



ORDINANCE

Amending the Unified Development Ordinance of the Town of Hillsborough

The Hillsborough Board of Commissioners ordains the following amendments:

6.5.7 SPECIAL CIRCUMSTANCES BASED ON ADJACENT CONDITIONS

- 6.5.7.1** Where the buffer required between a land use and vacant land turns out to be greater than that buffer which is required between the first use and the subsequently developed use, the subsequent use may provide one-half (.5) of the required buffer. The existing use may expand its use into the original buffer area, provided the resulting total buffer between the two uses meets the buffer requirements of Table 6.5.10.
- 6.5.6.2.** When a parcel to be developed is adjacent to an Interstate or railroad right of way, a 100-foot undisturbed buffer shall be provided along the adjacent property line, regardless of the requirement in Table 6.5.10. This buffer shall be planted to meet the standard of a Type D buffer if the existing vegetation does not meet that standard.

Exceptions to this requirement are as follows:

- 6.5.7.2.a** If an existing public road separates the parcel where development is proposed from an Interstate or railroad right of way, no buffer shall be required. This section applies to constructed public roads, regardless of where the road right of way exists in relation to the railroad or Interstate right of way.
- 6.5.7.2.b** If the applicant property is the redevelopment of an existing parcel with a platted land use buffer from a previous development code, the maintenance of that previously required buffer shall be taken to satisfy the Type D buffer.
- 6.5.7.2.c** If the applicant property is of an existing single-family parcel where a land use buffer was not shown on the recorded plat creating the parcel, the Type D buffer will not be required.
- 6.5.7.2.d** *If the applicant property is the development or redevelopment of a train station, passenger platform, walkways or other related items to serve rail or transit passengers such as parking, maintenance, or loading of the railroad the 100-foot buffer standards do not apply.*

- 6.5.7.3.** When a non-residential parcel is adjacent to a street classified as arterial or collector, no buffer shall be required along the street frontage, regardless of the requirement in Table 6.5.10, unless modified by the permit-issuing authority.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 12th day of December in 2022.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk