



Minutes

Board of Commissioners Work Session

7 p.m. Oct. 28, 2024

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

Present: Mayor Mark Bell and commissioners Robb English, Kathleen Ferguson, Matt Hughes and Evelyn Lloyd

Absent: Commissioner Meaghun Darab (remote)

Staff: Planning and Economic Development Manager Shannan Campbell, Assistant Town Manager and Community Services Director Matt Efird, Budget and Management Analyst Josh Fernandez, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Town Manager Eric Peterson, Senior Communications Specialist Cheryl Sadgrove and Public Space and Sustainability Manager Stephanie Trueblood

1. Opening of the work session

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

2. Agenda changes and approval

Add Item 8A – Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigation)

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as amended. Commissioner Evelyn Lloyd seconded.

Vote: 4-0.

3. Presentations

A. Completion of 2024 Government 101

Senior Communications Specialist Cheryl Sadgrove shared highlights and photos from the 2024 program. Participants who attended at least five of the seven sessions received a certificate from the town manager and mayor.

B. Arts and Economic Prosperity sixth annual study findings

Orange County Arts Commission Director Katie Murray presented highlights from the study. The Town of Hillsborough paid \$1,500 to Americans for the Arts to be a partner in the study and another \$1,665 for a joint survey coordinator to assist the towns and county in collecting more survey data.

Murray noted that:

- The study indicates that performing artists need practice space.
- Nonprofit art centers bring in people who spend money in the community, and hosting an event involves a lot of risk.
- Public support is now more important because private funding is declining.
- Hillsborough is a town that supports the arts.

4. Appointments

- A. Historic District Commission – Reappointment of Will Senner for a term expiring Oct. 31, 2027

Motion: Ferguson moved to approve the reappointment. Lloyd seconded.

Vote: 4-0.

5. Items for decision - consent agenda

- A. Miscellaneous budget amendments and transfers
B. Proclamation – Operation Green Light for Veterans
C. East Village at Meadowlands (Auman Village) request for development approval extension

Motion: Ferguson moved to approve all items on the consent agenda. Lloyd seconded.

Vote: 4-0.

6. In-depth discussion and topics

- A. Update from Commissioner Matt Hughes

Commissioner Matt Hughes made a statement to the board and public in light of his second charge in Orange County for driving while impaired. He shared that he recently had an incident involving alcohol and law enforcement and has been struggling with mental health issues and alcohol use disorder. He apologized to the board and said he is committed to sobriety and improving his mental health.

Mayor Mark Bell noted that North Carolina statutes do not give town boards the authority to remove a commissioner and that an official censure from the board would be premature at this time because Hughes' court case has not yet been heard.

The commissioners each made a statement noting the seriousness of driving while intoxicated, the importance of staying committed to mental health wellness and substance abuse treatment, and appreciation for Hughes' public statement and contributions as a commissioner. Commissioners also urged Hughes to take time away from the board to focus on his sobriety.

- B. Unified Development Ordinance text amendment to Section 5.2.8: Dwelling, Accessory (applicant-initiated)
Planning and Economic Development Manager Shannan Campbell summarized the text amendment, which was requested by a homeowner who lives on a private street and would like to build a detached accessory dwelling unit.

The Unified Development Ordinance previously had been amended to allow attached units to be built on private streets because the board didn't see substantial difference between adding a structure and adding a bedroom and bathroom to an existing home.

Planning staff have made revisions to the draft text amendment to require:

- A platted, deeded public utility easement.
- Upsizing of utility lines if necessary.
- Conformation to the town's design standards for private streets.

Campbell said the town has about 8 to 12 private streets. The Planning Board recommended approving the amendment with the revisions.

Natalie Dolgireff, who requested the amendment, addressed the board. She said the private portion of Daphne Drive meets the town's street standards. She said permitting an accessory dwelling if a breezeway

were built to technically attach the unit to the main house doesn't make sense. She would like to build a freestanding unit.

Bell noted and the town attorney confirmed that Commissioner Meaghun Darab could participate in the conversation but couldn't vote because she was remote.

Commissioners expressed interest in supporting the building of accessory dwelling units and in avoiding creating additional barriers. They expressed concern that the utilities easement requirement may be a barrier. It was noted that the language "if necessary" may be vague for determining when utilities lines need to be upsized.

Motion: Ferguson moved to approve the text amendment with staff recommendations. Commissioner Robb English seconded.

