53,653.00                  | 4,553.00                 | 53,253.00                 |
| Human Resources | 10-10-4500-5300-454 CONTRACT SERVICES                  |                          |             |             |                            |                          |                           |
|                 | To cover student loan program                          | 46129                    | 04/14/2025  | EBRADFORI   | 0.00                       | 7,500.00                 | 72,000.00                 |
| Human Resources | 10-10-4500-5300-530 DUES & SUBSCRIPTIONS               |                          |             |             |                            |                          |                           |
|                 | To cover memberships through year-end.                 | 46175                    | 04/14/2025  | JFernandez  | 1,802.00                   | 360.00                   | 2,162.00                  |
| Human Resources | 10-10-4500-5300-577 WELLNESS PROGRAM ACTIVITIES        |                          |             |             |                            |                          |                           |
|                 | To cover memberships through year-end.                 | 46176                    | 04/14/2025  | JFernandez  | 5,500.00                   | -360.00                  | 5,140.00                  |
| Comms.          | 10-10-4600-5300-081 TRAINING - HILLSBOROUGH UNIVERSITY |                          |             |             |                            |                          |                           |
|                 | To cover Government 101 tote bags.                     | 46137                    | 04/14/2025  | JFernandez  | 2,000.00                   | 546.00                   | 2,935.00                  |
|                 | To cover shipping on Government 101 tot                | 46172                    | 04/14/2025  | JFernandez  | 2,000.00                   | 113.00                   | 3,048.00                  |
| Comms.          | 10-10-4600-5300-454 CONTRACT SERVICES                  |                          |             |             |                            |                          |                           |
|                 | To cover student loan program                          | 46124                    | 04/14/2025  | EBRADFORI   | 0.00                       | 7,500.00                 | 8,760.00                  |
|                 | Reverse amendment                                      | 46128                    | 04/14/2025  | EBRADFORI   | 0.00                       | -7,500.00                | 1,260.00                  |
| Comms.          | 10-10-4600-5300-458 DATA PROCESSING SERVICES           |                          |             |             |                            |                          |                           |
|                 | To cover shipping on Government 101 tot                | 46171                    | 04/14/2025  | JFernandez  | 0.00                       | -113.00                  | 2,887.00                  |
| Comms.          | 10-10-4600-5300-570 MISCELLANEOUS                      |                          |             |             |                            |                          |                           |
|                 | To cover Government 101 tote bags.                     | 46136                    | 04/14/2025  | JFernandez  | 6,200.00                   | -546.00                  | 190.00                    |
| Police          | 10-20-5100-5100-030 BONUS PAY                          |                          |             |             |                            |                          |                           |
|                 | To cover recruitment referrals & FTO pay               | 46108                    | 04/14/2025  | EBRADFORI   | 5,000.00                   | 5,500.00                 | 10,500.00                 |
| Police          | 10-20-5100-5300-113 LICENSE FEES                       |                          |             |             |                            |                          |                           |
|                 | NC Police Executive Membership                         | 46181                    | 04/14/2025  | EBRADFORI   | 27,628.00                  | -100.00                  | 27,528.00                 |
| Police          | 10-20-5100-5300-161 MAINTENANCE - VEHICLES             |                          |             |             |                            |                          |                           |
|                 | To cover window tint                                   | 46106                    | 04/14/2025  | EBRADFORI   | 3,000.00                   | 500.00                   | 8,900.00                  |
| Police          | 10-20-5100-5300-310 GASOLINE                           |                          |             |             |                            |                          |                           |
|                 | To fund new officer uniforms                           | 46103                    | 04/14/2025  | EBRADFORI   | 77,380.00                  | -4,355.00                | 70,000.00                 |
| Police          | 10-20-5100-5300-350 UNIFORMS                           |                          |             |             |                            |                          |                           |
|                 | To fund new officer uniforms                           | 46104                    | 04/14/2025  | EBRADFORI   | 21,840.00                  | 4,355.00                 | 28,195.00                 |
| Police          | 10-20-5100-5300-363 RENTAL - BUILDING                  |                          |             |             |                            |                          |                           |
|                 | To cover miscellaneous expenses                        | 46105                    | 04/14/2025  | EBRADFORI   | 50,923.00                  | -10,000.00               | 40,923.00                 |
| Police          | 10-20-5100-5300-490 C.S./ALARM                         |                          |             |             |                            |                          |                           |
|                 | To cover alarm service                                 | 46111                    | 04/14/2025  | EBRADFORI   | 490.00                     | 100.00                   | 590.00                    |

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|----------------------|--|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
| Police               | 10-20-5100-5300-530 DUES & SUBSCRIPTIONS           |                          |             |             |                            |                          |                           |
|                      | NC Police Executive Membership                     | 46182                    | 04/14/2025  | EBRADFORI   | 500.00                     | 100.00                   | 600.00                    |
| Police               | 10-20-5100-5300-570 MISCELLANEOUS                  |                          |             |             |                            |                          |                           |
|                      | To cover towing charges                            | 46107                    | 04/14/2025  | EBRADFORI   | 4,000.00                   | 4,000.00                 | 20,000.00                 |
|                      | To cover alarm service                             | 46112                    | 04/14/2025  | EBRADFORI   | 4,000.00                   | -100.00                  | 19,900.00                 |
| Fleet Maint.         | 10-30-5550-5300-201 VEHICLE REPAIR - WATER & SEWER |                          |             |             |                            |                          |                           |
|                      | Vactor truck repairs                               | 46173                    | 04/14/2025  | EBRADFORI   | 35,000.00                  | 10,353.00                | 52,767.40                 |
| WSF Revenues         | 30-00-3850-3850-000 INTEREST EARNED                |                          |             |             |                            |                          |                           |
|                      | Yr-end adj   | 46155                    | 04/14/2025  | EBRADFORI   | 385,500.00                 | 10,928.00                | 398,377.00                |
|                      | Yr-end adj   | 46156                    | 04/14/2025  | EBRADFORI   | 385,500.00                 | 80,000.00                | 478,377.00                |
| WSF Fund Bal.        | 30-80-3900-3900-000 FUND BALANCE APPROPRIATED      |                          |             |             |                            |                          |                           |
|                      | Yr-end Adj   | 46119                    | 04/14/2025  | EBRADFORI   | 406,244.00                 | -41,474.20               | 3,151,739.76              |
| Admin. of Enterprise | 30-80-7200-5300-570 MISCELLANEOUS                  |                          |             |             |                            |                          |                           |
|                      | Yr-end adj.  | 46135                    | 04/14/2025  | EBRADFORI   | 165,000.00                 | -28,930.00               | 93,170.00                 |
|                      | Apply merit to depts                               | 46154                    | 04/14/2025  | EBRADFORI   | 165,000.00                 | -93,170.00               | 0.00                      |
| Utilities Admin.     | 30-80-7220-5100-020 SALARIES                       |                          |             |             |                            |                          |                           |
|                      | Yr-end Adj   | 46114                    | 04/14/2025  | EBRADFORI   | 444,524.00                 | -2,819.00                | 441,705.00                |
|                      | Yr-end adj   | 46168                    | 04/14/2025  | EBRADFORI   | 444,524.00                 | -32,000.00               | 409,705.00                |
| Utilities Admin.     | 30-80-7220-5300-140 TRAVEL/VEHICLE ALLOTMENT       |                          |             |             |                            |                          |                           |
|                      | Yr-end Adj   | 46113                    | 04/14/2025  | EBRADFORI   | 3,120.00                   | 2,819.00                 | 5,939.00                  |
| Utilities Admin.     | 30-80-7220-5300-479 C.S./UTILITY LOCATES           |                          |             |             |                            |                          |                           |
|                      | Yr-end Adj   | 46118                    | 04/14/2025  | EBRADFORI   | 200,000.00                 | -41,474.20               | 124,424.00                |
| Billing & Collect.   | 30-80-7240-5100-010 OVERTIME COMPENSATION          |                          |             |             |                            |                          |                           |
|                      | Yr-end Adj   | 46115                    | 04/14/2025  | EBRADFORI   | 3,000.00                   | 2,000.00                 | 5,000.00                  |
| Billing & Collect.   | 30-80-7240-5100-020 SALARIES                       |                          |             |             |                            |                          |                           |
|                      | Yr-end Adj   | 46116                    | 04/14/2025  | EBRADFORI   | 315,440.00                 | -2,100.00                | 313,340.00                |
| Billing & Collect.   | 30-80-7240-5127-071 401(K) RETIREMENT SUPP.        |                          |             |             |                            |                          |                           |
|                      | Yr-end Adj   | 46117                    | 04/14/2025  | EBRADFORI   | 14,893.00                  | 100.00                   | 14,993.00                 |
| Billing & Collect.   | 30-80-7240-5300-080 TRAINING/CONF./CONV.           |                          |             |             |                            |                          |                           |
|                      | To cover Apple Electronics invoice.                | 46159                    | 04/14/2025  | JFernandez  | 2,000.00                   | -253.00                  | 1,747.00                  |
| Billing & Collect.   | 30-80-7240-5300-145 MAINTENANCE - BUILDINGS        |                          |             |             |                            |                          |                           |
|                      | To cover Apple Electronics invoice.                | 46160                    | 04/14/2025  | JFernandez  | 0.00                       | 253.00                   | 753.00                    |
| WTP                  | 30-80-8120-5100-020 SALARIES                       |                          |             |             |                            |                          |                           |
|                      | Yr-end adj.  | 46130                    | 04/14/2025  | EBRADFORI   | 546,307.00                 | 13,000.00                | 559,307.00                |
| WTP                  | 30-80-8120-5120-050 FICA                           |                          |             |             |                            |                          |                           |
|                      | Yr-end adj.  | 46131                    | 04/14/2025  | EBRADFORI   | 41,793.00                  | 2,800.00                 | 44,593.00                 |
| WTP                  | 30-80-8120-5127-070 RETIREMENT                     |                          |             |             |                            |                          |                           |
|                      | Yr-end adj.  | 46132                    | 04/14/2025  | EBRADFORI   | 66,565.00                  | 9,000.00                 | 75,565.00                 |
| WTP                  | 30-80-8120-5127-071 401(K) RETIREMENT SUPP.        |                          |             |             |                            |                          |                           |
|                      | Yr-end adj.  | 46133                    | 04/14/2025  | EBRADFORI   | 24,780.00                  | 4,000.00                 | 28,780.00                 |
| WTP                  | 30-80-8120-5300-530 DUES & SUBSCRIPTIONS           |                          |             |             |                            |                          |                           |
|                      | Yr-end adj.  | 46134                    | 04/14/2025  | EBRADFORI   | 3,800.00                   | 130.00                   | 3,930.00                  |
| WFER                 | 30-80-8130-5300-130 UTILITIES                      |                          |             |             |                            |                          |                           |

