

ATTACHMENT A

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE TO MAKE THE NTA
BUFFER STANDARDS APPLICABLE TO PROPERTIES THAT ARE ANNEXED AFTER
SEPTEMBER 1, 2002**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that a public hearing be set for November 19, 2002 on "An Ordinance Amending the Carrboro Land Use Ordinance to Apply the Northern Transition Areas Buffer Standards to Properties Within That Area That Are Annexed After September 1, 2002."

BE IT FURTHER RESOLVED that the draft ordinance be referred to Orange County for review per the Joint Planning Agreement and to the Planning Board and Transportation Advisory Board for comment and recommendations to the Board.

This is the 8th day of October in the year 2002.

Section 15-269 Buffers in Northern Transition Area (AMENDED 05/25/99)

(a) The Board finds that:

1. Soil and pollutants carried overland, primarily from roads, trails and land disturbing activities, can be effectively trapped by leaving a relatively undisturbed strip of vegetation parallel and adjacent to the watercourse.
2. Properly managed overland water flow can be directed into this buffer in a manner that will reduce velocity and cause dispersion of the water.
3. Sediments and associated pollutants carried by the water will settle out as a result of this slowing and dispersion process.

(b) For purposes of this section, the term "Northern Transition Area" shall mean the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement.

(c) Development on lots within the Northern Transition Area shall, if any of the watercourses identified below are located in whole or in part within the lots so developed, contain a designated buffer area adjacent to such watercourses. The buffer area boundaries shall be demarcated by a line connecting the points on either side of the watercourse located as follows:

1. Bolin Creek and Tributaries (permanent streams flowing into Bolin Creek) as shown on the Northern Transition Area Stream Buffer Map on file in the Carrboro Planning Department, which map is incorporated herein by reference. Measure along a line running perpendicular to the edges of the floodplain (or if no floodplain has been demarcated, the center of the stream) one hundred (100) feet from the edge of the floodplain (or if no floodplain has been demarcated, from the edge of the water) plus an additional distance equal to

$$4 \times \text{slope} \times 100$$

where slope is expressed as a percentage derived from dividing by 100 the rise of elevation between the floodplain boundary line (or if no floodplain has been demarcated, the edge of the water) and a point one hundred (100) feet from that point along the perpendicular line described above.

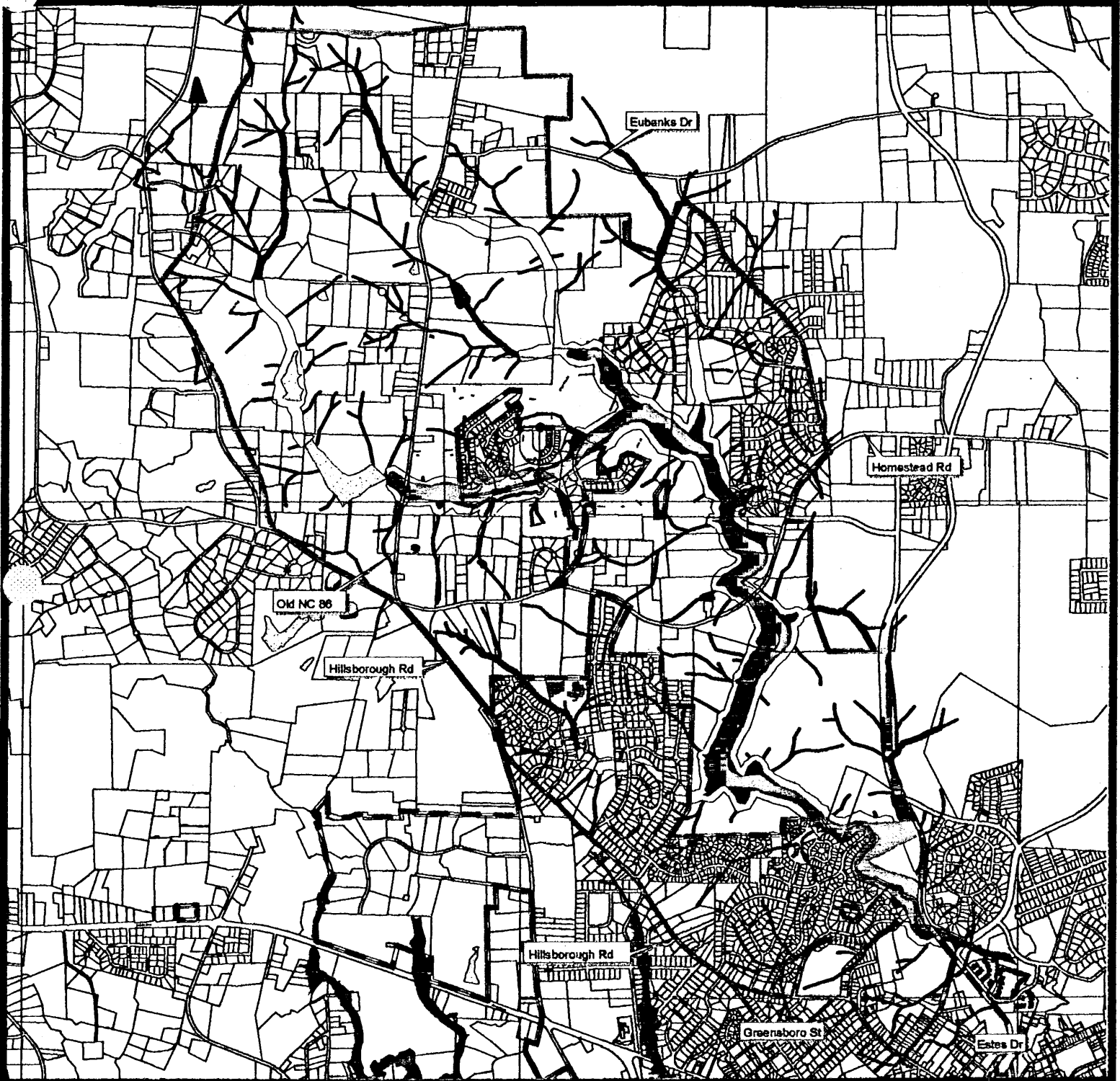
2. Intermittent streams flowing into Bolin Creek and its tributaries as shown on the Northern Transition Area Stream Buffer Map. Measure along a line running perpendicular to and sixty (60) feet from the center of the intermittent stream.
3. Minor intermittent streams as shown on the Northern Transition Area Stream Buffer Map. Measure along a line running perpendicular to and thirty (30) feet from the center of the minor intermittent stream.

