



Agenda

Planning Board and Board of Commissioners Joint Meeting

Joint public hearing

7:00 PM January 18, 2024

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

1. Call to order and confirmation of quorum

2. Planning Board appointments

- [A.](#) Reappointment of Robert Iglesias to a three-year term expiring January 31, 2027
- [B.](#) Reappointment of Hooper Schultz to a three-year term expiring January 31, 2027

3. Agenda changes and approval

4. Minutes review and approval

- [A.](#) Draft minutes from June 15, 2023 (Planning Board Regular Meeting)

5. Open the public hearing

6. Hearing items: Unified Development Ordinance (UDO) text amendments

- [A.](#) Text amendment to various UDO sections on riparian buffers and variance procedures (staff-initiated)
- [B.](#) Text amendment to UDO Section 6.21.3 *Design Standards - Public Streets* (applicant-initiated)
- [C.](#) Text amendment to UDO Section 6.21.2 *Streets - Applicability* (staff-initiated)
- [D.](#) Text amendment to various UDO sections on government maintenance yards (staff-initiated)
- [E.](#) Text amendment to various UDO sections on off-street parking (staff-initiated)

7. Close the public hearing

8. Planning Board recommendation(s)

9. Updates

- A. Board of Adjustment
- B. Parks and Recreation Board
- C. Staff and Board Members

10. Adjournment

Interpreter services or special sound equipment for compliance with the Americans with Disabilities Act is available on request. If you are disabled and need assistance with reasonable accommodations, call the Town Clerk's Office at 919-296-9443 a minimum of one business day in advance of the meeting.

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Public Comment Instructions

For agenda items and items not on the agenda

Public Comment — Written

Members of the public may provide written public comment by submitting it via the Planning Board contact form (<https://www.hillsboroughnc.gov/contact-us/8/contact-planning-board-staff-support.html>) by noon the day of the meeting.

When submitting the comment, include the following:

- Date of the meeting
- Agenda item you wish to speak on (example: 5C)
- Your name, address, email, and phone number

Public Comment — Verbal

Members of the public can indicate they wish to speak during the meeting by contacting the Planning Board's staff support at 919-296-9477 or through the board contact form (<https://www.hillsboroughnc.gov/contact-us/8/contact-planning-board-staff-support.html>) by noon the day of the meeting.

When submitting the comment, include the following:

- Date of the meeting
- Agenda item you wish to speak on (example: 5C)
- Your name, address, email, and phone number

Members of the public can also attend the meeting and sign up to speak before the meeting starts. For concerns regarding sign-up, contact staff support at 919-296-9477 prior to the meeting.



Agenda Abstract

JOINT PUBLIC HEARING

Meeting Date: January 18, 2024
Department: Planning and Economic Development
Agenda Section: 2A
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Reappointment of Robert Iglesias to the Planning Board for a three-year term expiring January 31, 2027

Attachments:

1. Board Service Application from Robert Iglesias (from initial appointment)

Summary:

Robert Iglesias applied for board service because he was looking for a civic engagement opportunity. He has a background in law enforcement and an interest in growth and development.

Mr. Iglesias was appointed to the Planning Board in November 2022. He was appointed to a partial term, filling the vacancy left by former member Chris Austin. Mr. Iglesias' partial term has expired, and he is eligible for reappointment to a three-year term, which will expire January 31, 2027.

Financial impacts:

Occasional board training opportunities (minimal expense)

Staff recommendation and comments:

Mr. Iglesias has good meeting attendance. He comes prepared to meetings and actively participates in discussion. Staff recommends reappointing Mr. Iglesias to the Planning Board for a full three-year term.

Action requested:

Recommend reappointment



TOWN OF HILLSBOROUGH

Appointed Boards Application

If you are a Town of Hillsborough resident and willing to volunteer your time and expertise to your community, please complete this form. Volunteers for the Parks and Recreation Board must be at least 13 years old, and volunteers for all other boards must be at least 18 years old.

The town strives to reflect the diversity of its residents in the makeup of its boards. Demographics and residence location are considered during the appointment process.

First name (required):

Robert

Last name (required):

Iglesias

Home address (required):

2302 Becketts Ridge Drive

Home phone number:

Work phone number:

Email address (required):

robglas@yahoo.com

Place of employment:

ABB Inc

Job title:

Investigations Manager

Birth date (required):

July 6, 1963

Gender (required):

Male

Ethnic origin (check all that apply) (required):

Hispanic or Latino

White

First choice (required):

Board of Adjustment

Second choice (required):

Planning Board

Third choice (required):

None

Reasons for wanting to serve (required):

As a recent arrival to the town, I am seeking opportunity for civic engagement and ways to engage with and support the Hillsborough community.

Have you served or are you currently serving on a town board? If so, which ones and when? (required)?

No

Relevant work, volunteer or educational experience (required):

Prior volunteer service and experience includes:

Raleigh PD patrol volunteer - 2018-2020

Durham Crisis Response Center - 2011

How are you connected to Hillsborough (live, work, play, shop, own property) (required)?

Resident of Becketts Ridge neighborhood

Have you reviewed the Vision 2030 plan, and what are your thoughts about it (required)?

Having previously lived in a large metropolitan area, I saw first-hand the impact that growth and development has on smaller communities that are adjacent to larger cities or urban centers. Population growth has and will continue to impact the town and surrounding areas in the years to come. The 2030 plan will play an important role in helping achieve a balance between the transportation and infrastructure growth that is needed to effectively accommodate the growing population, yet balancing that with sustainable ways to increase town revenue in a balanced way that helps preserve the quality of life and historical importance, which are qualities that make the town unique in relation to neighboring communities.

Technology advances quickly in today's world. Plans developed with an understanding of the technology that exist to support community infrastructures today will not be informed or have been developed with the foreknowledge of the technology that will exist in 10-years and the impact that may have on implementation. It is more important than ever now for all plans to serve as a framework for change, but to also include an element of flexibility to adapt to changing technology that might impact the originally conceived plan.

Have you reviewed other town documents (budget, strategy map, small area plans), and what are your thoughts about them?

Similar to my point above, the key or core stress areas that will need to be balanced in order to achieve sustainable growth will be commercial and residential development in relation to service infrastructure, ie transportation and utilities. As part of this objective, it's also important not to overlook the need to understand how rapidly changing technology will play a role.

What challenges do you see the town facing that could be addressed by the board or boards on which you wish to serve (required)?

The town boards play an important role to help ensure that growth and development is implemented in accordance with plan objectives. The boards are the voice that interprets and puts into practice the written plans, codes and regulations that are the framework and guide the town's infrastructure.

How did you hear about this opportunity (required)?

Internet

Check the box to confirm (required):

✓



Agenda Abstract

JOINT PUBLIC HEARING

Meeting Date: January 18, 2024
Department: Planning and Economic Development
Agenda Section: 2B
Public hearing: No
Date of public hearing: N/A

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Reappointment of Hooper Schultz to the Planning Board for a three-year term expiring January 31, 2027

Attachments:

1. Board Service Application from Hooper Schultz (from initial appointment)

Summary:

Mr. Schultz was appointed to the Planning Board for a three-year term in February 2021. He serves as the Vice Chair for the Planning Board and its representative to the Parks and Recreation Board. He is interested in sustainable growth and addressing the needs of vulnerable residents through planning. Mr. Schultz has served on the Mayor's Public Safety Taskforce for the Town of Hillsborough and previously served on the Historic Preservation Commission for the City of Oxford, Mississippi.

Financial impacts:

Occasional board training opportunities (minimal expense)

Staff recommendation and comments:

Mr. Schultz has good meeting attendance. He comes prepared to meetings, actively participates in discussion, and has performed his Vice Chair duties well. Staff recommends reappointing Mr. Schultz to the Planning Board for a full three-year term.

Action requested:

Recommend reappointment

TOWN OF HILLSBOROUGH

Advisory Board Application

If you are a Town of Hillsborough resident and willing to volunteer your time and expertise to your community, please complete this form. Volunteers for the Parks and Recreation Board must be at least 13 years old, and volunteers for all other boards must be at least 18 years old.

Name:

Hooper Schultz

Home address:

605 Cornelius St.

Home phone number:

9196100295

Email address:

hschult1@gmail.com

Place of employment:

UNC-Chapel Hill

Job title:

Graduate Student Worker

Birth date:

Nov. 26, 1991

Gender:

Male

Ethnic origin:

White

Boards you would be willing to serve on:

First choice — Planning Board

Reasons for wanting to serve:

I am a resident of the Fairview neighborhood willing to serve on the Planning Board as advertised in the Talk Of The Town. As a young homeowner and resident, I believe that I would be a good voice for the neighborhood.

Have you served or are you currently serving on a town board? If so, which ones and when?

I currently am serving on the Mayor's Public Safety taskforce. I am not sure that it is technically a town board.

Relevant work, volunteer or educational experience:

I previously served on the Historic Preservation Commission of Oxford, Mississippi.

How are you connected to Hillsborough (live, work, play, shop, own property)?

I own my home and live here. I love Hillsborough, and I do not have plans to leave.

Have you reviewed the Vision 2030 plan, and what are your thoughts about it?

I have reviewed the plan, though not in depth. I am excited about the plan in general. It is refreshing to be a part of a community that is constantly looking ahead.

Have you reviewed other town documents (budget, strategy map, small area plans), and what are your thoughts about them?

I have looked at the Cornelius Street corridor plans in depth, and like them. I would love to see traffic calmed on our part of highway 70, and more pedestrian accessibility between downtown/Churton and our small business corridor here

at Revere and Cornelius.

What challenges do you see the town facing that could be addressed by the board or boards on which you wish to serve?

We are growing fast! I think the planning board is of utmost importance as we balance smart, sustainable growth with the needs of our most vulnerable residents. Our neighboring towns to the south and east have experience rapid growth and the problems associated with that. Hopefully we can learn from their trials and tribulations.

How you heard about this opportunity:

Other

Agreement:

✓ I have been advised that I am committing to attend the volunteer board's regular meetings. Attendance at the regular meetings shall be considered a prerequisite for maintaining membership on the board. The Board of Commissioners may declare a vacancy on the board because of non-attendance.

Minutes



PLANNING BOARD

Regular meeting

6:30 p.m. June 15, 2023

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

Present Chair Frank Casadonte, Vice Chair Hooper Schultz, members Cassandra Chandler, Robert Iglesias, Sherra Lawrence, Saru Salvi

Absent: John Giglia, Alyse Polly

Staff: Planning and Economic Development Manager Shannan Campbell, Public Space and Sustainability Manager Stephanie Trueblood

1. Call to order and confirmation of quorum

Campbell confirmed the presence of a quorum.

2. Agenda changes and approval

Motion: Vice Chair Hooper Schultz moved to make no changes. Member Cassandra Chandler seconded.

Vote: 8-0.

3. Minutes review and approval

None.

4. Discussion Items

- A. Open House for South Churton Street Multimodal Corridor Study: Discuss issues and opportunities for improvements in the corridor especially relating to bicycle and pedestrian connectivity and safety.