FY 2024-2025

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|                | <u>REFERENCE</u>                                  | <u>CHANGE<br/>NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL<br/>BUDGET</u> | <u>BUDGET<br/>CHANGE</u> | <u>AMENDED<br/>BUDGET</u> |
|----------------|---|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
|                | Yr-end adj  | 46138                    | 04/14/2025  | EBRADFORI   | 600.00                     | 100.00                   | 700.00                    |
| WFER           | 30-80-8130-5300-154 MAINTENANCE - GROUNDS         |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46139                    | 04/14/2025  | EBRADFORI   | 16,000.00                  | -100.00                  | 18,675.00                 |
| Water<br>Dist. | 30-80-8140-5100-010 OVERTIME COMPENSATION         |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46140                    | 04/14/2025  | EBRADFORI   | 20,000.00                  | 6,000.00                 | 26,000.00                 |
| Water<br>Dist. | 30-80-8140-5100-020 SALARIES                      |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46141                    | 04/14/2025  | EBRADFORI   | 483,455.00                 | 106,545.00               | 590,000.00                |
| Water<br>Dist. | 30-80-8140-5120-050 FICA                          |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46142                    | 04/14/2025  | EBRADFORI   | 36,985.00                  | 9,000.00                 | 45,985.00                 |
| Water<br>Dist. | 30-80-8140-5125-061 LIFE/DISABILITY/VISION        |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46143                    | 04/14/2025  | EBRADFORI   | 1,025.00                   | 100.00                   | 1,125.00                  |
| Water<br>Dist. | 30-80-8140-5125-062 INSURANCE - DENTAL            |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46144                    | 04/14/2025  | EBRADFORI   | 2,784.00                   | 150.00                   | 2,934.00                  |
| Water<br>Dist. | 30-80-8140-5127-070 RETIREMENT                    |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46145                    | 04/14/2025  | EBRADFORI   | 65,330.00                  | 19,000.00                | 84,330.00                 |
| Water<br>Dist. | 30-80-8140-5127-071 401(K) RETIREMENT SUPP.       |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46146                    | 04/14/2025  | EBRADFORI   | 24,173.00                  | 7,500.00                 | 31,673.00                 |
| Water<br>Dist. | 30-80-8140-5300-110 TELEPHONE/INTERNET            |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46147                    | 04/14/2025  | EBRADFORI   | 2,280.00                   | 1,800.00                 | 4,080.00                  |
| Water<br>Dist. | 30-80-8140-5300-130 UTILITIES                     |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46148                    | 04/14/2025  | EBRADFORI   | 43,000.00                  | 7,000.00                 | 48,208.00                 |
| Water<br>Dist. | 30-80-8140-5300-154 MAINTENANCE - GROUNDS         |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46149                    | 04/14/2025  | EBRADFORI   | 27,000.00                  | 1.00                     | 33,049.00                 |
| Water<br>Dist. | 30-80-8140-5300-351 RENTAL - EQUIPMENT            |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46150                    | 04/14/2025  | EBRADFORI   | 2,000.00                   | 1.00                     | 14,821.00                 |
| Water<br>Dist. | 30-80-8140-5300-444 C.S./TANK MAINT PROGRAM       |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46151                    | 04/14/2025  | EBRADFORI   | 48,000.00                  | 1.00                     | 47,304.00                 |
| Water<br>Dist. | 30-80-8140-5300-458 DATA PROCESSING SERVICES      |                          |             |             |                            |                          |                           |
|                | To cover Norfield Development invoice.            | 46121                    | 04/14/2025  | JFernandez  | 10,250.00                  | 80.00                    | 11,310.00                 |
| Water<br>Dist. | 30-80-8140-5300-490 C.S./ALARM                    |                          |             |             |                            |                          |                           |
|                | To cover Norfield Development invoice.            | 46120                    | 04/14/2025  | JFernandez  | 500.00                     | -80.00                   | 420.00                    |
| Water<br>Dist. | 30-80-8140-5300-505 C.S./PLUMBING                 |                          |             |             |                            |                          |                           |
|                | Est budget for account                            | 46157                    | 04/14/2025  | EBRADFORI   | 0.00                       | 40,000.00                | 40,000.00                 |
| WW<br>Collect. | 30-80-8200-5100-010 OVERTIME COMPENSATION         |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46152                    | 04/14/2025  | EBRADFORI   | 12,000.00                  | 17,000.00                | 29,000.00                 |
| WW<br>Collect. | 30-80-8200-5100-020 SALARIES                      |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46153                    | 04/14/2025  | EBRADFORI   | 538,023.00                 | -70,000.00               | 468,023.00                |
| WW<br>Collect. | 30-80-8200-5300-113 LICENSE FEES                  |                          |             |             |                            |                          |                           |
|                | Yr-end adj  | 46161                    | 04/14/2025  | EBRADFORI   | 15,200.00                  | 333.00                   | 15,533.00                 |
|                | Yr-end adj  | 46169                    | 04/14/2025  | EBRADFORI   | 15,200.00                  | 1.00                     | 15,534.00                 |
| WW<br>Collect. | 30-80-8200-5300-322 SUPPLIES - LIFT STATION PUMPS |                          |             |             |                            |                          |                           |
|                | Pump purchase at Dixie lift station.              | 46109                    | 04/14/2025  | JFernandez  | 40,000.00                  | -5,750.00                | 44,122.00                 |
| WW<br>Collect. | 30-80-8200-5300-505 C.S./PLUMBING                 |                          |             |             |                            |                          |                           |
|                | JFernandez  |                          | 04/07/2025  | 4:35:33PM   |                            |                          |                           |