Vote: 3-1 (nay = Hughes)

C. U.S. 70 bypass safety concerns

Public Space and Sustainability Manager Stephanie Trueblood noted that there have been concerns about safety on this road and that a teenager was fatally struck while walking along the road earlier this fall.

Trueblood summarized the town's recommendations since 2007 for safety improvements on the stretch of highway in the town limits. She said the board has a Vision Zero policy to eliminate traffic fatalities and serious injuries by 2040. The presentation was included in the agenda packet and includes information from the North Carolina Department of Transportation on fatal and serious injury crash locations along the corridor.

Trueblood said the town may want to ask the state to reduce the speed limit on U.S. 70 inside town limits. The speed limit is 45 miles per hour. The town has expressed interest in shared-use paths, paved greenways in rights of way separated from roads. There is no secured funding or schedule for improvements to the section of U.S. 70 within town.

The mayor suggested adding information to the town website on the complexity of sidewalk projects.

No action was taken.

7. Committee updates and reports

No updates were given.

Motion: Ferguson moved to enter closed session. English seconded.

Vote: 4-0.

8. Closed session (added item)

- A. Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigation)

Motion: Ferguson moved to return to open session. Hughes seconded.

Vote: 4-0.

9. Adjournment

The mayor adjourned the meeting at 10:09 p.m.

Respectfully submitted,

Sarah Kimrey
Town Clerk
Staff support to the Board of Commissioners

DRAFT

FY 2024-2025

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 10/28/2024 TO 10/28/2024

REFERENCE	CHANGE NUMBER	DATE	USER	ORIGINAL BUDGET	BUDGET CHANGE	AMENDED BUDGET
GF Contingency 10-00-9990-5300-000 CONTINGENCY						
Adj per FY24 PO roll forwards	45662	10/28/2024	EBRADFORI	450,000.00	30,713.35	386,596.35
Gov. Body 10-10-4100-5500-970 SERVICE CHARGE - W&S FUND						
Adj per FY24 PO roll forwards	45649	10/28/2024	EBRADFORI	-146,370.00	-1,233.00	-147,603.00
Gov. Body 10-10-4100-5500-980 SERVICE CHARGE - STORMWATER FUND						
Adj per FY24 PO roll forwards	45650	10/28/2024	EBRADFORI	-5,849.00	-55.00	-5,904.00
Admin. 10-10-4200-5500-970 SERVICE CHARGE - W&S FUND						
Adj per FY24 PO roll forwards	45651	10/28/2024	EBRADFORI	-459,439.00	-3,727.00	-463,166.00
Admin. 10-10-4200-5500-980 SERVICE CHARGE - STORMWATER FUND						
Adj per FY24 PO roll forwards	45652	10/28/2024	EBRADFORI	-18,377.00	-150.00	-18,527.00
Comms 10-10-4600-5500-970 COST ALLOCATION - W&S FUND						
Adj per FY24 PO roll forwards	45653	10/28/2024	EBRADFORI	-192,361.00	-2,132.00	-194,493.00
Comms 10-10-4600-5500-980 COST ALLOCATION - STORMWATER FUND						
Adj per FY24 PO roll forwards	45654	10/28/2024	EBRADFORI	-7,694.00	-86.00	-7,780.00
Facilities Mgmt. 10-10-5000-5500-970 SERVICE CHARGE - W&S FUND						
Adj per FY24 PO roll forwards	45655	10/28/2024	EBRADFORI	-194,563.00	-10,613.00	-205,176.00
Facilities Mgmt. 10-10-5000-5500-980 SERVICE CHARGE - STORMWATER FUND						
Adj per FY24 PO roll forwards	45656	10/28/2024	EBRADFORI	-114,969.00	-6,271.00	-121,240.00
IT 10-10-6610-5500-970 SERVICE CHARGE - W&S FUND						
Adj per FY24 PO roll forwards	45659	10/28/2024	EBRADFORI	-614,530.00	-34,251.00	-648,781.00
IT 10-10-6610-5500-980 SERVICE CHARGE - STORMWATER FUND						
Adj per FY24 PO roll forwards	45660	10/28/2024	EBRADFORI	-24,581.00	-1,370.00	-25,951.00
Police 10-20-5100-5300-310 GASOLINE						
To cover Southern Software invoice.	45641	10/28/2024	JFernandez	77,380.00	-25.00	77,355.00
Police 10-20-5100-5300-424 C.S./SANCT.DIGITAL-S. SOFTWARE						
To cover Southern Software invoice.	45642	10/28/2024	JFernandez	1,274.00	25.00	1,299.00
Fleet Maint. 10-30-5550-5500-970 SERVICE CHARGE - W&S FUND						
Adj per FY24 PO roll forwards	45657	10/28/2024	EBRADFORI	-243,475.00	-5,175.00	-248,650.00
Fleet Maint. 10-30-5550-5500-980 SERVICE CHARGE - STORMWATER FUND						
Adj per FY24 PO roll forwards	45658	10/28/2024	EBRADFORI	-5,367.00	-74.00	-5,441.00
Special Approp. 10-60-6900-5350-621 SERVICE CHARGE - UTILITIES ADMIN						
Adj per FY24 PO roll forwards	45661	10/28/2024	EBRADFORI	150,000.00	34,423.65	184,423.65
WSF Transfers Out 30-71-5972-5972-002 TRANSFER TO WATER SDF RESERVE FUND						
To budget Water SDFs	45645	10/28/2024	EBRADFORI	0.00	23,995.00	23,995.00
WSF Transfers Out 30-71-5972-5972-003 TRANSFER TO SEWER SDF RESERVE FUND						
To budget Sewer SDFs	45646	10/28/2024	EBRADFORI	0.00	22,162.00	22,162.00
WSF Revenues 30-80-3500-3523-002 WATER SYSTEM DEVELOPMENT FEES						
To budget Water SDFs	45643	10/28/2024	EBRADFORI	0.00	23,995.00	23,995.00
WSF Revenues 30-80-3500-3525-002 SEWER SYSTEM DEVELOPMENT FEES						
To budget Sewer SDFs	45644	10/28/2024	EBRADFORI	0.00	22,162.00	22,162.00
Admin. of Enterprise 30-80-7200-5300-041 ATTORNEY FEES						
To cover attorney fees	45682	10/28/2024	EBRADFORI	17,000.00	30,000.00	47,000.00
Admin. of Enterprise 30-80-7200-5350-610 SERVICE CHARGE - GOVERNING BODY						
JFernandez		10/21/2024	7:55:53PM			