Public Space and Sustainability Manager Stephanie Trueblood, the project manager for the study, thanked the board for hosting the open house, explained the format for the discussion, and shared background information about the study. She explained that years ago the North Carolina Department of Transportation proposed a bypass around downtown using Elizabeth Brady Road, which was intended to route traffic off South Churton Street and around downtown. Because of potential impacts on recreation and conservation areas, the Hillsborough Board of Commissioners did not support the bypass. About 10 years ago the town commissioners asked staff to look for alternative ways to relieve congestion on South Churton Street and to make it safer not just for drivers and vehicles but also pedestrians and bicyclists.

Member Salvi arrived at 6:37.

Trueblood said that in 2019 the town received plans from NCDOT to widen South Churton Street that included a 22-foot median, 12-foot lanes, and utility strips and sidewalks that took up all of the right of way. Staff had concerns about how that project would impact local businesses and whether it would relieve congestion. Town commissioners chose not to support that design and directed staff to ask NCDOT for more time to

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conduct its own study to gather input from the local community that would inform a design that was more in scale with Hillsborough and that also relieved congestion and provided safe options for pedestrians and bicyclists. The town hired the consulting firm Stantec to help develop an early concept design and prepare a proposal to submit to NCDOT. The project is funded, she said, but not scheduled until 2031.

Mike Rutkowski, planner and engineer with Stantec, introduced himself and Amber Lewis, an urban designer. He said the study would take about 12 months to complete. Through a series of polling questions, the consultants then asked for and received input from the board and other participants on priorities to help determine amenities to include in the redesign concept.

Asked why NCDOT wants to widen South Churton Street, Trueblood explained that the corridor had a higher rate of accidents than the state average and that traffic forecasts for 2040 and 2050 showed a failing level of service. Following its "Complete Streets" policy, the state was trying to incorporate multiple modes of transportation, make the corridor safer, and improve traffic flow. She said that because South Churton Street is a state road, town staff must reconcile their recommendations with NCDOT requirements.

Casadonte thanked the consultants and audience members who participated in the poll and discussion.

B. Unified Development Ordinance text amendment- Section 6.17 Sidewalks

Campbell said that staff had recently determined that the sidewalk section of the United Development Ordinance needed updates, in part due to identified sidewalk priorities in the new Comprehensive Sustainability Plan. When a developer encounters an obstacle to building a sidewalk such as a stream or topography challenge or finds there's no nearby sidewalk to connect to, there is currently no mechanism by which staff can authorize the developer to make a payment-in-lieu for construction. The payment-in-lieu would require the developer to get an estimate for the sidewalk construction and pay that amount, plus 25 or 50 percent to account for inflation, to the town. The money would be deposited in a fund earmarked for sidewalk construction within a certain rational distance of that property. Currently a payment-in-lieu is allowed only when the sidewalk is a low priority as identified in an outdated Orange County sidewalk plan that was essentially retired with the adoption of the Comprehensive Sustainability Plan.

Campbell shared two examples where developers were required to build sidewalks that did not connect to other sidewalks and where they were located. She explained that currently the only way to seek relief from the sidewalk requirement was by requesting a variance, a provision meant to address hardships and requires the developer to go before the Board of Adjustment. She said that there also used to be a waiver option, however developers were abusing the waiver and it was removed as an option some time ago.

Asked if the payment-in-lieu would mean the town would do the work to build the sidewalk, Campbell said the town could either do the work itself, give the money to an adjacent developer via contract to connect sidewalks, or give the money to the NCDOT to build infrastructure needed to support a sidewalk.

Campbell explained that the amendment provided more flexibility for staff to make determinations on the appropriateness of sidewalk construction based on environmental factors and the town's future connectivity goals. She pointed to the Gatewood property where situating a sidewalk in the right of way wasn't feasible and that sidewalk meanders due to topography. The amendment would allow staff to recommend or accept alternative compliance plans that provide equal or greater connectivity when developers submit a site plan.

Campbell clarified that a developer could ask for payment-in-lieu only if one of the exceptions in section 6.17.3.1 of the amendment applied and that developers would have to make a good case that building a sidewalk was not feasible.

Casadonte asked if the proposed changes were highlighted or italicized in the text. Campbell explained that staff rewrote the entire chapter and offered to include the old and new versions in the packet for the next meeting if the board wanted them. Board members said that wasn't necessary. Casadonte asked if the Orange County sidewalk plan would override town guidelines. Campbell explained that the town didn't have guidelines for sidewalks when the ordinance was first written in 2011-12, but the comprehensive sustainability plan now has a sidewalk priority plan.

Salvi asked if the 4-foot minimum width for planting strips was sufficient for trees. Campbell said that minimum width was the standard. Chandler asked if there was a metric for the number of required street trees. Campbell said there was one in the landscaping section of the Unified Development Ordinance.

Casadonte asked for other comments or questions from the board. There were none.

Motion: Schultz moved to send the amendment to the public hearing. Salvi seconded.

Vote: 6-0.

5. Updates

A. Board of Adjustments

Iglesias said the next meeting is TBD.

B. Parks and Recreation Board

Member Alyse Polly was not present.

C. Staff and Board Members

Campbell said more than one member of the Hillsborough Board of Commissioners couldn't make the public hearing scheduled in July and that Mayor Jenn Weaver had suggested the Planning Board and town commissioners no longer schedule public hearings in July consistent with many boards taking that month off. Due to a scheduling conflict on August 17, Campbell proposed combining the July 20 public hearing and the August 17 board meeting into one public hearing meeting on August 10. When several members said they weren't sure about their availability, the board discussed the option of having another staff member cover for Campbell and make the August 17 meeting a public hearing. Campbell said she would check to see if that date worked for the town commissioners and if she could find another staff member to cover the meeting.

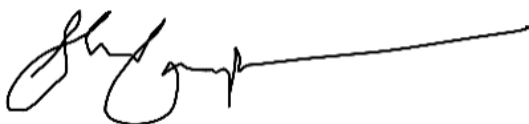
Motion: Chandler moved that Planning Board cancel its July meeting and tentatively schedule a public hearing on August 17. Schultz seconded.

Vote: 6-0.

6. Adjournment

Casadonte adjourned the meeting at 8:28 p.m.

Respectfully submitted,



Shannan Campbell
Planning and Economic Development Manager

Staff support to the Planning Board

Approved: January X, 2024

DRAFT



Agenda Abstract

JOINT PUBLIC HEARING

Meeting Date: January 18, 2024
Department: Stormwater and Environmental Services
Agenda Section: 6A
Public hearing: Yes
Date of public hearing: January 18, 2024

PRESENTER/INFORMATION CONTACT

Terry Hackett, Stormwater and Environmental Services Manager

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment (staff-initiated):

- Section 3.10.3 *Variance – General Standards/Findings of Fact*
- Section 3.10.6 *Variance – Procedure*
- Section 6.20.16 *Stormwater Management - Riparian Buffers*

Attachments:

1. Background and summary of proposed changes
2. UDO sections referenced above, as proposed to be amended, inclusive of the Planning Board's requested edits from December 21, 2023

Comprehensive Sustainability Plan goals:

- Environment and Natural Systems Goal 1: Employ an integrated ecosystem approach and stewardship mentality to protect, conserve, and restore critical environmental areas and natural systems.
- Strategy: Develop and participate in programs that contribute to sustained ecological health of the environment and natural systems (delegated local authority from the state to enforce the Neuse Riparian Buffer Rules)

Financial impacts:

None

Staff recommendation and comments:

At the Planning Board meeting on December 21, 2023, the Planning Board suggested two minor revisions to Table 6.20.16.8 in the amendment. Specifically, under "oo) Vegetation Management," the Planning Board requested that items VIII and IX be changed to "allowable upon authorization." Staff has incorporated these changes into the amendment.

Staff recommends holding the public hearing and offering comments, questions, and/or concerns.

Action requested:

Hold the public hearing and offer comments, questions, and/or concerns.

Background

The Town of Hillsborough has local delegated authority from the state to enforce the Neuse Riparian Buffer Rules (15A NCAC 02B .0714 Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers) within the town’s planning jurisdiction. The town’s Stormwater and Environmental Services Division staff administer and enforce the riparian buffer program through *Section 6.20.16, Riparian Buffers*, of the town’s Unified Development Ordinance (UDO).

The town received delegated authority in 2013 and has not made significant changes to *Section 6.20.16* since then. There was a legislative session law in 2016 that attempted to force local governments to be no more restrictive than the state’s rules. That prompted an update to *Section 6.20.16* of the UDO, but in the end the North Carolina Department of Environmental Quality (NCDEQ) determined that this session law did not apply to local riparian buffer programs like Hillsborough’s.

In 2020, the state updated the Neuse Riparian Buffer Rules including redefining the category of uses in the riparian buffer and expanding the table of allowable uses. Since that time Stormwater and Environmental Services Division staff have been reviewing the state’s updated riparian buffer rules and how the town’s riparian buffer plan is implemented.

Current Request

Stormwater and Environmental Services Division and Planning and Economic Development Division staff have been contacted by two property owners within town limits regarding text amendments to *Section 6.20.16* of the UDO. This, coupled with staff’s review of the town’s riparian buffer regulations in the UDO has prompted staff to propose amendments to *Section 6.20.16*. The reasons for the proposed changes include:

- Provide flexibility to staff in enforcing riparian buffers by expanding uses which include more specific requirements and conditions;
- Itemize more uses with specific impact thresholds; this will provide equal or better protection because allowable impacts with specific thresholds are more enforceable;
- Update “diffuse flow” of stormwater requirements to meet current state rules regarding stormwater runoff through the riparian buffer; this will provide better protection to receiving streams and improve enforceability of the runoff requirements;
- Provide “equality” between town impacts and private citizens or developers; currently, the town riparian buffer activities/impacts are governed by the current state rules. We do not “self permit” our own buffer impacts;
- Residential infill lots have garnered a lot of attention; many of these have streams and without some flexibility cannot easily be developed;
- Correct references and typographical errors.

It is important to note that staff intends to keep what is referred to as the “kick-in” clause. In *Section 6.20.16.3.c* of the UDO, even an unmapped stream may require a riparian buffer if field evidence indicates a stream is present. This is more restrictive than the state’s rules. The state only applies riparian buffers to mapped streams, unless field evidence indicates they are not present. Given climate change impacts, staff has documented that the hydrology of streams—especially intermittent streams—does change. Keeping this section intact helps to protect stream quality throughout the town’s jurisdiction.

Proposed Riparian Buffer Rule Changes

The proposed changes to Section 6.20 includes a stipulation that only prohibited uses can seek a variance and that variance must be granted by the North Carolina Environmental Management Commission. Therefore staff is also proposing changes to Section 3.10 of the town's UDO to reflect the separate variance process.

Proposed Changes

The following table summarizes the proposed changes to Section 6.20.16 of the town's UDO.