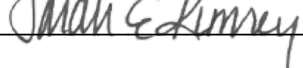
FY 2024-2025

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT  
DATES: 04/14/2025 TO 04/14/2025

|             | <u>REFERENCE</u>                                      | <u>CHANGE<br/>NUMBER</u> | <u>DATE</u> | <u>USER</u> | <u>ORIGINAL<br/>BUDGET</u> | <u>BUDGET<br/>CHANGE</u> | <u>AMENDED<br/>BUDGET</u> |
|-------------|---|--------------------------|-------------|-------------|----------------------------|--------------------------|---------------------------|
|             | Est budget for account                                | 46158                    | 04/14/2025  | EBRADFORI   | 0.00                       | 40,000.00                | 40,000.00                 |
| WW Collect. | 30-80-8200-5700-735 CAPITAL - BUILDING & IMPROVEMENTS |                          |             |             |                            |                          |                           |
|             | Yr-end adju   | 46162                    | 04/14/2025  | EBRADFORI   | 0.00                       | -333.00                  | 57,366.00                 |
|             | Yr-end adj  | 46170                    | 04/14/2025  | EBRADFORI   | 0.00                       | -1.00                    | 57,365.00                 |
| WW Collect. | 30-80-8200-5700-741 CAPITAL - EQUIPMENT               |                          |             |             |                            |                          |                           |
|             | Pump purchase at Dixie lift station.                  | 46110                    | 04/14/2025  | JFernandez  | 0.00                       | 5,750.00                 | 332,869.12                |
| WWTP        | 30-80-8220-5100-020 SALARIES                          |                          |             |             |                            |                          |                           |
|             | Yr-end adj  | 46163                    | 04/14/2025  | EBRADFORI   | 548,755.00                 | 12,000.00                | 560,755.00                |
| WWTP        | 30-80-8220-5120-050 FICA                              |                          |             |             |                            |                          |                           |
|             | Yr-end adj  | 46164                    | 04/14/2025  | EBRADFORI   | 41,980.00                  | 2,000.00                 | 43,980.00                 |
| WWTP        | 30-80-8220-5127-070 RETIREMENT                        |                          |             |             |                            |                          |                           |
|             | Yr-end adj  | 46165                    | 04/14/2025  | EBRADFORI   | 72,547.00                  | 6,000.00                 | 78,547.00                 |
| WWTP        | 30-80-8220-5127-071 401(K) RETIREMENT SUPP.           |                          |             |             |                            |                          |                           |
|             | Yr-end adj  | 46166                    | 04/14/2025  | EBRADFORI   | 27,036.00                  | 3,000.00                 | 30,036.00                 |
| WWTP        | 30-80-8220-5300-130 UTILITIES                         |                          |             |             |                            |                          |                           |
|             | Yr-end adj  | 46167                    | 04/14/2025  | EBRADFORI   | 170,000.00                 | 9,000.00                 | 179,000.00                |
|             |   |                          |             |             |                            | <u>98,907.60</u>         |                           |

APPROVED: 4/0

DATE: 4/14/25

VERIFIED: 





## PROCLAMATION

### Recognizing Volunteer Appreciation Week

April 20-26, 2025

**WHEREAS**, National Volunteer Week is an opportunity to recognize and honor the countless individuals who selflessly invest in the lives of others; and

**WHEREAS**, volunteers are finding unique and innovative ways to spread joy and meet the emotional, physical, and spiritual needs of others; and

**WHEREAS**, volunteering one's time, talents and resources has been an integral part of our heritage since the early days of our nation and it is essential that we continue this tradition of giving and sharing to preserve and improve the quality of life for all members of our community; and

**WHEREAS**, experience teaches us that government by itself cannot solve all our nation's problems; and the giving of oneself in service to another empowers the giver and the recipient; and

**WHEREAS**, our volunteers are a great treasure; and

**WHEREAS**, each year a special week is designated in our nation for the dual purpose of recognizing those who give of themselves and of encouraging all to become involved in volunteer work; and it is fitting at this time that we say, "THANK YOU!" to all individuals, groups, boards and committees, and businesses who have given time, energy, and resources in the Town of Hillsborough through volunteer service;

**NOW, THEREFORE**, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim April 20-26, 2025 as Volunteer Appreciation Week in the Town of Hillsborough.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 14th day of April in the year 2025.



*Mark Bell*

Mark Bell, Mayor  
Town of Hillsborough

ORDINANCE #20250414-4.F



## ORDINANCE

**Annexing certain contiguous property to the Town of Hillsborough, NC  
500 Valley Forge Road (Parcel Identification Number 9874-3I-5787)**

**WHEREAS**, a petition was received requesting the annexation of approximately 4.66 acres located southwest of the junction of US 70A and NC 86 S and further identified as 500 Valley Forge Road (PIN 9874-31-5787); and

**WHEREAS**, the petition was signed by the owners of all real property located within such area; and

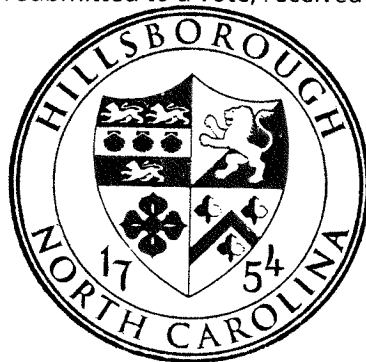
**WHEREAS**, a properly advertised public hearing on the annexation was held on March 20, 2025, following notice of said hearing being published in the *News of Orange County* in accordance with NC GS § 160A-31(c).

**NOW, THEREFORE**, the Hillsborough Board of Commissioners ordains:

- Section 1.** The petition requesting the annexation of the area described in Section 2 was properly signed by the owners of all the real property located within such area and that such area is contiguous to the boundaries of the Town of Hillsborough, as the term "contiguous" is defined in NC GS § 160A-31(f).
- Section 2.** The area shown and described hereto in Exhibits A and B is hereby annexed and made part of the Town of Hillsborough.
- Section 3.** This ordinance shall become effective upon adoption.
- Section 4.** The Town Clerk shall cause an accurate map of the annexed territory described in Section 2, together with a duly certified copy of this ordinance, to be recorded in the office of the Register of Deeds of Orange County. Such a map shall also be delivered to the Orange County Board of Elections as required by NC GS § 163-288.1.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



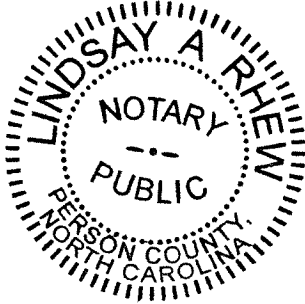
  
Sarah E. Kimrey, Town Clerk

ORDINANCE #20250414-4.F

STATE OF NORTH CAROLINA  
COUNTY OF ORANGE

I, Lindsay A Rhew, a Notary Public of the County and State aforesaid, certify that Sarah E. Kimrey personally appeared before me this day and acknowledged that she is the Town Clerk for the Town of Hillsborough, a North Carolina municipal corporation, and that she, as Town Clerk, being duly authorized to do so, executed the foregoing instrument to acknowledge that it is an Annexation Ordinance duly adopted by the Town of Hillsborough Board of Commissioners on the date indicated.

Witness my hand and official seal, this the 16 day of April, 2025.