FY 2024-2025

TOWN OF HILLSBOROUGH
BUDGET CHANGES REPORT

DATES: 10/28/2024 TO 10/28/2024

REFERENCE	CHANGE NUMBER	DATE	USER	ORIGINAL BUDGET	BUDGET CHANGE	AMENDED BUDGET	
Adj per FY24 PO roll forwards	45663	10/28/2024	EBRADFORI	146,370.00	1,233.00	147,603.00	
Admin. 30-80-7200-5350-611 SERVICE CHARGE - ADMINISTRATION of Enterprise	Adj per FY24 PO roll forwards	45664	10/28/2024	EBRADFORI	459,440.00	3,726.00	463,166.00
Admin. 30-80-7200-5350-613 SERVICE CHARGE - FLEET MAINTENANCE of Enterprise	Adj per FY24 PO roll forwards	45666	10/28/2024	EBRADFORI	243,476.00	5,174.00	248,650.00
Admin. 30-80-7200-5350-614 SERVICE CHARGE - FACILITY MGMT of Enterprise	Adj per FY24 PO roll forwards	45669	10/28/2024	EBRADFORI	194,564.00	10,612.00	205,176.00
Admin. 30-80-7200-5350-616 SERVICE CHARGE - INFORMATION TECH of Enterprise	Adj per FY24 PO roll forwards	45667	10/28/2024	EBRADFORI	614,531.00	34,250.00	648,781.00
Admin. 30-80-7200-5350-623 SERVICE CHARGE - COMMUNICATIONS of Enterprise	Adj per FY24 PO roll forwards	45665	10/28/2024	EBRADFORI	192,361.00	2,132.00	194,493.00
Utilities Admin. 30-80-7220-5500-990 SERVICE CHARGE - GENERAL FUND	Adj per FY24 PO roll forwards	45668	10/28/2024	EBRADFORI	-150,000.00	-34,423.65	-184,423.65
WTP 30-80-8120-5300-330 SUPPLIES - DEPARTMENTAL	To cover software support renewal for SC	45684	10/28/2024	JFernandez	5,000.00	-1,630.00	3,370.00
WTP 30-80-8120-5300-458 DATA PROCESSING SERVICES	To cover software support renewal for SC	45685	10/28/2024	JFernandez	1,000.00	1,630.00	2,630.00
WW Collect. 30-80-8200-5300-080 TRAINING/CONF./CONV.	To cover NASSCO recertification.	45640	10/28/2024	JFernandez	5,000.00	1,500.00	6,500.00
WW Collect. 30-80-8200-5300-416 C.S./ROOT CONTROL SERVICE	To cover NASSCO recertification.	45639	10/28/2024	JFernandez	17,000.00	-1,500.00	15,500.00
WSF Contingency 30-80-9990-5300-000 CONTINGENCY	Adj per FY24 PO roll forwards	45670	10/28/2024	EBRADFORI	400,000.00	-22,703.35	219,810.65
	To cover attorney fees	45683	10/28/2024	EBRADFORI	400,000.00	-30,000.00	189,810.65
SW Contingency 35-30-5900-5300-000 CONTINGENCY	Adj per FY24 PO roll forwards	45677	10/28/2024	EBRADFORI	25,000.00	-8,000.00	17,000.00
Storm-Water 35-30-5900-5350-610 SERVICE CHARGE - GOVERNING BODY	Adj per FY24 PO roll forwards	45671	10/28/2024	EBRADFORI	5,850.00	54.00	5,904.00
Storm-Water 35-30-5900-5350-611 SERVICE CHARGE - ADMINISTRATION	Adj per FY24 PO roll forwards	45672	10/28/2024	EBRADFORI	18,378.00	149.00	18,527.00