Table of Proposed Riparian Buffer UDO Changes

UDO Section 6.20.16 Riparian Buffers		Change
6.20.16.1	Purpose and Intent	Changed the reference to the Nuese Buffer rules to the new citation
6.20.16.2	Delegated Authority	None
6.20.16.3	Applicability	Changed the reference from NC Division of Water Quality to the NC Department of Environmental Quality to reflect the department's name change.
6.20.16.4	Exemption Based upon an On-site Determination	Changed the reference from NC Division of Water Quality to the NC Department of Environmental Quality to reflect the department's name change. Also corrected the reference to the 02B rules and fixed a typo.
6.20.16.5	Exemption when Existing Uses are Present and Ongoing	Changed the reference to the new citation
6.20.16.6	Calculations for Width of Riparian Buffers	Minor changes made to reference how the buffer is measured for each zone as described in new Section 6.20.16.7.
6.20.16.7	Zones of the Riparian Buffer	Added new section to define Zone 1 and 2. In practice Zone 1 gets more protection and staff has been utilizing the zones, especially for buffer authorization and determination of mitigation. Makes sense to now include the definitions which are needed for the updated table of uses.
6.20.16.8	Permitted Uses within Riparian Buffers Table 6.20.16.8 Permitted Uses/Activities within Riparian Buffers	Section was modified to include DEQ's use definitions. Added new table of uses/activities to essentially match the current DEQ rules with a few exceptions.
6.20.16.9	Basis for "No Practical Alternatives"	Added the reference to the permitted use section.
6.20.16.10	Written Authorization Required	Added the reference to the permitted use section.

(continued next page)

Table of Proposed Riparian Buffer UDO Changes (continued)

UDO Section 6.20.16 Riparian Buffers		Change
6.20.16.11	Stormwater Runoff Through the Riparian Buffer	This section was previously titled, "Diffuse Flow Requirement," and has been replaced with new language from DEQ's regulations. This section is more protective but defines when stormwater conveyances through the buffer are allowed which generally requires meeting nutrient thresholds and other requirements. This will be much more enforceable.
6.20.16.12	Mitigation	Changed the reference to the permitted use section.
6.20.16.13	Riparian Buffer and Minimum Lot Requirements	None.
6.20.16.14	Existing Vegetation and New Vegetation in Riparian buffers	Deleted because the new table of uses, details vegetative management allowed in the riparian buffer and this section is no longer needed.

The following table summarizes the proposed changes to Section 3.10 of the town's UDO.

Table of Proposed Variance UDO Changes

UDO Section 3.10. Variance		Change
3.10.3.1	Findings of Fact	Changed to reflect that riparian buffer variances have their own requirements.
3.10.3.3	Riparian Buffer Variance Findings	Changed to show that riparian buffer variances only go to the NC EMC.
3.10.3.4	Minor and Major Variances	Deleted since this no longer applies to riparian buffers
3.10.6.4	Notice of Public Hearing	Minor clarification
3.10.6.5.b	Board of Adjustment Determination	Deleted, no longer needed.

3.10 VARIANCE

3.10.3 GENERAL STANDARDS/FINDINGS OF FACT

3.10.3.1 A Variance from all provisions of this Ordinance, with the exception of Section 4.5.1, *Upper Eno Watershed District*; Section 4.5.2, *Upper Eno Protected Watershed, Critical Area District* and Section 6.20.16, *Riparian Buffers* (which contain their own separate ~~findings-required~~ requirements to receive a variance), shall be approved only upon a finding that all of the following standards are met:

3.10.3.3 RIPARIAN BUFFER VARIANCES FINDINGS

Variances ~~from the provisions of Section 6.20.16, *Riparian Buffers*~~, shall be approved ~~only upon a finding that all of the following standards are met:~~ by the North Carolina Environmental Management Commission on a case by case basis pursuant to 15A NCAC 02B .0226.

~~**3.10.3.3.a** There are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of the riparian buffer protection requirements. Practical difficulties or unnecessary hardships shall be evaluated in accordance with the following:~~

- ~~(a) If the applicant complies with the provisions of the riparian buffer protection requirements, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the buffer requirements that shall make reasonable use of the property possible.~~
- ~~(b) The hardship results from application of the riparian buffer protection rules to the property rather than from other factors such as deed restrictions or other hardship.~~
- ~~(c) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.~~
- ~~(d) The applicant did not cause the hardship by knowingly or unknowingly violating the riparian buffer protection requirements.~~
- ~~(e) The applicant did not purchase the property after the effective date of the riparian buffer protection requirements (July 22, 1997), and then requesting a variance.~~
- ~~(f) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a Special privilege denied to others and would not promote equal justice.~~

~~**3.10.3.3.b** The variance is in harmony with the general purpose and intent of the riparian buffer protection requirements and preserves their spirit, and~~

~~**3.10.3.3.c** In granting the variance, the public safety and welfare have been assured,~~

~~water quality has been protected, and substantial justice has been done.~~

~~3.10.3.4 MINOR AND MAJOR VARIANCES~~

~~A minor variance request pertains to activities that are proposed only to impact any portion of Zone 2 of the riparian buffer. Zone 2 begins at the outer edge of Zone 1 and extends landward 20 feet as measured horizontally on a line perpendicular to the surface water.~~

~~A major variance request pertains to activities that are proposed to impact any portion of Zone 1 or any portion of both Zones 1 and 2 of the riparian buffer. For intermittent and perennial streams, Zone 1 begins at the most landward limit of the top of bank or the rooted herbaceous vegetation and extends landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to the surface water. For ponds, lakes and reservoirs located within a natural drainage way, Zone 1 begins at the most landward limit of the normal water level or the rooted herbaceous vegetation and extends landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 is 50 feet on all sides of the surface water.~~

~~Additional requirements for processing of major variances are found in Section 3.10.6.5.b.~~

3.10.6 PROCEDURE

3.10.6.4 Notice of Public Hearing

Written notice shall be mailed to the aggrieved person (applicant), property owner involved in original case being appealed (if different), to the owners of all parcels of land abutting the parcel of land that is subject to the evidentiary hearing (including those across a public or private street), to any other persons entitled to receive notice as provided by this Ordinance. The notice must be deposited in the mail at least ten (10) days, but not more than twenty-five (25) days before the hearing date. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

A notice of the request shall be placed on the site that is subject to the hearing or on an adjacent street or highway right-of-way at least ten (10) days, but not more than twenty-five (25) days before the hearing date.

In cases where a variance is requested from the provisions of Section 4.5.1, Upper Eno Watershed District; Section 4.5.2, ~~Upper Eno Protected Watershed, Critical Area District~~ Upper Eno Protected Watershed, Critical Area District of this Ordinance, all local governments having jurisdiction within the watershed area and the entity using the water supply for consumption shall be notified of the proposed variance. Comments from these entities shall be submitted to the Planning Director before the Board of Adjustment decision and shall be made a part of the record of the Board of Adjustment decision.

3.10.6.5 Public Hearing

~~3.10.6.5.b If the Board of Adjustment determines that a major variance request meets the requirements in Section 3.10.3.3, Riparian Buffer Variance Findings, then it~~

~~shall prepare a preliminary finding and submit it to the State Environmental Management Commission. Preliminary findings on major variance requests shall be reviewed by the Commission within 90 days after receipt by the Director. The purpose of the Commission's review is to determine if it agrees that the requirements for granting of a variance have been met. Requests for appeals of decisions made by the Commission shall be made to the Office of Administrative hearings. The following actions shall be taken depending on the Commission's decision on the major variance request:~~

- ~~(a) Upon the Commission's approval, the Board of Adjustment shall issue a final decision granting the major variance.~~
- ~~(b) Upon the Commission's approval with conditions or stipulations, the Board of Adjustment shall issue a final decision, which includes these conditions or stipulations.~~
- ~~(c) Upon the Commission's denial, the Board of Adjustment shall issue a final decision denying the major variance.~~

6.20 STORMWATER MANAGEMENT

6.20.16 RIPARIAN BUFFERS

6.20.16.1 Purpose and Intent

In order to minimize sedimentation and pollution of surface waters within the planning jurisdiction, riparian buffers shall be provided along all surface waters identified in *Section 6.20.16.3, Applicability*. Undisturbed natural areas along surface waters act as a filter for sedimentation control and as a stabilizing agent for the banks of surface waters. In addition, these areas filter storm water run-off which may carry significant amounts of bacteria, excess nutrients and heavy metals into surface waters. The buffer areas, along with controls on impervious surfaces, provide a good measure of water quality protection for the Eno River.

The Neuse River Basin Nutrient Sensitive Waters Management Strategy riparian buffer protection rules (Neuse Rules) of 15A NCAC ~~028-0233 and 0241~~ 02B .0714, apply to all lands within the Town of Hillsborough's planning jurisdiction. Wherever standards of the Neuse Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.

6.20.16.3 Applicability

6.20.16.3.c A surface water identified in a field determination made by staff trained in surface water identification through the North Carolina ~~Division of Water Quality (NCDWQ)~~ Department of Environmental Quality (NCDEQ). Disputes pertaining to water feature decisions by staff shall be filed directly to the Director of ~~NCDWQ~~ NCDEQ.

6.20.16.4 Exemption Based upon an On-site Determination

When a landowner or other affected party including ~~the Division~~ NCDEQ believes that the maps inaccurately depict surface waters, they may request an On-site determination conducted by staff who has successfully completed the ~~Division's~~ NCDEQ's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by ~~the Division~~ NCDEQ. Any disputes over on-site determinations shall be referred to the Director of ~~the Division of Water Resources~~ NCDEQ in writing. A determination of the Director of ~~the Division of Water Resources~~ NCDEQ as to the accuracy or application of the maps is subject to review as provided in articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to ~~this Rule~~ Section 6.20.16, Riparian Buffers is a site evaluation ~~reveals~~ reveals any of the following cases:

6.20.16.4.a Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC ~~02B-0110~~ 02B .0101, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.

6.20.16.5 Exemption when Existing Uses are Present and Ongoing

Section 6.20.16, Riparian Buffers does not apply to portions of the riparian buffer where a use is considered existing and ongoing according in accordance with 15A NCAC ~~028-0233 (3)~~

02B .0714 (6) (a). A use is considered existing if it was present within the riparian buffer as of July 22, 1997. Existing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Only the portion of the riparian buffer that contains the footprint of the existing use is exempt from ~~this Rule~~ Section 6.20.16, Riparian Buffers.

6.20.16.6 Calculations for Width of Riparian Buffers

~~The width of the buffer along the Eno River shall be the floodway as shown on the Floodway Map from the National Flood Insurance Program, plus fifty (50) feet. However, in no case, shall the riparian buffer exceed the outer line of the floodplain as shown on the Flood Insurance Rate Map (FIRM) of the National Flood Insurance Program.~~

A buffer of fifty (50) feet in width as defined in Section 6.20.16.7 is required on all sides of the surface water as identified in Section 6.20.16.3, Applicability. For streams within the PW and PWCA zoning districts (see Section 4.5, Other Zoning Districts), the width of the stream is calculated as outlined in Section 4.5.3.8.d, Calculating Width of Riparian Buffer.

~~In all other cases, a buffer of fifty (50) feet in width measured from the most landward limit of the top of bank, normal water level or rooted herbaceous vegetation of surface waters identified in Section 6.20.16.3, Applicability.~~

6.20.16.7 Zones of the Riparian Buffer

6.20.16.7.a Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in sections 6.20.16.8, Permitted Uses within Riparian Buffers and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer. The location of Zone 1 shall be as follows:

- (i) For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or ends, including when it goes underground, enters or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end).
- (ii) For ponds, lakes and reservoirs, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

6.20.16.7.b Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in sections 6.20.16.8, Permitted Uses within Riparian Buffers and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

6.20.16.76.20.16.8 Permitted Uses Within Riparian Buffers

~~It is the intent of this section to restrict the use of land adjacent to streams, ponds, lakes and reservoirs in order to reduce sedimentation and pollution. The following uses are permitted within a designated riparian buffer. All other land uses are prohibited.~~

~~Uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, shall be designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, allowable with exception or prohibited. Potential new uses shall have the following requirements.~~

6.20.16.8.a Deemed Allowable. ~~Uses designated as deemed allowable in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* and *6.20.16.11 Stormwater Runoff Through the Riparian Buffer* may occur within the riparian buffer. Deemed allowable uses shall be designed, constructed and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. In addition, deemed allowable uses shall meet all requirements listed in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* for the specific use.~~

6.20.16.8.b Allowable Upon Authorization. ~~Uses designated as allowable upon authorization in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* and *6.20.16.11 Stormwater Runoff Through the Riparian Buffer* require a written Authorization Certificate for impacts within the riparian buffer pursuant to *Section 6.20.16.9, Basis for “No Practical Alternatives”* and *Section 6.20.16.10, Written Authorization Required*.~~

6.20.16.8.c Allowable with Mitigation Upon Authorization. ~~Uses designated as allowable with mitigation upon authorization in *Table 6.20.16.8 Permitted Uses within Riparian Buffers* require a written Authorization Certificate for impacts within the riparian buffer pursuant to *Section 6.20.16.9, Basis for “No Practical Alternatives”* and *Section, 6.20.16.10 Written Authorization Required*. In addition, an appropriate mitigation strategy is required pursuant to *Section 6.20.16.12, Mitigation*.~~

6.20.16.8.d Prohibited. ~~Uses designated as prohibited in *Table 6.20.16.8, Permitted Uses within Riparian Buffers* may not proceed within the riparian buffer unless a variance is granted by the North Carolina Environmental Management Commission pursuant to 15A NCAC 02B .0226. Mitigation may be required as a condition of variance approval.~~

Table 6.20.16.7 Permitted Uses within Riparian Buffers

Riparian Buffer Use		Allowable	Allowable w/Mitigation
Utilities	Perpendicular crossings of above ground and buried utility lines for local distribution of electricity, telephone, and cable television service, plus accessory and appurtenant apparatus such as poles, guy wires, transformers, and switching boxes, with a construction width of less than or equal to 40 feet and a 10-foot maintenance corridor.	X	
	Perpendicular utility crossings that exceed 40 feet of construction width and/or require more than a 10-foot maintenance corridor through the riparian buffer.		X
	Non-perpendicular riparian buffer impacts for utilities.		X
Water and Sewer	Perpendicular crossings of water and sewage distribution, collection, and treatment facilities, but not private in-ground sewage disposal facilities, with a construction width of less than or equal to 40 feet and a 10-foot maintenance corridor.	X	
	Perpendicular water and sewage crossings that exceed 40 feet of construction width and/or require more than a 10-foot maintenance corridor through the riparian buffer.		X
	Non-perpendicular riparian buffer impacts for public water and sewage distribution.		X
	Water wells	X	
Streets and Bridges	Perpendicular crossings of streets, bridges, and railroad rights-of-way impacting less than 150 feet of riparian buffer.	X	
	Perpendicular crossings of streets, bridges, and railroad rights-of-way that exceed 150 feet of riparian buffer impact.		X
	Temporary access roads disturbing less than 2,500 square feet of riparian buffer provided vegetation is restored within six months of initial disturbance.	X	
	Temporary roads disturbing more than 2,500 square feet of riparian buffer.		X
	Non-perpendicular riparian buffer impacts of streets and railroad rights-of-Way		X

Riparian Buffer Use		Allowable	Allowable w/Mitigation
Restoration	Stream restoration and/or stream bank stabilization.	X	
	Wetland restoration, in accordance with all applicable local, State and Federal regulations.	X	
	Removal of previous fill or debris provided that diffuse flow is maintained and any vegetation removed is restored.	X	
Stormwater Facilities	Maintenance of existing stormwater outfalls provided they are managed to minimize the sediment, nutrients, and other pollution they convey to waterbodies.	X	
	New drainage outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges into the riparian buffer.		X
	Engineered stormwater ponds, bioretention and wetlands provided that a riparian buffer meeting the requirements of Section 6.20.16.3 is established.	X	
	Engineered stormwater ponds, bioretention and wetlands where a riparian buffer cannot be established in accordance with Section 6.20.16.3.		X
Maintenance	Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Section 6.20.16.6 is established adjacent the new channel.	X	
	Maintenance activities of existing dams	X	
	Periodic maintenance of modified natural streams	X	
	Protection of existing structures, facilities and streambanks when this requires additional disturbance of the riparian buffer or the stream channel	X	
Miscellaneous	Greenways	X	
	Archeological research and excavation	X	
	Scientific studies and stream gauging	X	
	Fences provided that disturbance is minimized and existing trees and woody vegetation is not disturbed during installation and maintenance	X	
	Ponds in natural drainage ways (excluding dry ponds) provided that a riparian buffer meeting the requirements of Section 6.20.16.3 is established	X	
	Ponds in natural drainage ways (excluding dry ponds) where a riparian buffer cannot be established in accordance with Section 6.20.16.3		X
	Water dependent structures as defined in 15A NCAC 2B .0202	X	

Table 6.20.16.8 Permitted Uses within Riparian Buffers

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
a) <u>Archaeological activities</u>	<u>X</u>			
b) <u>Bridges:</u>				
i) <u>Impact equal to or less than one-tenth of an acre of riparian buffer</u>	<u>X</u>			
ii) <u>Impact greater than one-tenth of an acre of riparian buffer</u>		<u>X</u>		
c) <u>Dam maintenance activities:</u>				
i) <u>Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint of the existing dam</u>	<u>X</u>			
ii) <u>Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam</u>		<u>X</u>		
d) <u>Drainage of a pond subject to Section 6.20.16.3, Applicability provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to Section 6.20.16.3.c.</u>	<u>X</u>			
e) <u>Fences:</u>				
i) <u>Fencing livestock out of surface waters</u>	<u>X</u>			
ii) <u>Installation does not result in removal of trees from Zone 1</u>	<u>X</u>			
iii) <u>Installation results in removal of trees from Zone 1</u>		<u>X</u>		
f) <u>Fertilizer application:</u>				
i) <u>One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water</u>	<u>X</u>			
ii) <u>Ongoing fertilizer application</u>				<u>X</u>
g) <u>Grading only in Zone 2 provided that the health of existing vegetation in Zone 1 is not compromised, Section 6.20.16.11, Stormwater Through the Riparian Buffer is complied with, and disturbed areas are stabilized and revegetated</u>		<u>X</u>		

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
<u>h) Greenways, trails, sidewalks or linear pedestrian/bicycle transportation systems:</u>				
<u>i) In Zone 2 provided that no built-upon area is added within the riparian buffer</u>	<u>X</u>			
<u>ii) In Zone 1 provided that no built-upon area is added within the riparian buffer and the installation does not result in the removal of tree(s)</u>	<u>X</u>			
<u>iii) When built-upon area is added to the riparian buffer, equal to or less than 10 feet wide with two foot wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative</u>		<u>X</u>		
<u>iv) When built-upon area is added to the riparian buffer, greater than 10 feet wide with two foot wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative</u>			<u>X</u>	
<u>i) Historic preservation</u>	<u>X</u>			
<u>j) New Landfills as defined by NC G.S. 130A-290</u>				<u>X</u>
<u>k) Mining activities:</u>				
<u>i) Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements in sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer are established adjacent to any relocated channels</u>		<u>X</u>		
<u>ii) Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements in sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer are not established</u>			<u>X</u>	
<u>iii) Wastewater or mining dewatering wells with approved NPDES permit</u>	<u>X</u>			
<u>l) On-site sanitary sewage systems - new ones that use ground absorption</u>				<u>X</u>
<u>m) Pedestrian access trails and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure:</u>				
<u>i) Equal to or less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built-upon area to the riparian buffer</u>	<u>X</u>			
<u>ii) Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built-upon area to the riparian buffer</u>		<u>X</u>		
<u>iii) Greater than six feet wide</u>			<u>X</u>	

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
n) <u>Playground equipment:</u>				
i) <u>Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation</u>	X			
ii) <u>Playground equipment on single-family lots where installation or use results in the removal of vegetation</u>		X		
iii) <u>Playground equipment installed on lands other than single-family lots</u>		X		
o) <u>Ponds created or modified by impounding streams subject to riparian buffers pursuant to Section 6.20.16.3, Applicability and not used as stormwater control measures (SCMs):</u>				
i) <u>New ponds provided that a riparian buffer that meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is established adjacent to the pond</u>		X		
ii) <u>New ponds where a riparian buffer that meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is NOT established adjacent to the pond</u>			X	
p) <u>Protection of existing structures and facilities when this requires additional disturbance to the riparian buffer</u>		X		
g) <u>Public Safety - Publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the riparian buffers pose a risk to public safety. The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing</u>	X			
r) <u>Removal of previous fill or debris provided that Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is complied with and any vegetation removed is restored</u>		X		

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
s) <u>Residential Properties: Where application of this Rule would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies with <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i>; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer:</u>				
i) <u>The residence or necessary infrastructure only impact Zone 2</u>		X		
ii) <u>The residence or necessary infrastructure impact Zone 1</u>			X	
iii) <u>Impacts other than the residence or necessary infrastructure</u>			X	
t) <u>Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332 available free of charge on the internet at: http://water.epa.gov/lawsregs/guidance/wetlands/wetlandsmitigation_index.cfm:</u>				
i) <u>Wetland or stream restoration is part of a compensatory mitigation bank, nutrient offset bank, or the In Lieu Fee program</u>	X			
ii) <u>Wetland or stream restoration other than those listed above</u>		X		
u) <u>Road, driveway or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to this Rule</u>			X	
v) <u>Road, driveway or railroad - perpendicular crossings of streams and other surface waters subject to this Rule</u>				
i) <u>Impact equal to or less than one-tenth of an acre of riparian buffer</u>	X			
ii) <u>Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer</u>		X		
iii) <u>Impact greater than one-third of an acre of riparian buffer</u>			X	
iv) <u>Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer</u>		X		

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
v) <u>Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer</u>			X	
vi) <u>Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act</u>	X			
w) <u>Road relocation of existing private access roads associated with public road projects where necessary for public safety:</u>				
i) <u>Less than or equal to 2,500 square feet of riparian buffer impact</u>		X		
ii) <u>Greater than 2,500 square feet of riparian buffer impact</u>			X	
x) <u>Scientific studies and stream gauging</u>	X			
y) <u>Slatted uncovered decks, including steps and support posts, which are associated with a dwelling, provided that it meets the requirements of sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> and:</u>				
i) <u>Installation does not result in removal of vegetation in Zone 1</u>		X		
ii) <u>Installation results in removal of vegetation in Zone 1</u>			X	
z) <u>Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002:</u>				
i) <u>In Zone 2 if Section 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> is complied with</u>		X		
ii) <u>Installation results in removal of vegetation in Zone 1</u>			X	
aa) <u>Streambank or shoreline stabilization</u>		X		
bb) <u>Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295:</u>				
i) <u>Less than or equal to 2,500 square feet of riparian buffer disturbance</u>	X			
ii) <u>Greater than 2,500 square feet of riparian buffer disturbance</u>		X		
iii) <u>Associated with culvert installation or bridge construction or replacement</u>		X		