(Stamp official seal in blank space above)

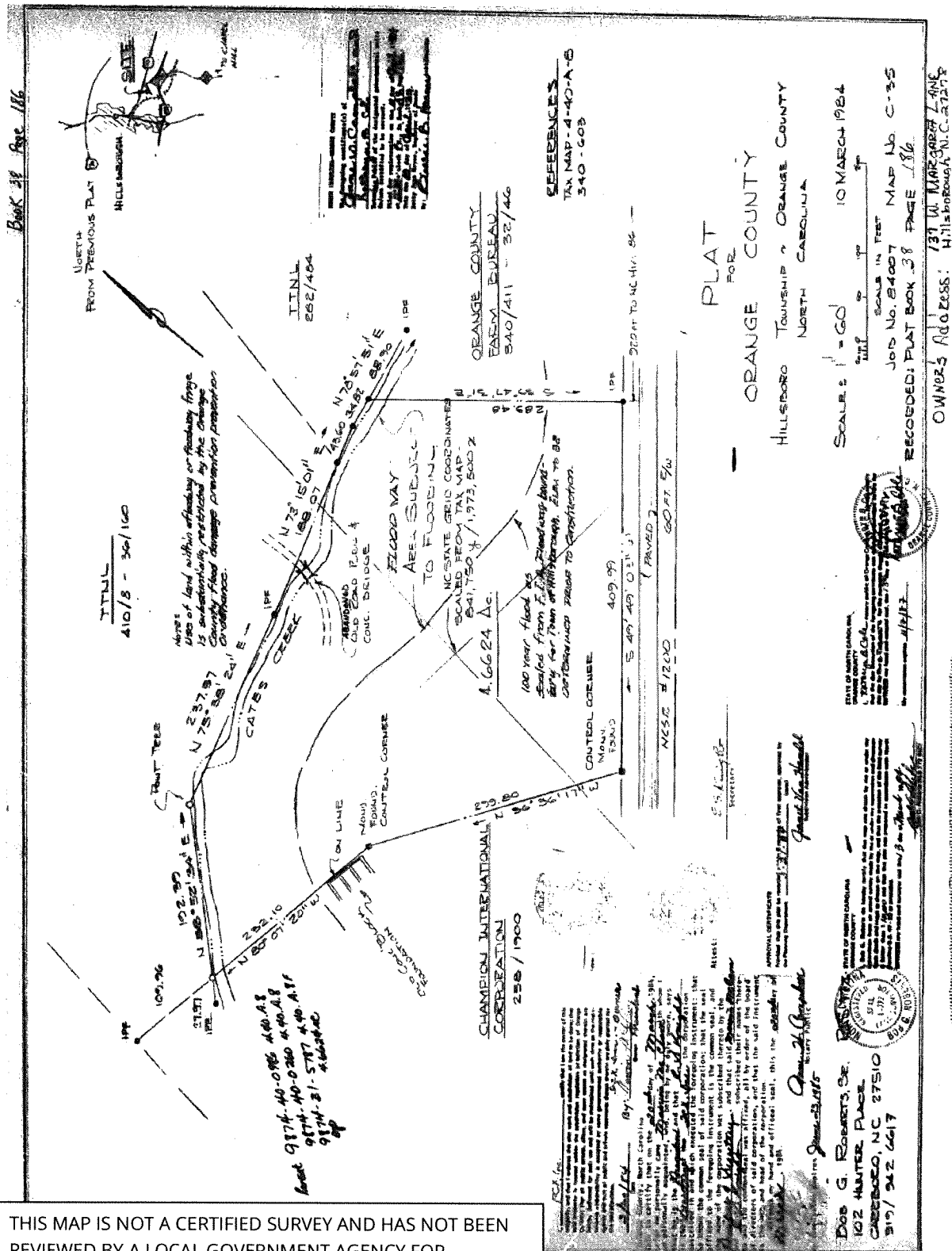
Lindsay A Rhew  
Notary Public Signature

My commission expires: 4-29-2025

ORDINANCE #20250414-4.F

**EXHIBIT A**  
**LEGAL DESCRIPTION**

BEGINNING at a concrete monument on the north side of N.C.S.R. 1200 the southeast corner of Champion International Corporation, and running in a northerly direction, toward Cates Creek, North 56°36'17" West 299.80 feet to a concrete monument; running thence, North 80°07'20" West 232.10 feet to a point in the bank of Cates Creek and in the line of T.T.N.L. Properties; running thence along Cates Creek with the T.T.N.L. Properties line, North 38°52'34" East 192.39 feet to a point; running thence North 75°38'24" East 237.57 feet to a point; continuing North 73°15'01" East 231.67 feet to a point; running thence North 78°57'51" East 34.82 feet to a point; running thence South 39°47'31" East 289.48 feet to an iron pipe in the edge of N.C.S.R. 1200; running thence along and with said State Road, South 49°49'03" West 409.99 feet to the point and place of BEGINNING and being 4.6624 acres as surveyed by Bob G. Roberts, R.L.S. and recorded in Plat book 38, page 186, Orange County Registry.

**EXHIBIT B**

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN  
REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR  
COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT  
REGULATIONS AND HAS NOT BEEN REVIEWED FOR  
COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

**BOARD OF COMMISSIONERS  
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

**Consistency Statement per NC GS § 160D-605**

Request to amend the Official Zoning Map for the Town of Hillsborough  
119 W. Orange Street (Parcel ID Number: 9864-98-8349)

April 14, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from Ms. Dianne Cates to rezone the parcel identified as 119 W. Orange Street (PIN 9864-98-8349) from R20 to R10.

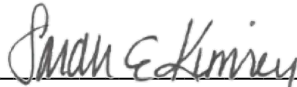
The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan because:

1. The proposed amendment is **consistent** with the following Land Use and Development chapter goal, strategy, and action:
  - Goal: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
  - Strategy: Develop and adopt plans that contribute to meeting preferred future land use and growth patterns.
  - Action: Analyze additional opportunities for infill and redevelopment and increased density in existing neighborhoods, focusing on the provision of water and sewer and other infrastructure and services.
2. The proposed rezoning **advances** identified goals and strategies found in the Comprehensive Sustainability Plan and **promotes** public health, safety, and welfare because it will allow for infill development and increased density where water and sewer service is available.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Amending the Official Zoning Map for the Town of Hillsborough, NC 119 W. Orange Street (Parcel Identification Number 9864-98-8349)

**WHEREAS**, an application was made to amend the Official Zoning Map for the Town of Hillsborough, specifically to rezone a 0.92-acre parcel of property identified as 119 W. Orange Street (PIN 9864-98-8349), the legal description of which can be found in Deed Book 2156, Page 353 of the Orange County Registry; and

**WHEREAS**, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and

**WHEREAS**, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

**NOW, THEREFORE**, the Hillsborough Board of Commissioners ordains:

- Section 1.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone the 0.92-acre parcel of property identified as 119 W. Orange Street from R20 to R10.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



A handwritten signature in black ink, reading "Sarah E. Kimrey".

Sarah E. Kimrey, Town Clerk

**BOARD OF COMMISSIONERS  
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

**Consistency Statement per NC GS § 160D-605**

Request to amend Section 2.3 – Planning Board of the Unified Development Ordinance  
of the Town of Hillsborough (staff-initiated)

April 14, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from the Planning and Economic Development division to amend the Unified Development Ordinance as follows:

Amend subsection 2.3, Planning Board to remove one extraterritorial jurisdiction seat from the Planning Board based on population and consistent vacancy.

