

**A RESOLUTION CONTINUING A PUBLIC HEARING ON A LAND USE  
ORDINANCE TEXT AMENDMENT DEALING WITH STREAM BUFFERS IN  
ACCORDANCE WITH JORDAN BUFFER RULE 15A NCAC 02B.0267  
Resolution No. 95/2009-10**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen continues a public hearing to March 23, 2010 allow additional time for review by North Carolina Division of Water Quality staff of "AN ORDINANCE REVISING ARTICLE XVI OF THE CARRBORO LAND USE ORDINANCE DEALING WITH FLOOD DAMAGE PREVENTION, STORM WATER MANAGEMENT, AND WATERSHED PROTECTION."

AN ORDINANCE REVISING ARTICLE XVI OF THE CARRBORO LAND USE ORDINANCE DEALING WITH WATER QUALITY BUFFERS IN RELATION TO THE JORDAN WATERSHED RULE

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. All references in this ordinance are to Chapter 15 of the Carrboro Town Code, the Carrboro Land Use Ordinance.

Section 2. Section 15-270 is amended by revising subsection (b) to read as follows:

(b) The purpose of this part is to protect, preserve, and enhance water quality buffers, including those located in the Jordan Lake watershed, in order to maintain their pollutant removal and stream protection functions and protect the quality of surface waters and water supplies.

Section 3. Section 15-270.2 Required Buffers is amended by the addition of the term "Geographic Information Coordinating Council" in subsection (b) so that subsection reads as follows:

(b) Buffers shall be established adjacent to all surface waters designated as such on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture, the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS), or a map approved by the Geographic Information Coordinating Council and the N.C. Environmental Management Commission.

Section 4. Subsection 15-270.5 (d) is amended by substituting the term "restoration" for "relocation" and "stabilization" so that two of the activity descriptions in the Section of table (d) entitled **Drainage, Storm water, Erosion Control, and other Water-based activities** read as follows:

Stream <del>relocation</del> restoration The alteration of a location of the channel, including daylighting, of a stream so long as the newly created buffer area provides equal or better runoff treatment capabilities than the buffer in its original location, subject to State and Federal requirements.
Stream bank <del>stabilization</del> restoration using other practices, including armoring stream banks with rip-rap or retaining walls.

Section 5. Section 15-270.5 Exempt and Allowable Activities is amended by the addition of a new subsection (h) that reads as follows:

- (h) Notwithstanding the foregoing, approval for new developments shall only be permitted if impacts to riparian buffers are avoided or where
1. the activity has been determined to be “exempt” from requirements of this Chapter, or
  2. the Division of Water Quality has provided an Authorization Certificate for uses that are listed as “allowable” or
  3. the Division of Water Quality has provided written approval of a mitigation plan for uses listed “allowable with mitigation” or
  4. a variance has been issued per Section 15-92 of this chapter.

Section 5. Subsection 15-270.7 (e) is revised to read as follows:

(e) PAYMENT TO THE WATER QUALITY ENHANCEMENT FUND. Persons who choose to satisfy their mitigation determination by paying a compensatory mitigation fee to the Water Quality Enhancement Fund, so long as the Town’s local mitigation program complies with mitigation banking requirements of the US Army Corps of Engineers as currently set out at <http://www.saw.usace.army.mil/WETLANDS/Mitigation/mitbanks.html> or from the US Army Corps of Engineers, P.O. Box 1890, Wilmington, NC, 28402-1890, and the applicable trading criteria in Rule 15A NCAC 02B .0273 (or as amended), as allowed here shall use the following procedure:

Section 6. This ordinance shall become effective upon approval of the NC Environmental Management Commission, following adoption by the Board of Aldermen.

Section 7. All provisions in conflict with these changes are hereby repealed.

**ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT**  
**Craig N. Benedict, AICP, Director**

**Administration**  
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**TRANSMITTAL DELIVERED VIA EMAIL**

January 8, 2010

Patricia J. McGuire, AICP  
 Planning Administrator  
 Town of Carrboro  
 301 W. Main St.  
 Carrboro, NC 27510

**SUBJECT: Joint Planning Review of Proposed Ordinance Amendments**

Dear Trish:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on December 31, 2009 and proposed for town public hearing on January 26, 2010:

- Modifying Street Separation Requirement
- Revisions to Lighting Provisions
- Modifications to Buffer and other Provisions for Compliance with Jordan Lake Rules

We find no inconsistency with the adopted *Joint Planning Area Land Use Plan* on these proposed amendments. We'd like to offer the following general comments:

- In the proposed Lighting section of the Ordinance – Section 15-242.3(c): the term “substantial buildings” is used but we have been unable to find a definition of the term in the Town’s LUO. We suggest that a definition be added for “substantial building” in order to be clear as to what types of buildings this provision applies.
- In the proposed Lighting section of the Ordinance – Section 15-242.4(a) and (b): We believe the words “to see” are used in these sections to mean “to ensure.” If so, we suggest that “to ensure” or a similar synonym be used as we find the term “to see” as used in this context to be vague.

- In the proposed Lighting section of the Ordinance – Section 15-242.4(a): in the last sentence, there appears to be a typo; the word “or” should be “for.”

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz". The signature is written in black ink and is positioned above the printed name.

Perdita Holtz, AICP  
Planning Systems Coordinator