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
<u>cc) Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295:</u>				
<u>i) In Zone 2 provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and that discharge is released in accordance with Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</u>	<u>X</u>			
<u>ii) In Zones 1 and 2 to control impacts associated with uses identified in this table or uses that have received an Authorization Certificate with Exception provided that sediment and erosion control for upland areas is addressed outside the riparian buffer</u>		<u>X</u>		
<u>iii) In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act</u>	<u>X</u>			
<u>dd) Utility Lines - Streambank stabilization for the protection of publicly owned utility lines (not including new line installation):</u>				
<u>i) Less than 150 feet of streambank disturbance</u>	<u>X</u>			
<u>ii) Greater than 150 feet of streambank disturbance</u>		<u>X</u>		
<u>ee) Utility – Sewer lines – Sanitary Sewer Overflows:</u>				
<u>i) Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to the emergency overflow, is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g. grass with grass, hardwoods with hardwoods) within two months of when disturbance is complete</u>	<u>X</u>			
<u>ii) Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable" activity, an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities</u>		<u>X</u>		

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
<u>ff) Utility - Sewer Lines – Vegetation maintenance activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor:</u>				
<u>i) Zone 2 impacts</u>	<u>X</u>			
<u>ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide</u>	<u>X</u>			
<u>iii) Zone 1 impacts other than those listed above</u>		<u>X</u>		
<u>gg) Utility - Sewer Lines –Replacement/Rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g. grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained:</u>				
<u>i) Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream</u>	<u>X</u>			
<u>ii) Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide</u>		<u>X</u>		
<u>iii) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts</u>			<u>X</u>	
<u>hh) Utility - Sewer Lines – New Line Construction/Installation Activities – Perpendicular crossings of streams and other surface waters subject to Section 6.20.16, or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to Section 6.20.16, provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</u>				
<u>i) Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u>	<u>X</u>			

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
ii) <u>Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u>		X		
iii) <u>Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u>			X	
iv) <u>Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts</u>			X	
ii) <u>Utility - Sewer Lines – New Line Construction/Installation Activities – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</u>				
i) <u>Zone 2 impacts</u>	X			
ii) <u>Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided</u>		X		
iii) <u>Zone 1 impacts other than those listed above</u>			X	
ji) <u>Utility - Non-sewer Underground Lines – Vegetation maintenance activities that remove forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor:</u>				
i) <u>Zone 2 impacts</u>	X			
ii) <u>Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide</u>	X			
iii) <u>Zone 1 impacts other than those listed above</u>		X		

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
kk) <u>Utility – Non-Sewer Underground Lines – Perpendicular crossings of streams and other surface waters subject to <i>Section 6.20.16</i>, or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to <i>Section 6.20.16</i>, provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</u>				
i) <u>Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u>	X			
ii) <u>Construction corridor of greater than 50 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u>		X		
iii) <u>Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide</u>			X	
iv) <u>Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for Zone 1 impacts)</u>			X	
ll) <u>Utility – Non-Sewer Underground Lines – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:</u>				
i) <u>Zone 2 impacts</u>	X			
ii) <u>Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided</u>		X		
iii) <u>Zone 1 impacts other than those listed above</u>			X	
mm) <u>Utilities – Non-sewer aerial lines - Perpendicular crossings of streams and other surface waters subject to <i>Section 6.20.16</i>, or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to <i>Section 6.20.16</i>:</u>				
i) <u>Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody</u>	X			

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
ii) <u>Disturb greater than 150 linear feet wide of riparian buffer</u>		X		
nn) <u>Utilities – Non-sewer Aerial Lines - Impacts other than perpendicular crossings of streams and other surface waters subject to this Section 6.20.16, or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this Section 6.20.16:</u>				
i) <u>Impacts in Zone 2 only</u>	X			
ii) <u>Impacts in Zone 1 provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody</u>		X		
oo) <u>Vegetation management:</u>				
i) <u>Emergency fire control measures provided that topography is restored</u>	X			
ii) <u>Periodic mowing and harvesting of plant products only in Zone 2</u>	X			
iii) <u>Placement of mulch ring around restoration plantings for a period of five years from the date of planting</u>	X			
iv) <u>Planting non-invasive vegetation to enhance the riparian buffer</u>	X			
v) <u>Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised</u>	X			
vi) <u>Removal of individual trees, branches or limbs which are in danger of causing damage to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance</u>	X			
vii) <u>Removal of individual trees that are dead, diseased or damaged</u>	X			
viii) <u>Removal of poison ivy, oak or sumac. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species</u>		X		

Table 6.20.16.8 Permitted Uses within Riparian Buffers (continued)

<u>Riparian Buffer Use/Activity</u>	<u>Deemed Allowable</u>	<u>Allowable Upon Authorization</u>	<u>Allowable with Mitigation Upon Authorization</u>	<u>Prohibited</u>
ix) <u>Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant then the riparian buffer shall be replanted with non-invasive species</u>		X		
x) <u>Removal of woody vegetation in Zone 1 provided that Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is complied with</u>			X	
pp) <u>Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities:</u>				
i) <u>Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide</u>		X		
ii) <u>Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide</u>			X	
qq) <u>Water dependent structures (except for boat ramps) as defined in 15A NCAC 02B .0202</u>		X		
rr) <u>Water supply reservoirs:</u>				
i) <u>New reservoirs provided that a riparian buffer that meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is established adjacent to the reservoir</u>		X		
ii) <u>New reservoirs where a riparian buffer that meets the requirements of sections 6.20.16.7, Zones of the Riparian Buffer and 6.20.16.11, Stormwater Runoff Through the Riparian Buffer is NOT established adjacent to the reservoir</u>			X	
ss) <u>Water wells</u>	X			
tt) <u>Wildlife passage structures</u>		X		

~~6.20.16.86.20.16.9~~ **Basis for “No Practical Alternatives”**

~~In order for a permitted use to be authorized~~Where written authorization is required in Section 6.20.16.8, Permitted Uses Within Riparian Buffers, the applicant must demonstrate “no practical alternatives.” The determination of “no practical alternatives” will be made by the Planning Director or designee based upon the following:

- 6.20.16.9.a** The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 6.20.16.9.b** The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 6.20.16.9.c** Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

~~6.20.16.96.20.16.10~~ **Written Authorization Required**

~~Where written authorization is required in Section 6.20.16.8, Permitted Uses Within Riparian Buffers, Proposed-proposed~~ impacts ~~from permitted uses~~ to the riparian buffer may not commence until written authorization is provided by the Planning Director or designee. Use authorization may include conditions specific to the proposed activity. Unauthorized impacts to riparian buffers are subject to enforcement penalties as outlined in Section 8, Enforcement.

~~6.20.16.106.20.16.11~~ **~~Diffuse Flow Requirement~~Stormwater Runoff Through the Riparian Buffer**

~~6.20.16.10.a~~ Diffuse flow or runoff shall be maintained in the riparian buffer by dispersing concentrated flow and re-establishing vegetation.

~~6.20.16.10.b~~ Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow before the runoff enters the riparian buffer.

~~6.20.16.10.c~~ Periodic corrective action to restore diffuse flow shall be taken if necessary to impede the formation of erosion gullies.

6.20.16.11.a Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except as otherwise described in this section. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances.

The following stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, as defined in Section 6.20.16.8, Permitted Uses within Riparian Buffers, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody. Stormwater conveyances through the riparian buffer that are not listed below shall be allowable with exception as defined in Section 6.20.16.8.e, Allowable with Exception.

6.20.16.11.b The following are deemed allowable as defined in Section 6.20.16.8.a, Deemed Allowable:

- i. New drainage conveyances from a Primary SCM, as defined in 15A NCAC 02H .1002, when the Primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a state stormwater program or a state-approved local government stormwater program; and
- ii. New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

6.20.16.11.c The following are allowable upon authorization as defined in Section 6.20.16.8.b, Allowable Upon Authorization:

- i. New drainage conveyances from a Primary SCM as defined in 15A NCAC 02H .1002 when the Primary SCM is provided to treat the drainage area to the conveyance but are not required to be approved under a state stormwater program or a state-approved local government stormwater program;
- ii. New drainage conveyances when the drainage area to the conveyance is demonstrated via approved nutrient calculation methodologies to meet the nutrient loading goal of 2.2 pounds per acre per year of Nitrogen (N) and 0.33 pounds per acre per year of Phosphorus (P);
- iii. New drainage conveyances when the flow rate of the conveyance is less than 0.5 cubic feet per second during the peak flow from the 0.75 inch per hour storm;
- iv. New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .1059;
- v. Realignment of existing drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving the design dimensions provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations;
- vi. Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;
- vii. New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs, or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;
- viii. New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a stormwater management facility due to topography constraints provided other measures are employed to protect downstream water quality to the maximum extent practical; and
- ix. New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass of existing drainage only.

~~6.20.16.11~~6.20.16.12 Mitigation

Where mitigation is required pursuant to the permitted uses listed in *Section ~~6.20.16.6~~ 6.20.16.8, Permitted Uses Within Riparian Buffers* and Table 6.20.16.8, Permitted Uses within Riparian Buffers, mitigation shall follow the standards set out in the state's consolidated Riparian Buffer Mitigation Rule, 15A NCAC 02B .0295.

~~6.20.16.12~~6.20.16.13 Riparian Buffer and Minimum Lot Requirements

The riparian buffer may be used in meeting the required minimum lot areas set forth in the Ordinance.

~~6.20.16.13~~ Existing Vegetation and New Vegetation in Riparian buffers

~~Existing vegetation shall not be disturbed within a riparian buffer without prior approval of the Planning Director or designee. Existing vegetation may be augmented within the buffer and invasive vegetation may be removed if the Planning Director or designee approves the plans in advance. Any work done in the riparian buffer must be designed and intended to increase the infiltration capability of the buffer and reduce the velocity of stormwater run-off.~~

~~In the situation where the required buffer experiences erosion problems due to topography or other existing conditions of the land, the Planning Director or designee shall require that the buffer be planted so that it will function as a sediment and pollutant trap. Such planting shall be completed prior to the issuance of a Certificate of Occupancy.~~

~~The use of pesticides, herbicides, or chemicals is not allowed in the riparian buffer except with the prior approval of the Planning Director or designee, and only allowed as described within the Neuse Buffer Rules.~~



Agenda Abstract

JOINT PUBLIC HEARING

Meeting Date:	January 18, 2024
Department:	Planning and Economic Development Division
Agenda Section:	6B
Public hearing:	Yes
Date of public hearing:	January 18, 2024

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II (Staff)
Oliver Kaija, Bohler Engineering (Applicant)

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment to Section 6.21.3 *Streets – Design Standards – Public Streets* (applicant-initiated)

Attachments:

1. Text amendment application
2. Sample street design standards from the adopted street manual
3. UDO Section 6.21.3, as proposed to be amended

Summary:

The applicant is proposing an amendment to UDO Section 6.21.3 *Design Standards – Public Streets* to allow for reduced right-of-way widths when on-street parking is allowed but not proposed. Originally, the applicant proposed to amend the right-of-way standards for only local streets. Staff recommended broader language, to which the applicant has agreed. The proposed amendment, inclusive of staff's recommended edits, is enclosed.