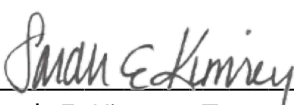
The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan because:

1. The proposed amendment is **consistent** with the following Land Use and Development chapter goal, strategy, and action:
  - Goal: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
  - Strategy: Improve and streamline the development review approval and acceptance process
  - Action: Clarify the roles and responsibilities of internal town department reviewers, appointed boards, and the town board in the development review process.
2. The proposed rezoning **advances** identified goals and strategies found in the Comprehensive Sustainability Plan and **promotes** public health, safety, and welfare because it will make representation on the Planning Board proportional to the population under the town's zoning authority.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk





## ORDINANCE

### Amending the Unified Development Ordinance of Hillsborough, NC Section 2.3, Planning Board

**WHEREAS**, an application was initiated by Planning and Economic Development staff with the Town of Hillsborough to amend Unified Development Ordinance Section 2.3, Planning Board to remove one extra-territorial seat from the Planning Board based on population and consistent vacancy; and

**WHEREAS**, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and

**WHEREAS**, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed text amendment with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

**NOW, THEREFORE**, the Hillsborough Board of Commissioners ordains:

**Section 1.** The Unified Development Ordinance of the Town of Hillsborough is hereby amended as attached hereto.

**Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



A handwritten signature in cursive script, reading "Sarah E. Kimrey", written in black ink.

Sarah E. Kimrey, Town Clerk

## 2. ADMINISTRATION

### 2.3 PLANNING BOARD

#### 2.3.2 MEMBERSHIP

The Hillsborough Planning Board shall consist of 9 members. Members shall serve without compensation, but they may be reimbursed for incidental expenses incurred in connection with official duties.

#### 2.3.3 APPOINTMENT AND REPRESENTATION

Every member of the board shall be a resident of Orange County. Seven (7) members shall be citizens and residents of the Town of Hillsborough and shall be appointed by the Town Board; 2 members shall be citizens and residents of the extraterritorial jurisdiction and shall be appointed by the Orange County Board of Commissioners as set forth in North Carolina General Statutes, Section 160D-202.

Within 60 days of the release of detailed population data from each decennial census, the Planning Director shall report to the Board of Commissioners the proportion of residents in city limits and in the extraterritorial area as can be determined using block group data. The Planning Director shall also recommend any adjustment in membership distribution needed to maintain the proportional representation and a schedule by which to implement any needed adjustments, not to exceed one calendar year from the date of data availability.

#### 2.3.4 OATH OF OFFICE

Members of the Planning Board shall take an oath of office before the town clerk or a notary public prior to beginning their duties. Signed copies of the oath shall be filed by the town clerk.

#### 2.3.5 TERMS OF OFFICE

The tenure of office shall be three (3) years. Appointments to fill vacancies shall be for the unexpired term. A member may be appointed for a second successive term, but after two (2) consecutive full terms a member shall be ineligible for reappointment until one calendar year has elapsed from the date of completion of the second full term. Further policies and procedures about volunteer board appointments may be established by the Town Board in the Town Code.

#### 2.3.6 STAFF

The Planning Director shall provide staff support to assist the Planning Board in carrying out its duties.

#### 2.3.7 MEETINGS

##### 2.3.7.1 Meeting Minutes

The Board shall maintain minutes of its meetings as a permanent public record. Such minutes shall record the attendance of its members, its findings, recommendations, and a summary of information, data, and testimony presented to it.

##### 2.3.7.2 Open to the Public

All meetings of the Board shall be open to the public and the Board shall cause notices to be given as required by Article 33C, Chapter 143 of the North Carolina General Statutes, as amended.

### **2.3.8 QUORUM AND NECESSARY VOTE**

**2.3.8.1** A quorum for conduct of business of the Board shall be a majority of the appointed members.

**2.3.8.2** An affirmative vote of the majority of Board members present and constituting a quorum is required for all decisions of the Planning Board.

### **2.3.9 RULES OF PROCEDURE**

The Board shall adopt Rules of Procedure and regulations for the conduct of its affairs. Rules of Procedure shall be consistent with the procedural requirements of this Ordinance and state law.

**BOARD OF COMMISSIONERS  
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

**Consistency Statement per NC GS § 160D-605**

Request to amend Section 3.7.8 – Public Hearing of the Unified Development Ordinance  
of the Town of Hillsborough (staff-initiated)

April 14, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from the Planning and Economic Development division to amend the Unified Development Ordinance as follows:

Amend subsection 3.7.8, Unified Development Ordinance and Map Amendments – Public Hearing, to a) clarify requirements for posted notices for public hearings and b) make general edits for grammar, syntax, and conformity with NC GS § 160D-602.


The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan because:

1. The proposed amendment is **consistent** with the following Land Use and Development chapter goal, strategy, and action:
  - Goal: Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
  - Strategy: Improve and streamline the development review approval and acceptance process.
  - Action: Update the Unified Development Ordinance to ensure development review processes are clear, responsive, predictable, and equitable while ensuring flexibility within design. Include requirement to obtain capacity assurance and Water and Sewer Extension Contract prior to rezoning or annexation requests.
2. The proposed rezoning **advances** identified goals and strategies found in the Comprehensive Sustainability Plan and **promotes** public health, safety, and welfare because it clarifies public hearing notice requirements and better conforms to State law on public hearing notice for zoning amendments.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Amending the Town of Hillsborough Unified Development Ordinance Section 3.7.8, Public Hearing

**WHEREAS**, an application was initiated by Planning and Economic Development staff with the Town of Hillsborough to amend Unified Development Ordinance Section 3.7.8, Unified Development Ordinance and Map Amendments – Public Hearing to clarify public hearing notice requirements, make grammar and syntax edits, and create better conformity with NC GS § 160D-602, Notice of hearing on proposed zoning map amendments; and

**WHEREAS**, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and

**WHEREAS**, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed text amendment with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

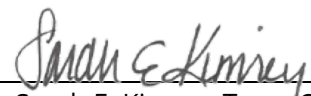
**NOW, THEREFORE**, the Hillsborough Board of Commissioners ordains:

- Section 1.** The Unified Development Ordinance of the Town of Hillsborough is hereby amended as attached hereto.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk

## 3. ADMINISTRATIVE PROCEDURES

### 3.7 UNIFIED DEVELOPMENT ORDINANCE AND MAP AMENDMENTS

#### 3.7.8 LEGISLATIVE HEARING

Generally, the Town Board and the Planning Board shall hear applications for amendments to these documents quarterly at a joint legislative hearing. The Town Board may, in its discretion, schedule legislative hearings on applications at times other than the quarterly legislative hearing. The Planning and Economic Development Division shall maintain a schedule of the legislative hearing dates and filing deadlines.

##### 3.7.8.1 Notice of Legislative Hearing

All notices required under this Ordinance shall comply with the North Carolina General Statutes. In addition, all notices shall, unless otherwise specified in this Ordinance, comply with the following.

###### 3.7.8.1.a Published Notice

Notice of each legislative hearing shall be published in a newspaper of general circulation in the Town and shall state the time and place of the hearing and the substance of the proposed amendment. The notice shall appear in said newspaper once a week for 2 successive weeks prior to the legislative hearing. The first publication shall be at least 10 but not more than 25 days prior to the hearing. When determining this 10-to-25-day period, the publication date shall not be included but the hearing date shall be included.

###### 3.7.8.1.b Mailed Notice

In the case of a proposed Zoning Map amendment, notice shall also be given by first class mail to the owner(s) of the subject property and to the owner(s) of any parcel located either wholly or partially within 500 feet of the subject property. Mailed notice shall be deemed sufficient if mailed to the property owner(s) as shown on the current Orange County tax roll on the date of the notice. Notices must be deposited in the mail within the same 10-to-25-day period specified for the published notice. Planning and Economic Development staff shall certify to the Town Board that such notice was given.

###### 3.7.8.1.c Posted Notice

When a Zoning Map amendment is proposed, a hearing notice shall also be posted on the subject site or on an adjacent public street or highway right-of-way. The notice shall include the time, date, and location of the hearing and be posted within the same 10-to-25-day period specified for the published notice. When multiple parcels are included in a proposed Zoning Map amendment, posting on each individual parcel is not required, but sufficient notice(s) shall be posted to provide reasonable notice to the public.

**BOARD OF COMMISSIONERS  
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

**Consistency Statement per NC GS § 160D-605**

Request to amend Tables 6.3.1 – 6.3.3, various dimensional tables in Section 6, Development Standards, in the Town of Hillsborough Unified Development Ordinance (staff-initiated)

April 14, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from the Planning and Economic Development division to amend the Unified Development Ordinance as follows:

Amend the following tables in Section 6, Development Standards, to treat Economic Development properties in the same manner as other non-residential zoning districts in cases where the Economic Development District adjoint properties under the same zoning designation or similar non-residential designation.