Storm-Water 35-30-5900-5350-613 SERVICE CHARGE - FLEET MAINTENANCE	Adj per FY24 PO roll forwards	45675	10/28/2024	EBRADFORI	5,368.00	73.00	5,441.00
Storm-Water 35-30-5900-5350-614 SERVICE CHARGE - FACILITY MGMT	Adj per FY24 PO roll forwards	45674	10/28/2024	EBRADFORI	114,970.00	6,270.00	121,240.00
Storm-Water 35-30-5900-5350-616 SERVICE CHARGE - INFORMATION TECH	Adj per FY24 PO roll forwards	45676	10/28/2024	EBRADFORI	24,582.00	1,369.00	25,951.00
Storm-Water 35-30-5900-5350-623 SERVICE CHARGE - COMMUNICATIONS	Adj per FY24 PO roll forwards	45673	10/28/2024	EBRADFORI	7,695.00	85.00	7,780.00
Restr. Revenue 72-00-5100-3301-052 RESTRICTED REV-ABC BOARD GRANT	Allocate FY25 Q2 ABC Board payment.	45647	10/28/2024	JFernandez	27,157.85	3,500.00	34,157.85
Restr. Revenue 72-00-5100-3301-057 RESTRICTED REV-BULLETPROOF VEST PAR	Est budget for grant funds	45680	10/28/2024	EBRADFORI	0.00	1,875.41	1,875.41
Restr. Revenue 72-20-5100-5300-052 ABC BOARD EXPENDITURES							
JFernandez		10/21/2024	7:55:53PM				
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FY 2024-2025

**TOWN OF HILLSBOROUGH
 BUDGET CHANGES REPORT
 DATES: 10/28/2024 TO 10/28/2024**

<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
Allocate FY25 Q2 ABC Board payment.	45648	10/28/2024	JFernandez	27,157.85	3,500.00	34,157.85
Restr. 72-20-5100-5300-368 BULLETPROOF VEST PARTNERSHIP EXPEND						
Revenue Est budget for grant funds	45681	10/28/2024	EBRADFORI	0.00	1,875.41	1,875.41
					<u>103,064.82</u>	

APPROVED: 4/0

DATE: 10/28/24

VERIFIED: _____

Sam E. Kimrey

DRAFT



PROCLAMATION

Supporting Operation Green Light for Veterans

WHEREAS, the people of Hillsborough respect, admire, and appreciate the individuals who selflessly have served the United States of America in the armed forces by placing themselves in challenging or perilous situations; and

WHEREAS, the contributions and sacrifices of those individuals who served in the armed forces have been vital in maintaining the freedoms and ways of life that we enjoy in our local communities; and

WHEREAS, Operation Green Light is a nationwide initiative to support veterans and raise awareness about the challenges many veterans face in accessing benefits and services; and

WHEREAS, approximately 70 percent of veterans experiencing homelessness also experience substance use disorders and 50 percent live with mental illnesses such as post-traumatic stress disorder; and