The town's adopted street manual includes design elements for nine roadway classifications, a few of which include greater right-of-way widths to allow for on-street parking, if desired (samples enclosed). In these cases, if the street design omits on-street parking, the right-of-way width can be feasibly reduced. The street manual is available on the town's website: <https://assets.hillsboroughnc.gov/media/documents/public/street-standards.pdf>

Currently, the UDO sets fixed right-of-way widths for each road classification and does not allow for reductions. The proposed amendment does the following:

- Allows for right-of-way reductions when on-street parking is allowed but not proposed;
- Requires town review and approval of requests for right-of-way reductions;
- Prohibits rights-of-way to be reduced to less than 48 feet; and
- Includes right-of-way widths for multi-lane boulevards as defined in the town's adopted street manual.

Comprehensive Sustainability Plan goals:

- Transportation and Connectivity Goal 1:
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.

- Strategy:
Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

Financial impacts:

None.

Staff recommendation and comments:

Staff finds that this amendment brings the UDO and street manual into better alignment and recommends approval when the item is ultimately up for decision. This evening, staff recommends holding the public hearing and offering comments, questions, and/or concerns.

Action requested:

Hold the public hearing and offer any comments, questions, or concerns.

Appendix I

Application Packet for Unified Development Ordinance Text & Zoning Map Amendments (Rezoning) / Future Land Use Plan & Comprehensive Plan Amendments

<u>Complete Application</u> <u>Deadline (12 Noon)</u>	<u>Joint Public Hearing</u> <u>Date</u>	<u>Planning Board</u> <u>Recommendation Date</u>	<u>Earliest Decision</u> <u>Date</u>
December 19, 2022	January 19, 2023	February 16, 2023	March 13, 2023
March 27, 2023	April 20, 2023	May 18, 2023	June 12, 2023
June 26, 2023	July 20, 2023	August 17, 2023	September 11, 2023
September 25, 2023	October 19, 2023	November 16, 2023	December 11, 2023
December 18, 2023	January 18, 2024	February 15, 2024	March 11, 2024

Fee Schedule

Future Land Use/Comprehensive Plan Map Amendment:	\$300.00
UDO Text Amendment	\$300.00
Rezoning to General Purpose or Overlay District:	The greater of \$500.00 or \$50.00 per acre

* Rezoning reviewed in conjunction with an annexation request should first calculate the standard fee and then double it to account for the fiscal impact analysis of the application.

Submittal Requirement Checklist

Unified Development Ordinance & Future Land Use/Comprehensive Plan Text Amendments

- ☒ Complete application and applicable review fee
- ☒ For UDO text amendments, a written narrative addressing UDO Section 3.7.2 (see page 3 of this packet)

Zoning Map & Future Land Use Map Amendments

- ☐ Complete application and applicable review fee
- ☐ Copy of the deed and/or a fully dimensioned survey to a scale greater than 100 ft to the inch and smaller than 20 ft to the inch that includes existing structures, critical areas (specified on application), rights-of-way and width, and driveways (existing and new)
- ☐ For zoning map amendments, a written narrative addressing UDO Section 3.7.2 (see page 3 of this packet)



TOWN OF
HILLSBOROUGH

**APPLICATION FOR
Text and/or Map Amendment Request**

Planning Department
101 E. Orange Street/P.O. Box 429
Hillsborough, NC 27278

Phone: (919) 296-9477 Fax: (919) 644-2390
Website: www.hillsboroughnc.gov

Amendment Type: ☐ Future Land Use Plan Map

☐ Zoning Map

☐ Comprehensive Plan Text

☒ Unified Development Ordinance text

Property Address: North side of Waterstone Dr between
Old NC 86 and College Park Rd

PIN: 9873146102

Applicant Name: Oliver Kaija

Mailing Address: 4130 Parklake Ave Suite 200

Phone: 919-578-9000

City, State, Zip: Raleigh, NC 27612

E-mail: okaija@bohlereng.com

Property Owner Name: Shah Trust - Vijay Shah

Mailing Address: 6819 Creek Wood Dr

Phone: _____

City, State, Zip: Chapel Hill, NC 27514

E-mail: vshah@trademarkproperties.com

Location/Streets Accessed: _____

Current Zoning District(s): ESU

Proposed Zoning District(s): ESU

Acreage: 19.47

Water Service: ☒ Public Water ☐ Well

Sewer Service: ☒ Public Sewer ☐ Septic Tank

Existing Structures on Site: none

Critical Areas:



☐ Flood ☒ Drainage/Stream/Pond ☐ Cemetery ☐ Historic Resource ☐ Steep Slopes
☐ Easement See next page

Describe how the request will address the following factors that the Town Board of Commissioners must determine when considering an amendment to the test of the Unified Development Ordinance or Zoning Map (use separate sheet):

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.
2. The extent to which there are changed conditions that require an amendment.
3. The extent to which the proposed amendment addresses a demonstrated community need.
4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. The extent to which the proposed amendment deviates from logical and orderly development pattern or deviate from logical and orderly development pattern or

Please see next page for responses
6. The extent to which the proposed amendment would encourage premature development.
7. The extent to which the proposed amendment would result in strip or ribbon commercial development.
8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.
9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands.
10. The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER.**

	<u>12/14/2023</u>
Applicant's signature	date
	<u>12/14/23</u>
Property Owner's signature	date

Bohler Engineering, on behalf of Shah Trust, is proposing to add a condition to Section 6.21.3.3 in the Unified Development Ordinance (UDO) to allow for a flexible right of way width options to align with the flexibility afforded within the street design manual, specifically as it pertains to the inclusion of on street parking.

Question 1: The extent to which the amendment is consistent with all applicable Town-adopted plans.

Response 1: The amendment still requires development to abide by Town standards and review processes.

Question 2: The extent to which there are changed conditions that require an amendment.

Response 2: The amendment specified above requests for wording in the UDO to allow for flexibility in ROW widths in the code, given that the flexibility to include or exclude on-street parking for street sections exists within the Street Manual.

Question 3: The extent to which the proposed amendment addresses a demonstrated community need.

Response 3: The proposed amendment will allow for flexibility for other developers who may not need all elements of the sections provided in the Streets Manual. Additionally, it will encourage new development to create roads that can be public and comply with all the elements of the public requirements.

Question 4: The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

Response 4: The proposed amendment does not affect the zoning districts. All zoning requirements that are imposed will still need to be met by all developments.

Question 5: The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.

Response 5: The proposed amendment will continue to allow for logical and orderly development patterns because developments are still required to abide by all Town standards and processes.

Question 6: The extent to which the proposed amendment would encourage premature development.

Response 6: The proposed amendment will not encourage premature development. Developments are still required to abide by all Town standards and processes.

Question 7: The extent to which the proposed amendment would result in strip or ribbon commercial development.

Response 7: The proposed amendment does not encourage strip or ribbon commercial developments. The amendment will allow new developments to dedicate public roads within a smaller right of way section.

Question 8: The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.

Response 8: The proposed amendment does not encourage isolated zoning districts. All Town zoning requirements are still expected to be followed by all developments.

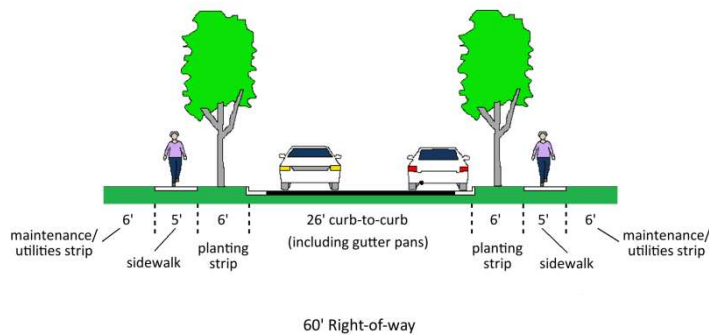
Question 9: The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding areas.

Response 9: The proposed amendment would not have an adverse impact on property values. This text amendment would encourage developers to build public roadways and further development that could potentially increase property value of surrounding areas.

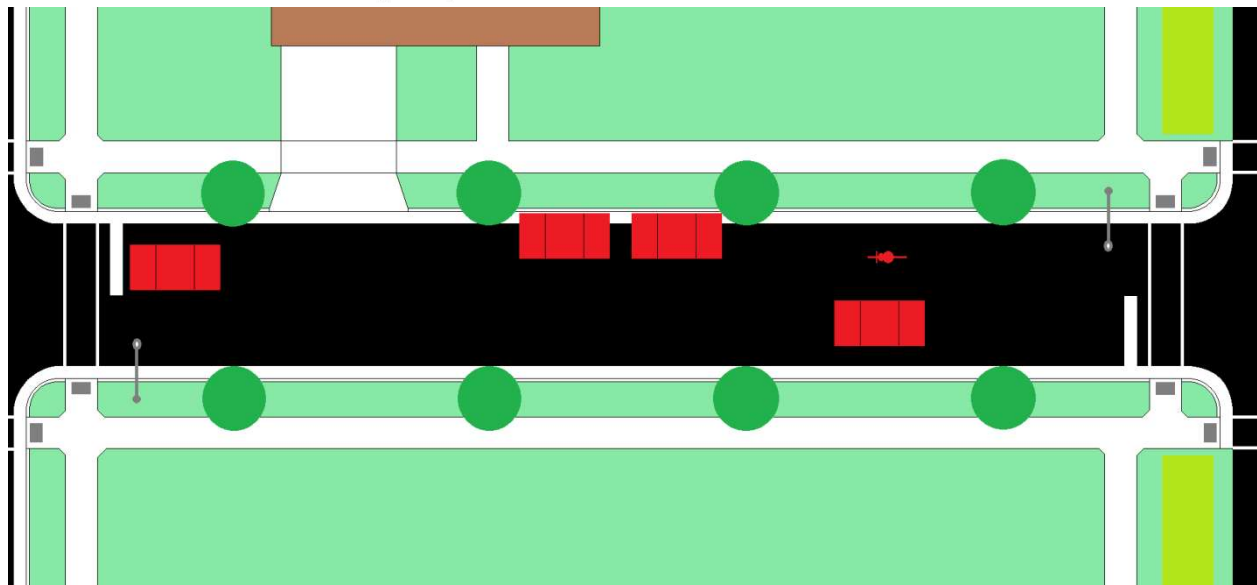
Question 10: The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Response 10: The proposed amendment would encourage developments to have smaller right-of-way widths which results in less impervious areas being developed. This will increase developable area that could be used for open space, conservation area and other environmental features. For any stream crossings, a smaller ROW width will preserve more of the existing environmental features.