- Table 6.3.1: Dimensional Requirements – Residential
- Table 6.3.2: Dimensional Requirements – Non-Residential
- Table 6.3.3: Side and Rear Setbacks for Lots Abutting a Different Zoning District

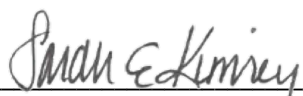
The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan because:

1. The proposed amendment is **consistent** with the following Town Government and Public Services chapter goal, strategy, and action:
  - Goal: Adopt local laws, regulations & policies that help to achieve sustainable and equitable outcomes.
    - Strategy: Develop and adopt policies that help accomplish town goals.
      - Action: Regularly review and update town policies as new information is garnered and achievements are met.
2. The proposed rezoning **advances** identified goals and strategies found in the Comprehensive Sustainability Plan and **promotes** public health, safety, and welfare because it will treat Economic Development properties in the same manner as other non-residential zoning districts in cases where the Economic Development District adjoint properties under the same zoning designation or similar non-residential designation.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Amending the Town of Hillsborough Unified Development Ordinance Dimensional Tables 6.3.1 – 6.3.3 in Section 6, Development Standards

**WHEREAS**, an application was initiated by Planning and Economic Development staff to amend Tables 6.3.1 – 6.3.3 in the Unified Development Ordinance to make dimensional requirements for the Economic Development District more consistent with other non-residential zoning districts; and

**WHEREAS**, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and

**WHEREAS**, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed text amendment with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

**NOW, THEREFORE**, the Hillsborough Board of Commissioners ordains:

**Section 1.** The Unified Development Ordinance of the Town of Hillsborough is hereby amended as attached hereto.

**Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



A handwritten signature in black ink, reading "Sarah E. Kimrey".

Sarah E. Kimrey, Town Clerk



### 6.3.1 TABLE: DIMENSIONAL REQUIREMENTS –RESIDENTIAL

|  | AR     | R-40   | R-20   | R-15   | R-10   | MF & MFSU   | MHP  | ALN    | PW <sup>1</sup> | PWCA <sup>1</sup> |
|--|--------|--------|--------|--------|--------|---|--|--------|-----------------|-------------------|
| Minimum Lot Area (sf)  | 40,000 | 40,000 | 20,000 | 15,000 | 10,000 | 1 acre<br>(required<br>development<br>tract area) | 5 acres<br>(required<br>developme<br>nt tract<br>area) | 1 acre | 1<br>acre       | 2 acres           |
| Maximum Density<br>(Dwelling Units per<br>Acre) <sup>2</sup> | 1      | 1      | 2      | 3      | 4      | 20/30 <sup>3</sup>                                | 7  |        | 1               | 1                 |
| Minimum Lot Width  | 200    | 150    | 100    | 100    | 75     | NA  | NA   | 200    | 150             | 150               |
| Minimum Side Yard<br>Width                                   | 30     | 30     | 20     | 15     | 15     | 40 <sup>4</sup>                                   | 40 <sup>4</sup>  | 40     | 30              | 30                |
| Minimum Rear Yard<br>Width                                   | 30     | 30     | 20     | 20     | 20     | 40 <sup>4</sup>                                   | 40 <sup>4</sup>  | 40     | 30              | 30                |
| Minimum Front Setback  | 40     | 40     | 30     | 25     | 25     | 35 <sup>4</sup>                                   | 35 <sup>4</sup>  | 35     | 30              | 30                |
| Maximum Building<br>Height                                   | 65     | 45     | 45     | 45     | 45     | 45  | 35   | 35     | 45              | 45                |
| Maximum Impervious<br>Surface (% of gross lot)               | NA     | NA     | NA     | NA     | NA     | NA  | NA   | NA     | 30%             | 6%                |

<sup>1</sup> Refer to Section 4.5, *Other Zoning Districts*, for additional requirements in the PW and PWCA districts.

<sup>2</sup> Subject to rounding as defined in Section 9.1.4, *Dwelling Unit Yield*. Accessory dwelling units are not counted toward maximum dwelling unit per acre.

<sup>3</sup> 30 units per acre allowed where all units in development are affordable to households making 80% AMI (Area Median Income) or less at time of construction.

<sup>4</sup> Setbacks measured from exterior property lines of development tract. Interior setbacks governed by applicable use-specific standards (see Section 5.2, *Use-specific Standards*).

### 6.3.2 TABLE: DIMENSIONAL REQUIREMENTS –NON-RESIDENTIAL

|  | ARU                  | OI              | NB & NBSU       | CC & CCSU    | GC              | HIC             | LI              | GI              | LO     | ESU     | EDD    | BP     | SDSU |
|--|----------------------|-----------------|-----------------|--------------|-----------------|-----------------|-----------------|-----------------|--------|---------|--------|--------|------|
| Minimum Lot Area (sf or acre)                        | 3 acres              | 10,000          | 10,000          | None         | 10,000          | 10,000          | 40,000          | 40,000          | 1 acre | 2 acres | 40,000 | 40,000 | TBD  |
| Attached dwelling minimum lot size (min sf per unit) | 3,630 sf<br>12 DU/ac | NA              | NA TBD (SUP)    | NA TBD (SUP) | NA              | NA              | NA              | NA TBD (SUP)    | NA     | TBD     | NA     | NA     | TBD  |
| Minimum Lot Width                                    | 100                  | 75              | 75              | 0            | 75              | 75              | 100             | 200             | 75     | 100     | 75     | 75     | TBD  |
| Minimum Side Yard Width                              | 20 <sup>1</sup>      | 20 <sup>1</sup> | 15 <sup>1</sup> | 0            | 15 <sup>1</sup> | 15 <sup>1</sup> | 50 <sup>1</sup> | 50 <sup>1</sup> | 20     | 20      | 25     | 25     | TBD  |
| Minimum Rear Yard Width                              | 20 <sup>1</sup>      | 20 <sup>1</sup> | 20 <sup>1</sup> | 0            | 20 <sup>1</sup> | 20 <sup>1</sup> | 50 <sup>1</sup> | 50 <sup>1</sup> | 20     | 20      | 25     | 25     | TBD  |
| Minimum Front Setback                                | 20                   | 20              | 20              | 0            | 20 <sup>2</sup> | 20 <sup>2</sup> | 35              | 35              | 20     | 20      | 25     | 25     | TBD  |
| Maximum Building Height                              | 65                   | 40              | 35              | 40           | 40              | 65              | 65              | 65              | 60     | 60      | 45     | 60     | 60   |

<sup>1</sup> Refer to Table 6.3.3 for Side and Rear Setbacks for Zoning Lots Abutting a Different Zoning District.

<sup>2</sup> 30-foot minimum and 100-foot maximum setback applies to parcels abutting South Churton Street between Interstate-40 and the Eno River.