WHEREAS, studies indicate that 44 to 72 percent of service members experience high levels of stress during transition from military to civilian life and that active service members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, veterans continue to serve our communities in the American Legion, Veterans of Foreign Wars, religious groups, community organizations, and civil service and as county veteran service officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability, and compensation benefits each year; and

WHEREAS, Town of Hillsborough veterans include Mayor Mark Bell (U.S. Naval Reserve), Police Officer 1st Class Curry Hall (U.S. Army), Meter Reader Supervisor Tyrone Hodge (U.S. Army), and Police Officer 1st Class Matthew Lorenson (U.S. Marine Corps); and

WHEREAS, the Town of Hillsborough seeks to join other communities through Operation Green Light for Veterans to shine a light on the plight of veterans across the country who are having a hard time connecting with benefits after serving their country;

NOW, THEREFORE, I, Mark Bell, mayor of the Town of Hillsborough, do hereby proclaim the week of Nov. 4-11, 2024, which includes Veterans Day on Nov. 11, to be a time to honor the service and sacrifice of individuals in uniform transitioning from active service;

FURTHERMORE, in observance of Operation Green Light for Veterans, the Hillsborough Board of Commissioners encourages community members to show their support for veterans by displaying a green light in a window of their place of business or residence from Nov. 4 through Nov. 11.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 28th day of October in the year 2024.



Mark Bell

Mark Bell, Mayor
Town of Hillsborough

**HILLSBOROUGH BOARD OF COMMISSIONERS
Consistency Statement per Section 160D-605(a)**

**Applicant-Initiated Text Amendment Request Regarding
Free-standing Accessory Dwelling Units on Private Streets**

October 28, 2024

The Town of Hillsborough Board of Commissioners has received and reviewed an application from residents Natalie Dolgireff and Armand Roth to amend the Unified Development Ordinance as follows:

Amend UDO §5.2.8 (Dwelling, Accessory) to allow freestanding (detached) accessory dwelling units on private streets.

After deliberation on the applicant's proposal and on Planning staff's suggested edits, the Hillsborough Board of Commissioners has determined that Planning staff's version of the proposed text amendment **is** consistent with the Town of Hillsborough's Comprehensive Sustainability Plan (CSP) because it **supports** the following 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: Ensure that land use and development regulations are aligned with preferred future land use and growth patterns.
- Town Government and Public Services Goal 2: Adopt local laws, regulations, and policies that help to achieve sustainable and equitable outcomes.
 - Strategy: Develop and adopt policies that help accomplish town goals.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 28th day of October in the year 2024.

Ayes: 3

Noes: 1

Absent or excused: 1





Sarah E. Kimrey, Town Clerk



ORDINANCE

Amending the Town of Hillsborough Unified Development Ordinance Sections 5.2.8, *Dwelling, Accessory* and 6.21.4, *Design Standards – Private Streets*

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Unified Development Ordinance Section 5.2.8, *Dwelling, Accessory* and Section 6.21.4, *Design Standards – Private Streets*, as attached hereto.
- Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 28th day of October in the year 2024.

Ayes: 3
Noes: 1
Absent or excused: 1





Sarah E. Kimrey, Town Clerk

5.2 USE-SPECIFIC STANDARDS

5.2.8 DWELLING, ACCESSORY

The following sections are provided to create opportunities for a diversity of housing stock within town. A dwelling unit must contain sleeping, cooking, and bathroom facilities. Guest quarters or suites that do not contain all three types of facilities are not dwelling units and are not reviewed in this section.

5.2.8.1 Accessory dwelling units in freestanding structures

New or existing accessory buildings may be used as dwelling units in addition to the principal dwelling unit in the R-10, R-15, and R-20 districts, subject to the following conditions:

- 5.2.8.1.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.
- 5.2.8.1.b The lot has direct access to a public street or a private street that conforms with the requirements for private streets in UDO Section 6.21.4, *Design Standards – Private Streets* and the Town of Hillsborough Street Manual.
- 5.2.8.1.c One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- 5.2.8.1.d The structure containing the accessory dwelling must meet the applicable primary building setbacks established in Table 6.3.1, *Dimensional Requirements – residential* OR Section 7.5.3, *Non-conforming lot setback requirements*. The existing, primary dwelling may be non-conforming in regard to building setbacks required in the zoning district. The setback provision in Section 9.1.5.2.c of this ordinance is available for an accessory building containing a dwelling unit.
- 5.2.8.1.e An accessory dwelling unit in a freestanding structure shall be located to the side or rear of the primary dwelling and behind the primary dwelling's front façade.
- 5.2.8.1.f All structures containing dwellings are connected to municipal water and sewer service.
- 5.2.8.1.g The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area and/or height of the principal dwelling unit.
- 5.2.8.1.h The accessory unit is constructed to the state building code for one- and two-family dwellings (i.e., is not a manufactured home).
- 5.2.8.1.i There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.1.j The application materials indicate storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- 5.2.8.1.k A platted, deeded public utility easement shall be required and existing utility lines shall be upsized if deemed necessary by the Utilities Department.