RESIDENTIAL LOCAL STREET

**Residential Local Streets**

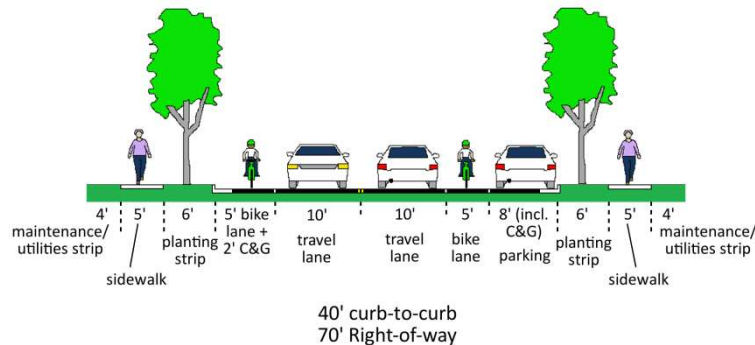
are the primary type of street found within residential neighborhoods. These are low-volume, low-speed streets, where it is appropriate for bicycles, automobiles, and parked vehicles to share space within the roadway. By default, most new residential local streets should be designed with curb and gutter, although there may be exceptions – a separate design is provided for streets without curb and gutter.

**Summary of Design Elements**

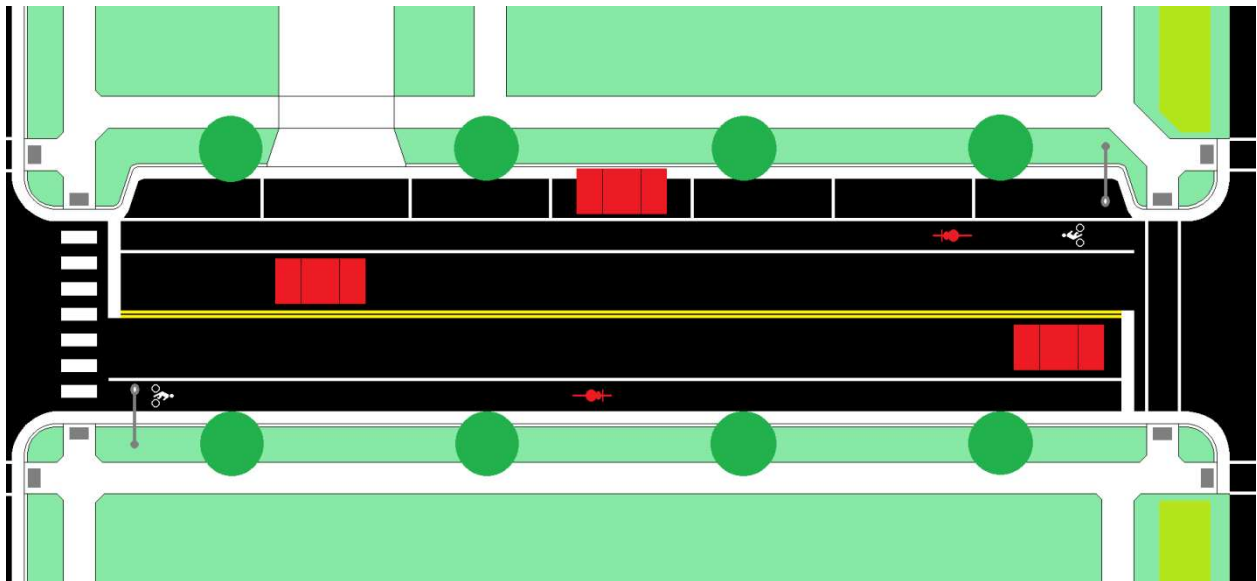
Right-of-way width	60 feet
Roadway width (face of curb to face of curb)	26 feet
Planting strip width	6 feet on each side of street
Sidewalk width	5 feet on each side of street
Maintenance/utilities strip width	6 feet on each side of street
Curb radius at intersections	5 feet recommended, 10 feet maximum
Street trees (within planting strip)	every 40 feet
Street lighting (within planting strip)	at intersections, and at least every 175 feet
Speed limit	20-25 miles per hour
Lane striping	none
Crosswalk striping	standard
On-street parking	allowed

Please see next page for information on Residential Local Streets without curb and gutter treatments.

RESIDENTIAL COLLECTOR STREET

**Residential Collector Streets**

are the streets that “collect” traffic from local streets and connect to the larger transportation network. These are medium-speed, medium-volume streets, and as such include separated lanes for motor vehicle traffic, bicycle traffic (optional as appropriate), and parked vehicles. By default, most new residential collector streets should be built with curb and gutter, although there may be exceptions – a separate design is provided for streets without curb and gutter.

**Summary of Design Elements**

Right-of-way width	70 feet
Roadway width (face of curb to face of curb)	40 feet (34 feet at crosswalk bulbouts)
Planting strip width	6 feet on each side of street
Sidewalk width	5 feet on each side of street
Curb radius at intersections	5 feet recommended, 10 feet maximum
Street trees (within planting strip)	every 40 feet
Street lighting (within planting strip)	at intersections, and at least every 175 feet
Speed limit	25-35 miles per hour
Lane striping	travel lanes, bicycle lanes (opt.), parking lane
Crosswalk striping	standard (minor crossings) or high-visibility (major crossings or poor-visibility crossings)
On-street parking	allowed on one side only (marked)

Please see next page for information on Residential Collector Streets without curb & gutter treatments.

6.21 STREETS

6.21.3 DESIGN STANDARDS – PUBLIC STREETS

6.21.3.3 Minimum ~~right of way~~ right-of-way widths ~~by public street type~~ for public streets are as follows:

~~6.21.3.3.a~~ Arterial Streets shall provide 100 feet of public right of way

~~6.21.3.3.b~~ Collector Streets shall provide 70 feet of public right of way

~~6.21.3.3.c~~ Local Streets shall provide 60 feet of public right of way

~~6.21.3.3.d~~ Cul de sacs shall provide 50 feet of public right of way

<u>Minimum Right-of-Way Widths by Public Street Type</u>	
<u>Public Street Type</u>	<u>Minimum Right-of-Way Width (ft.)</u>
<u>Arterial Street</u>	<u>100' (two-lane design) or 150' (multi-lane boulevard design)</u>
<u>Collector Street</u>	<u>70' (two-lane design) or 120' (multi-lane boulevard design)</u>
<u>Local Street</u>	<u>60'</u>
<u>Culs-de-sac</u>	<u>50'</u>

6.21.3.4 Additional street right-of-way may be required in cases ~~were~~ where underground public utilities, sidewalks, and drainage facilities cannot all be located within the minimum stated above.

6.21.3.5 The minimum right-of-way widths stated above may be reduced when on-street parking is allowed but not proposed. Proposed cross-sections and dimensional standards must be submitted to the town for review and approval of the reduction. In no case shall the right-of-way width be reduced to less than 48 feet.



Agenda Abstract

JOINT PUBLIC HEARING

Meeting Date: January 18, 2024
Department: Planning and Economic Development Division
Agenda Section: 6C
Public hearing: Yes
Date of public hearing: January 18, 2024

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment to Section 6.21.2 *Streets – Applicability* (staff-initiated)

Attachments:

1. UDO Section 6.21.2, as proposed to be amended

Summary:

This amendment clarifies requirements for new and improved streets in the town's jurisdiction. It makes clear that improved streets are also subject to this section (not just new streets). Also, it makes clear that a new or improved street within town limits must comply with both the town's standard specifications and street manual.

Comprehensive Sustainability Plan goals:

- Transportation and Connectivity Goal 1:
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.
- Strategy:
Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

Financial impacts:

None.

Staff recommendation and comments:

Hold the public hearing and offer comments, questions, and/or concerns.

Action requested:

Hold the public hearing and offer comments, questions, and/or concerns.

6.21 STREETS

6.21.2 APPLICABILITY

New or improved streets will generally be dedicated to the town or NC Department of Transportation. New or improved streets within town limits must comply with the town's standard specifications and its adopted street manual, including the submission of a Traffic Impact Analysis, if required. Private streets are generally ~~only~~ permitted only in minor subdivisions and some developments where land ownership is not defined by the vehicle circulation system (e.g., apartment complexes, shopping centers, or office parks). Allowable private streets are also regulated by this section.



Agenda Abstract

JOINT PUBLIC HEARING

Meeting Date:	January 18, 2024
Department:	Planning and Economic Development Division
Agenda Section:	6D
Public hearing:	Yes
Date of public hearing:	January 18, 2024

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment (staff-initiated):

- Table 5.1.8 *Use Table for Non-Residential Districts – Government Maintenance Yard*
- Section 9.2 *Definitions – Government Maintenance Yard*

Attachments:

1. UDO Table 5.1.8 and Section 9.2, as proposed to be amended

Summary:

Currently, the UDO requires a Special Use Permit for government maintenance yards in the Light Industrial (LI) zoning district. Staff is proposing to make the use permitted by right in the district. UDO Section 9.2 *Definitions* defines a government maintenance yard as follows:

Government Maintenance Yard: A facility owned and operated by a unit of government to park, storage (sic), repair, and stage service vehicles and repair equipment includes (sic) but not limited to transit vehicles, solid waste and street repair vehicles, utility system and park vehicles.

While a government maintenance yard requires a Special Use Permit in the Light Industrial district, comparable land uses are permitted by right, including the following as defined in Section 9.2:

- **Motor Vehicle Repair:** An establishment where automobile maintenance or service is rendered, with the addition of body work, straightening of body parts, painting, welding, temporary storage of motor vehicles not in operating condition, and major mechanical work, including engine overhaul and other major work requiring overnight storage.
- **Storage and Warehousing, Outdoor:** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours. This shall not include the display of vehicles for sale in a new or used car sales lot. Such activities may be the principal use of the land where located or an accessory use to a principal use.

The Light Industrial district is designed to support light manufacturing, research and development, and similar uses that are less intense compared to those in General Industrial (GI). A government maintenance yard is consistent with this intent and comparable to other allowable uses in the district. Staff is proposing to amend Table 5.1.8 accordingly and correct minor typos in the “government maintenance yard” definition.

Comprehensive Sustainability Plan goals:

- Land Use and Development Goal 1:
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:
Revise zoning and development regulations in accordance with the Future Land Use Plan and Future Land Use Map and water and sewer needs. Condense land use classifications.

Financial impacts:

None.

Staff recommendation and comments:

Hold the public hearing and offer comments, questions, and/or concerns.

Action requested:

Hold the public hearing and offer comments, questions, and/or concerns.

5.1 USE TABLE

5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS

P = Permitted by Right	SUP = Permitted with a Special Use Permit						PA = Permitted as accessory use				
	LO	NB	OI	CC	GC	HIC	ARU	BP	EDD	LI	GI
Flex Space						P	P	P	P	P	P
Food Preparation Business					P	P	P		P	P	P
Funeral Home	P		P	P	P	P			P		
Gallery/Museum	P	P	P	P	P	P	P				
Government Maintenance Yard			SUP						SUP	SUP P	

9.2 DEFINITIONS

Government Maintenance Yard

A facility owned and operated by a unit of government to park, storage store, repair, and stage service vehicles and repair equipment, ~~includes including~~ but not limited to transit vehicles, solid waste and street repair vehicles, and utility system and park vehicles.