TBD – *This standard will be determined during the SPECIAL Use Permit review process*

**6.3.3 TABLE: SIDE AND REAR SETBACKS FOR LOTS ABUTTING A DIFFERENT ZONING DISTRICT**

ORDINANCE #20250414-4.J

| Adjacent<br>-><br>Proposed | R-40 | R-20 | R-15 | R-10 | MF | AR | ARU | OI | NB | CC | GC | HIC | GI | LI | EDD | NB-SU | CC-SU | PW | PWCA |
|----------------------------|------|------|------|------|----|----|-----|----|----|----|----|-----|----|----|-----|-------|-------|----|------|
| <b>ARU</b>                 | 50   | 50   | 50   | 50   | 50 | 50 | 0   | 20 | 20 | 0  | 0  | 0   | 20 | 20 | 0   | 20    | 0     | 50 | 50   |
| <b>OI</b>                  | 20   | 20   | 20   | 20   | 20 | 20 | 0   | 0  | 0  | 0  | 0  | 15  | 20 | 20 | 15  | 0     | 0     | 20 | 20   |
| <b>NB</b>                  | 15   | 15   | 15   | 15   | 15 | 15 | 0   | 0  | 0  | 0  | 0  | 15  | 15 | 15 | 15  | 0     | 0     | 15 | 15   |
| <b>GC</b>                  | 30   | 30   | 20   | 20   | 20 | 30 | 0   | 0  | 0  | 0  | 0  | 0   | 20 | 20 | 0   | 0     | 0     | 30 | 30   |
| <b>HIC</b>                 | 30   | 30   | 20   | 20   | 20 | 30 | 0   | 15 | 15 | 15 | 0  | 0   | 20 | 20 | 0   | 0     | 0     | 30 | 30   |
| <b>LI</b>                  | 50   | 50   | 50   | 50   | 50 | 50 | 0   | 50 | 50 | 50 | 50 | 30  | 0  | 0  | 20  | 0     | 0     | 50 | 50   |
| <b>GI</b>                  | 50   | 50   | 50   | 50   | 50 | 50 | 0   | 50 | 50 | 50 | 50 | 30  | 0  | 0  | 20  | 0     | 0     | 50 | 50   |
| <b>EDD</b>                 | 25   | 25   | 25   | 25   | 25 | 25 | 0   | 15 | 15 | 15 | 0  | 0   | 20 | 20 | 0   | 0     | 0     | 25 | 25   |



## RESOLUTION

### Accepting Clean Water Revolving Loan Funding – Lawndale Basin Sewer Rehabilitation and Replacement Project

**WHEREAS**, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects; and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered a State Revolving Loan with up to \$500,000 in principal forgiveness for the total amount of \$1,116,730 (\$616,730 loan + \$500,000 principal forgiveness) plus applicable closing costs (estimated at \$22,235) for the rehabilitation or replacement of 8" sanitary sewers and certain sewer services including installation of clean outs at the right-of-way in the Lawndale sewer basin, known as the Lawndale Basin Sewer Rehabilitation and Replacement Project; and

**WHEREAS**, the Town of Hillsborough intends to perform said project in accordance with the agreed scope of work, approved plans and specifications and program requirements;

**NOW, THEREFORE**, be it resolved that the Hillsborough Board of Commissioners:

- 1) Hereby accept the offer of \$1,116,730 project cost (\$616,730 loan + \$500,000 principal forgiveness) plus applicable closing costs (estimated at \$22,235) and does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions and Assurances contained in the Funding Offer and Acceptance award offer will be adhered to; and
- 2) States that the town has substantially complied, or will substantially comply, with all federal, state, and local laws, rules, regulations, and ordinances applicable to the project; and to federal and state grants and loans pertaining thereto; and
- 3) Authorizes and directs the town manager to furnish such information as the appropriate state agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Approved this 14<sup>th</sup> day of April in the year 2025.



*Mark Bell*

Mark Bell, Mayor  
Town of Hillsborough

Attestation:

*Sarah E. Kimrey*

Sarah Kimrey, Town Clerk



## RESOLUTION

### Authorizing the Town to Reimburse Itself for Early Expenditures – NC 86 North Facility Project

**WHEREAS**, the town intends to undertake a project (as described below), use its own funds to pay initial project costs, and then reimburse itself from financing proceeds for these early expenditures; and

**WHEREAS**, the town manager and the finance officer have advised the town board to adopt this resolution to document the town's plans for reimbursement, so as to comply with federal tax rules relating to reimbursements from financing proceeds; and

**NOW, THEREFORE**, be it resolved by the Hillsborough Board of Commissioners as follows:

- The project is for the renovation and general improvement of the NC 86 North Fleet Maintenance Facility, as previously discussed with the town board.
- The town intends to advance funds for initial project costs and then reimburse itself from financing proceeds. The expected type of financing for the project (which is subject to change) is installment financing under Section 160A-20 of the North Carolina General Statutes. The expected maximum amount of financing expected for the project (including allowances for reserves and financing costs) is currently estimated as approximately \$4,500,000.
- Funds for the early project expenditures may come from the town's General Fund or any other appropriate town fund.
- The town intends that the adoption of this resolution is a declaration of its official intent to reimburse itself from financing proceeds for project cost expenditures.

Approved this 14<sup>th</sup> day of April of the year 2025.



*Mark Bell*

Mark Bell, Mayor  
Town of Hillsborough

Attestation:

*Sarah Kimrey*

Sarah Kimrey, Town Clerk



## RESOLUTION

### For the Adoption of a Complete Streets Policy

**WHEREAS**, the Town of Hillsborough is responsible for the planning, construction, and maintenance of the municipal street system which consists of those streets and highways accepted by the municipality which are not a part of the state highway system; and

**WHEREAS**, the Town of Hillsborough coordinates with the North Carolina Department of Transportation on the planning, construction, and maintenance of streets in its jurisdiction that are part of the state highway system; and

**WHEREAS**, the North Carolina Board of Transportation adopted a Complete Streets Policy in 2009 and amendments in 2019 for implementation by the North Carolina Department of Transportation; and

**WHEREAS**, the North Carolina Department of Transportation is defining a comprehensive approach to creating complete streets through their long-range planning, project development, and maintenance processes; and

**WHEREAS**, the Town of Hillsborough is a member of the Triangle West Transportation Planning Organization which is responsible for multimodal long-range transportation planning and programming in the region; and

**WHEREAS**, the Triangle West Transportation Planning Organization adopted a resolution in 2011 to support the North Carolina Department of Transportation's Efforts to Develop and Implement Complete Streets Planning and Design Guidelines; and

**WHEREAS**, the Town of Hillsborough adopted a Comprehensive Sustainability Plan that includes goals to develop and maintain a safe, efficient, and sustainable multimodal transportation system (including bicycle, pedestrian, and transit options) that offers alternatives to single-occupancy vehicle trips and promotes health and access to area jobs, destinations, and services; and

**WHEREAS**, the Town of Hillsborough adopted a Vision Zero Policy in 2023 to eliminate traffic fatalities and serious injuries by 2040; and

**WHEREAS**, Complete Streets are crucial components of transportation networks that provide mobility and safety for all users, including motorists, pedestrians, bicyclists, and transit users; and

**WHEREAS**, a Complete Streets policy helps alleviate traffic congestion, enhance economic opportunities, increase physical activity and health, and create a safer environment for all residents and visitors; and

**WHEREAS**, a Complete Streets policy benefits all users equitably, particularly vulnerable users and the most underinvested and underserved communities; and

**WHEREAS**, a Complete Streets policy applies to new, retrofit/reconstruction, maintenance, and ongoing projects,

**NOW, THEREFORE,** be it resolved by the Hillsborough Board of Commissioners, that the Town of Hillsborough:

- Affirms its support of Complete Streets in the planning, design, and construction of all roadway projects.
- Supports the development of the North Carolina Department of Transportation's emerging guidelines for planning and designing complete streets.
- Encourages the North Carolina Department of Transportation to continue their implementation efforts so that complete streets will provide for safe and comfortable travel by all users.
- Will coordinate with government departments and partner agencies on Complete Streets projects.
- Pledges to consider Complete Streets in planning, design, and construction of local transportation projects.

Approved this 14th day of April of the year 2025.



*Mark Bell*

Mark Bell, Mayor  
Town of Hillsborough

Attestation:

*Sarah E. Kimrey*

Sarah Kimrey, Town Clerk



## RESOLUTION

### Establishing a Policy to Promote the Use of Native Plants and the Elimination of Invasive Plants on Town-Owned Property

**WHEREAS**, the Town of Hillsborough has the opportunity to preserve its historic natural heritage as well as promote sustainable landscapes by choosing native plants, i.e. plants native to the Southeastern United States; and

**WHEREAS**, native plants are an important part of history, identity, and ecology; and

**WHEREAS**, native plants are indigenous plants that have adapted to the region over many years and evolved to flourish in the unique geography, hydrology, and microclimates; and

**WHEREAS**, native plants maintain and restore biodiversity, protect local ecosystems, and support environmental health;

**WHEREAS**, North Carolina contains over 3,900 native plant species, making North Carolina one of the most diverse states for flora in the Southeast; and

**WHEREAS**, gardens and landscapes composed of native plants require little to no fertilizer, soil amendments, and pesticides; and less irrigation; and

**WHEREAS**, native plants and their derivatives provide food, medicines, and other beneficial products; and

**WHEREAS**, native plants support resident and migratory bird species, many of which face growing threats from habitat loss and climate change; and

**WHEREAS**, native plants provide high-quality food, shelter, and habitat for wildlife, including butterflies, bees, and other pollinators; and

**WHEREAS**, the Town of Hillsborough is a member of Bee City USA whose mission is to unite communities to protect pollinators by creating and enhancing habitats, reducing pesticide use, and promoting education and outreach to inspire pollinator conservation; and

**WHEREAS**, the Hillsborough Board of Commissioners do hereby resolve that, from the date of adoption of this resolution, it shall be the policy of the Town of Hillsborough that when new or replacement plant materials are installed by the town, or by its contractors or subcontractors, in outdoor landscaped areas at any town-owned or maintained site or facility including rights-of-way, the following standards shall apply:

- 1) To the maximum extent practicable, the seeds and plants used shall be those classified by the U.S. Department of Agriculture and other appropriate regional resources as native to a state or county in the Southeastern United States.
- 2) This resolution shall apply in all instances, except where it is determined that installation of a native plant species would not be practicable, including but not limited to:
  - a. Plant species required or prohibited by state or federal regulations.
  - b. Plantings deemed, and intended to be, edible, including fruit-bearing trees and plants, vegetables, nuts, and seeds.



- c. Non-native turf grass species used on athletic fields and lawns.
- d. Plant species uniquely suited for soil stabilization, stormwater control measures, or water remediation functions.
- e. Plant species used in gardens for demonstration or educational purposes.

In cases when the use of non-native plant species is determined to be appropriate, only drought-tolerant, non-invasive plant species of a suitable type may be used.

- 3) No plant species identified as invasive in North Carolina by the North Carolina Native Plant Society or the North Carolina Invasive Plant Council shall be planted in outdoor areas of any town-owned or maintained site or facility. The town recognizes the negative impacts of invasive plants and will continue its efforts to eradicate invasive plant species.
- 4) The town shall, through various means, educate the public about the importance of native plants and the negative impacts of invasive plants.

**NOW, THEREFORE,** be it resolved by the Hillsborough Board of Commissioners, that this "Policy to Promote the Use of Native Plants and the Elimination of Invasive Plants on Town-owned Property" is hereby established.

Approved this 14th day of April of the year 2025.



*Mark Bell*

Mark Bell, Mayor  
Town of Hillsborough

Attestation:

*Sarah E. Kimrey*

Sarah Kimrey, Town Clerk

**BOARD OF COMMISSIONERS  
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

**Consistency Statement per NC GS § 160D-605**

Request to amend Subparagraph 9.1.5.2, Permissible Encroachment into Required Setbacks in the Unified Development Ordinance of the Town of Hillsborough  
(staff-initiated)

April 14, 2025

The Board of Commissioners for the Town of Hillsborough has received and reviewed a request from the Planning and Economic Development division to amend the Unified Development Ordinance as follows:

Amend subparagraph 9.1.5.2, Permissible Encroachment into Required Setbacks, to allow residential swimming pools, hot tubs, and spas, including associated decking and patios, to encroach into the side and rear yard setbacks up to five feet from the property line.

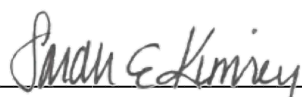
The Board of Commissioners has determined the proposed action is **consistent** with the town's Comprehensive Sustainability Plan because:

1. The proposed amendment is **consistent** with the following Town Government and Public Services chapter goal, strategy, and action:
  - Goal: Adopt local laws, regulations and policies that help to achieve sustainable and equitable outcomes.
    - Strategy: Develop and adopt policies that help accomplish town goals.
      - Action: Regularly review and update town policies as new information is garnered and achievements are met.
2. The proposed rezoning **advances** identified goals and strategies found in the Comprehensive Sustainability Plan and **promotes** public health, safety, and welfare because it will make zoning regulations more consistent, making encroachment allowances for pools, hot tubs, and spas the same as those for accessory buildings and dwellings.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4  
Noes: 0  
Absent or excused: 1



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Amending the Hillsborough Unified Development Ordinance

#### Section 9.I.5.2, Permissible Encroachment into Required Setbacks

**WHEREAS**, an application was initiated by Mr. Michael Reeves to amend Unified Development Ordinance Section 9.I.5.2, Permissible Encroachment into Required Setbacks to make encroachment allowances for swimming pools, hot tubs, and spas the same as those for accessory buildings and dwellings; and

**WHEREAS**, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate; and

**WHEREAS**, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed text amendment with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

**NOW, THEREFORE**, the Hillsborough Board of Commissioners ordains:

**Section 1.** The Unified Development Ordinance of the Town of Hillsborough is hereby amended as attached hereto.

**Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 14<sup>th</sup> day of April in the year 2025.

Ayes: 4

Noes: 0

Absent or excused: 1



A handwritten signature in black ink, reading "Sarah E. Kimrey", is written over a horizontal line.

Sarah E. Kimrey, Town Clerk

## **9.1.5.2 Permissible Encroachment into Required Setbacks**

- 9.1.5.2.a** One- and two-family driveways, walkways, fences, retaining or decorative walls, ornaments, furniture, and landscape plantings may be permitted in any setback.
- 9.1.5.2.b** Patios may encroach into required setbacks, provided that the minimum patio setback is ten feet from a rear or side property line and provided that the patio surface is not more than 6 inches above the adjacent grade. Covered patios or patios with shade structures must observe the setback established for the district as set forth in Section 6.3, *Dimensional Requirements*.
- 9.1.5.2.c** Accessory buildings and freestanding accessory dwelling units may encroach into a side yard or rear yard setback not adjacent to a street right-of-way to within 5 feet of the property line, with the following limits:
- (a) For an accessory building with a highest point 12' or more above the ground elevation, an additional setback of 2' for each 1' of elevation above 12' is required until the standard setback is met.
  - (b) The setback being reduced is not part of a land use or stream buffer required elsewhere in this Ordinance, nor a recorded easement for utilities, drainage, or access.
- 9.1.5.2.d** Parking lots and parking spaces are not allowed within setbacks.
- 9.1.5.2.e** Residential mechanical equipment, including but not limited to generators and HVAC units or components, are not required to observe minimum setbacks. These installations for non-residential and multi-family uses are required to observe minimum setbacks, regardless of the zoning district.
- 9.1.5.2.f** For setback provisions that apply to nonconforming lots of record, see Section 7.5, Nonconforming Lots of Record.
- 9.1.5.2.g** Steps, risers and ramps without a roof, awning or similar covering extending from residential structures may encroach in required setbacks, provided that a minimum setback of no less than 10 feet remains along any property line shared with another residential property (not street right of way). Required landings between two runs of risers or ramps may also encroach provided the landing is also without a roof, awning or similar cover. In the case where an existing structure does not observe a 10-foot setback from a property line shared with another residential property or street right of way at the time of application, the maximum possible setback shall be preserved while allowing necessary access to an existing structure.

- 9.1.5.2.h** Projections and cantilevers from residential structures, including but not limited to eaves, overhangs, gutters, bow windows, chimneys, that do not exceed 24” of projection and do not have contact with the ground. Projections in excess of 24” and those that have contact with the ground must meet the applicable setbacks, unless otherwise addressed in this section.
- 9.1.5.2.i** Outdoor, residential, in-and above-ground swimming pools, hot tubs and spas, including all decking and patios, may be located in side or rear yards not adjacent to a street and no closer than five feet to any property line.