(d) Subject to subsection (e), the existing natural vegetation in a buffer area designated in accordance with this section shall not be disturbed in any way that would reduce the buffer area's effectiveness in achieving the objectives set forth in subsection (a). In addition, buffer areas from which the vegetative cover does not exist, has been removed, or is inadequate shall be planted or otherwise provided with vegetative cover or devices, sufficient to allow the buffer area to accomplish the objectives set forth in subsection.

(e) Notwithstanding the foregoing provisions, the permit issuing authority may authorize the crossing of a designated buffer area by a street, bikeway, sidewalk, water or sewer line or pump station under the circumstances specified in Subsection 15-184(g). In addition, the permit issuing authority may authorize sewer lines to be constructed within buffer areas designated under this section under circumstances where such location is practicably unavoidable if

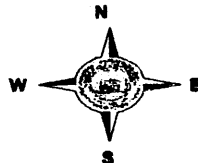
the subject property is to be served under the provisions of Section 15-238(c) and an alternate design would result in greater damage to the environment, so long as such sewer line is located to the extent practicable at least twenty-five feet from the edge of any stream bank.

NORTHERN TRANSITION AREA STREAM BUFFER MAP



1983 North Carolina Coordinate System (NCCS)
North American on Datum 1983

Scale: NTS



"THIS MAP IS NOT A CERTIFIED
SURVEY AND NO RELIANCE MAY
BE PLACED ON ITS ACCURACY"

Map of Cary, NC
Scale: 1" = 100'
Date: 10/11/11
10/11/11

This map was prepared for the
Town of Cary, North Carolina, by
the Town of Cary, North Carolina,
Planning and Zoning Department.
The map shows the location of the
Northern Transition Area, as defined
by the Town of Cary, North Carolina,
Planning and Zoning Department.
The map also shows the location of
the Carboro City Limits, as defined
by the Town of Cary, North Carolina,
Planning and Zoning Department.
The map was prepared for the
Town of Cary, North Carolina, by
the Town of Cary, North Carolina,
Planning and Zoning Department.

Legend

- BUFFER AREAS**
- Flood Plain
 - Floodway with 60' Buffers
 - Major Streams & Flood Plain 100' + 4% Slope Buffers
 - Intermittent Streams - 60' Buffers
 - Minor Intermittent Streams - 30' Buffers

- OTHER FEATURES**
- Transition Area
 - Property Lines
 - Carboro City Limits
 - Carboro's ETJ
 - Small Area Plan Study Area

ATTACHMENT D

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO APPLY THE NORTHERN TRANSITION AREA BUFFER STANDARDS TO PROPERTIES WITHIN THAT AREA THAT ARE ANNEXED AFTER SEPTEMBER 1, 2002

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection (b) of Section 15-269 (“Buffers in Northern Transition Area”) of the Carrboro Land Use Ordinance is amended to read as follows:

- (b) For purposes of this section, the term “Northern Transition Area” shall mean not only the Transition Area portion of the Carrboro Joint Development Review Area as identified in the Joint Planning Agreement, but also any properties that were within this Transition Area as of September 1, 2002 but that are effectively removed from the Transition Area classification by being annexed into the Town of Carrboro on or after September 1, 2002.
- (c) Notwithstanding the foregoing, these requirements shall not apply to projects with active land use permits issued prior to the effective date of this section.

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

Section 3. This ordinance shall become effective upon adoption.

North Carolina
Department of Environment and Natural

Michael F. Easley, Governor
William G. Ross Jr., Secretary



September 25, 2002

Mr. Philip J. Prete
Planning Department
301 W. Main St.
Carrboro, NC 27510

Dear Mr. Prete:

Thank you for your interest in the North Carolina Wetlands Restoration Program (NCWRP) and for taking the time to show us potential restoration sites within the Town of Carrboro. Although these sites do not qualify for funding through this program, you and the rest of the planning staff should be commended on your efforts to protect the aquatic resources within your jurisdiction. Based on our assessment, these sites did not warrant restoration work because of how well you have worked to protect them.

The streams that we visited were for the most part protected from degradation with healthy vegetated buffers. It was a pleasure to tour the Town of Carrboro and see so many urban streams within publicly owned riparian easements. We hope that your riparian buffer rules continue to receive support from the town and its citizens.

The Town of Carrboro's proactive efforts to protect water quality and open space could serve as a model for other municipalities experiencing rapid development with resultant increased pollutant loading and storm water runoff. Please feel free to contact us in the future with any matter that we may be able to offer assistance.

Sincerely,

Cheri Smith
NCWRP - Implementation

cc: Ms. Patricia McGuire, Carrboro Planning Dept.
Mr. Roy Williford, Carrboro Planning Dept.
Ms. Bonnie Duncan, NCWRP - Planning

1601 Mail Service Center, Raleigh, North Carolina 27699-1601

Phone: 919 - 733-4984 \ FAX: 919 - 715-3060 \ Internet: www.enr.state.nc.us/ENR/