Agenda Abstract

JOINT PUBLIC HEARING

Meeting Date:	January 18, 2024
Department:	Planning and Economic Development Division
Agenda Section:	6E
Public hearing:	Yes
Date of public hearing:	January 18, 2024

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment (staff-initiated):

- Section 6.5.11.3 *South Churton Non-Residential Buffer - Requirements*
- Section 6.7.11.2 *Parking and Circulation, Site Layout*
- Sections 6.13.3.1 – 6.13.3.3 *Off-Street Parking Provisions*
- Sections 6.13.9.1 – 6.13.9.2 *Off-Street Parking Design Requirements*

Attachments:

1. UDO sections listed above, amended as proposed

Summary:

This amendment is intended to clarify and consolidate off-street parking regulations. It removes portions from Sections 6.5.11 *South Churton Non-Residential Buffer* and 6.7.11 *Parking and Circulation, Site Layout*. Clarified language is then consolidated with Section 6.13.9 *Off-Street Parking Design Requirements*.

Section 6.13 *Parking, Loading, and Circulation* applies to all developments (except one- and two-family detached houses). All new non-residential and multi-family developments will be subject to off-street parking requirements under this section. The proposed amendment also includes some “housekeeping” items, including:

- Clarified rounding conventions for parking space requirements;
- General reformatting and grammatical corrections; and
- Corrections to the parking reduction/addition provision, so that smaller projects can benefit from the section as well.

Comprehensive Sustainability Plan goals:

- Transportation and Connectivity Goal 1:
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.
- Strategy:
Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

Financial impacts:

None.

Staff recommendation and comments:

Hold the public hearing and offer comments, questions, and/or concerns.

Action requested:

Hold the public hearing and offer comments, questions, and/or concerns.

6.5 BUFFERS

6.5.11 SOUTH CHURTON NON-RESIDENTIAL BUFFER

6.5.11.3 Requirements

6.5.11.3.a The South Churton buffer area shall be measured from the property edge of the South Churton Street right of way. The 1999 Feasibility Study for the widening of this facility required 100 feet of right of way for the improved South Churton Street. Any property undergoing development or significant redevelopment will need to dedicate any right of way not already secured for this project before certificates of occupancy will be issued for the property's requested improvements.

6.5.11.3.b The buffer shall be at least 30 feet wide and shall be improved with trees and landscaping consistent with Section 6.5.11.4 below.

~~**6.5.11.3.c** Immediately adjacent to the buffer, a property owner may install a paved drive aisle up to 24 feet wide OR a paved drive aisle and one row of perpendicular parking along the building frontage. The total pavement width adjacent to the buffer may not exceed 44 feet.~~

~~**6.5.11.3.d**~~ **6.5.11.3.c** New structures shall be setback at least 30 feet, but not more than 100 feet, from the edge of the right of way.

6.7 DESIGN REQUIREMENTS FOR NEW NON-RESIDENTIAL AND MULTI-FAMILY BUILDINGS

6.7.11 PARKING AND CIRCULATION, SITE LAYOUT

6.7.11.1 Applicability

This section applies to all buildings unless at least one tenant space within a building is 30,000 sf or larger. A building size equal to or exceeding 30,000 sf but divided into smaller tenant spaces, the presence of multiple buildings, multiple primary buildings, or buildings oriented in different directions does not affect applicability. If multiple buildings are considered primary, the requirements will be applied to each building to the extent that such application does not create a clear violation of these requirements for the site overall.

~~**6.7.11.2** The preferred location for parking areas is behind a line projected from the building façade. However, if needed, one row of parking and a two-lane drive aisle for vehicular circulation may be located between the primary building and the right-of-way. Parking areas shall be placed to the side or rear and behind the front façade of the primary building(s).~~

~~**6.7.11.3**~~ **6.7.11.2** Primary buildings shall be placed along the right-of-way at the front of lot or immediately behind any allowed parking or circulation areas, sidewalks, and landscape areas.

~~**6.7.11.4**~~ **6.7.11.3** On corner lots, primary buildings shall be placed along the right-of-way at front or front corner of the lot or immediately behind any allowed parking or circulation areas, sidewalks, and landscape areas.

6.13 PARKING, LOADING, AND CIRCULATION

6.13.3 OFF-STREET PARKING PROVISIONS

6.13.3.1 General

~~Each of the following uses shall provide off-street parking spaces in accordance with the table below; except for properties located in CC District-Except~~ as detailed in Section 6.13.3.2, *Minimum Number of Parking Spaces Required in the CC District*, the required number of off-street parking spaces shall be calculated using Table 6.13.3.4, *Minimum Number of Parking Spaces Required*. When a calculation results in a fraction, fractions of less than 0.5 shall be rounded down and fractions of 0.5 or more shall be rounded up. This same rounding convention applies when calculating allowable reductions or additions as detailed in this section. The term "per employee" shall mean per employee at the time the maximum number of employees ~~are~~ is present.

6.13.3.2 Minimum Number of Parking Spaces Required in the CC District

Due to the presence of on street and off-street public parking and the overlapping and walkable nature of areas zoned Central Commercial, the requirement of parking applies by square feet of building within the entire Central Commercial district rather than use by use.

In 2010, the town prepared an inventory of downtown parking. Any off-street parking shown in that inventory (Parking Study, Phase 2) should be retained by the private property owner or replaced space for space if proposed to be built over.

~~For every 500 square feet of gross floor area within the CC district, one parking space shall be provided. In the CC district, parking shall be provided at a rate of one parking space per 500 square feet of gross floor area.~~ If a property owner proposes to build additional building area or renovate space not occupied during the 2010 inventory, the owner shall provide additional parking to reflect the demand generated by the addition of occupied square footage. ~~Parking demand of 0.7 parking space or more shall be rounded up.~~

6.13.3.3 Number of Parking Spaces Required outside the CC ~~district~~ District

The following Table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. If no specific parking standard is established in this Table for a particular use, the permit issuing authority shall apply the most analogous standard. Some uses identified in this Table are not identified in the Table of Permitted Uses as specific uses. Nevertheless, parking standards for the most similar use shall apply.

6.13.3.3.a Allowable Parking Reductions and Additions

The number generated by applying the parking standard is the required number of parking spaces for a defined use, ~~-constituting This constitutes~~ both a minimum and maximum. ~~Rounding conventions shall be employed when the standard requires a fractional parking space. with the following exceptions:~~

- (a) Uses requiring ~~20 or fewer~~ 5-20 spaces after rounding are allowed to build up to ~~5% more or 5% fewer spaces if the addition or reduction does not represent a deviation of 50% or more from the standard.~~ 2 more or 2 fewer

spaces.

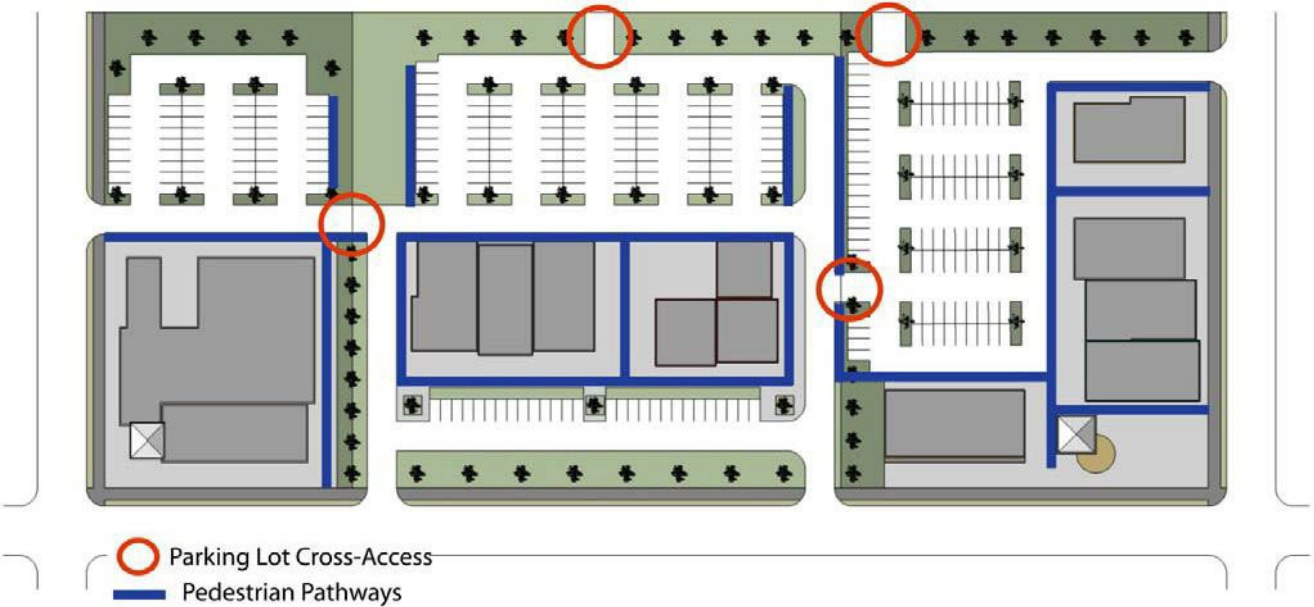
- (b) Uses requiring 21-99 spaces after rounding are allowed to build up to 5 more or 5 fewer spaces.
- (c) Uses requiring 100 spaces or more after rounding are allowed ~~flexibility~~ to build up to 10 more or 10 fewer spaces.

~~Example — a use that is required to have 10 spaces must build at least 5 and cannot build more than 15. A use requiring 25 spaces must build at least 20 but no more than 30.~~

6.13.9 OFF-STREET PARKING DESIGN REQUIREMENTS

- 6.13.9.1 ~~Except as permitted consistent with Section 6.5.10, South Churton Non-Residential Buffer, parking shall be placed at the side or rear of the lot and screened from view consistent with landscaping requirements and screening requirements in this section. One row of parking spaces and one drive aisle, which together shall not exceed 44 feet in width, may be located between the primary building(s) and the street right-of-way. All other off-street parking areas shall be located to the side or rear of the primary building(s) behind the front façade(s).~~
- 6.13.9.2 ~~Except as otherwise allowed under subsection 6.13.9.1, Visual-~~ visual impact of parking areas shall be reduced by locating the parking areas away from rights-of-way.
- 6.13.9.3 Surface parking shall not be located at street corners.
- 6.13.9.4 Parking areas shall be broken up into groups of no more than 14 contiguous spaces separated by landscaped areas. Parking areas shall be divided into a series of lots that are interconnected but separated by planted areas.
- 6.13.9.5 Adjacent parking lots shall be connected by cross access easements to provide shared parking areas whenever possible.
- 6.13.9.6 Off street parking shall not be located along any street frontage that also has on- street parking.
- 6.13.9.7 All off-street parking spaces, vehicle accommodation areas, and access areas shall be surfaced with an all-weather paving material, such as asphalt, and maintained in a safe, sanitary, and neat condition. The use of innovative and pervious surfaces for the use of parking is encouraged. Parking is not permitted on landscaped areas.
- 6.13.9.8 Off-street parking spaces shall be designed to prevent interference of parked vehicles with travel lanes, walkways, public property, or other private property by means of walls, curbs, wheel stops, or other appropriate means.
- 6.13.9.9 All parking areas shall be properly maintained by the owner of the property.

Figure 6-9: Off-Street Parking Design Requirements



6.13.9.10 See Section 6.10 for Landscaping (Parking Lot).