5.2.8.1.i Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

5.2.8.2 Accessory dwelling units within a principal single-family dwelling

Accessory dwelling units may be located within a principal single-family dwelling in any zoning district, subject to the following conditions:

5.2.8.2.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.

5.2.8.2.b The lot has direct access to a public street or a private street that conforms with the requirements for private streets in UDO Section 6.21.4, *Design Standards – Private Streets* and the Town of Hillsborough Street Manual.

5.2.8.2.c One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.

5.2.8.2.d Both dwellings are connected to municipal water and sewer service.

5.2.8.2.e The accessory dwelling unit shall not exceed fifty (50) percent of the gross floor area of the principal dwelling unit or 1,000 square feet in gross floor area, whichever is greater. In no case shall the accessory dwelling unit exceed the gross floor area of the principal dwelling unit.

5.2.8.2.f The accessory dwelling unit must have its own exterior access. Any interior access to the principal dwelling must be lockable from both dwellings.

5.2.8.2.g There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.

5.2.8.2.h The application materials indicated storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.

5.2.8.2.i A platted, deeded public utility easement shall be required and existing utility lines shall be upsized if deemed necessary by the Utilities Department.

5.2.8.2.j Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

6.21 STREETS

6.21.4 DESIGN STANDARDS - PRIVATE STREETS

- 6.21.4.1** Any private street within a non-residential or multi-family development must meet the design standards for town public streets.
- 6.21.4.2** Any private street within a minor residential subdivision must be designed in compliance with the North Carolina Fire Prevention Code, which generally requires a twenty-foot wide improved travel way. Associated drainage facilities must be located in the right of way. Underground utilities may be located within the street right of way or in a separate utility easement. Factors such as the length and alignment of the street and the use of sprinklers in individual buildings may impact the travel way or right of way required by the North Carolina Fire Prevention Code.
- 6.21.4.3** A private street within a minor residential subdivision may be required to provide a right of way of fifty (50) feet if the land and lots are arranged to allow the potential conversion of the street to a public street. If the lot arrangement, surrounding development pattern, zoning, and existing town plans indicate conversion is unlikely, the permit issuing authority may allow a private street to reduce the right of way width to no less than 18 feet.
- 6.21.4.4** Lots for single-family detached dwellings may be created with access to a private street provided that:
- 6.21.4.4.a** No more than four (4) lots may have their sole access to the private street.
 - 6.21.4.4.b** A new private street shall not be an extension of any existing public or private street.
 - 6.21.4.4.c** A new private street shall not be aligned with an existing public street in such a way as may interfere with any planned extension of the public street.
- 6.21.4.5** The intent of this subsection is primarily to allow the creation of not more than four (4) lots with frontage on a private street for single-family development. Therefore, the Town may not approve any project served by a private street authorized by this subsection in which one (1) or more of the lots thereby created is intended for:
- 6.21.4.5.a** Two-family or multi-family residential use, or
 - 6.21.4.5.b** Any other residential use or nonresidential use that would tend to generate more traffic than that customarily generated by four (4) single-family residences with one accessory dwelling unit each.
- 6.21.4.6** To ensure that the intent of this subsection is not subverted, the Town may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential development served by a private street be smaller than the permissible size of lots on which two-family or multi-family developments could be located, or that restrictive covenants limiting the use of the subdivided property in accordance with this section be recorded before final plat approval.
- 6.21.4.7** No final plat that shows lots served by private streets may be recorded unless the final plat contains the following notation:
"Further subdivision of any lot shown on this plat as served by a private street maybe prohibited by the Town of Hillsborough *Unified Development Ordinance*."

6.21.4.8 The recorded plat of any development that includes a private street shall clearly state that such street is a private street and must be accompanied by a private street maintenance agreement that is also recorded.

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