

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE
CARRBORO LAND USE ORDINANCE
Draft Ordinance No. 189/2011-12**

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO BRING THE ORDINANCE INTO COMPLIANCE WITH THE JORDAN RULES RELATING TO NEW DEVELOPMENT

NOW, THEREFORE, The Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Town's Land Use Ordinance includes provisions for stormwater management which can provide additional protection for groundwater resources and the stability of stream channels with additional requirements to reduce the total volume of water running off of new developments via stormwater; and

Section 2. The North Carolina General Assembly, Environmental Management Commission and Division of Water Quality have adopted and are implementing rules to limit nitrogen and phosphorus inputs to Jordan Lake, and have required local governments to develop and enforce local ordinances to limit phosphorus and nitrogen from new development: and

Section 3. The Board concludes that the above described amendment is also consistent with Carrboro Vision 2020 regarding efforts to protect water resources, particular the following sections:

5.22 Carrboro should adopt a strategy and set of policies to protect all of our creeks, streams, ponds, and lakes.

5.23 Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.

Section 4. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town Seeks to remain consistent with its adopted plans or policies.

Section 5. The resolution is effective upon adoption.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF
THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO BRING THE ORDINANCE INTO COMPLIANCE WITH THE JORDAN RULES RELATING TO NEW DEVELOPMENT; and

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the ____ day of _____, 20__ /

Ayes:

Noes:

Abstentions:

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO BRING
THE ORDINANCE INTO COMPLIANCE WITH THE JORDAN RULES RELATING TO
NEW DEVELOPMENT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-263 of the Carrboro Land Use Ordinance, entitled "Management of Stormwater," is amended to read as follows:

(a) The requirements of this section shall apply to developments to the extent provided in this subsection.

- (1) For purposes of this subsection, "impervious surface" means that portion of the development of a lot or tract that is covered by a surface or material that substantially or completely prevents rainwater from reaching and being absorbed into the underlying soil. Impervious surfaces include but are not limited to streets, driveways, sidewalks, parking lots, buildings, and other roofed, paved, or graveled areas. Wooden slatted decks and the water area of swimming pools are considered pervious, as are ponds.
- (2) For purposes of this subsection, "net addition of impervious surface" shall be determined by subtracting the total square footage of impervious surface prior to commencement of construction authorized by a development permit from the total square footage of impervious that is proposed to be located on the development site when all construction authorized by the development permit (including all phases thereof) is completed. If the permit issuing authority reasonably concludes that a permit applicant is seeking or has sought separate permits (simultaneously or sequentially) for different components of what is demonstrably intended to be a single development in an attempt to stay below the impervious surface threshold that triggers the requirements set forth in this section, then the permit issuing authority shall treat such multiple applications as a single application for purposes of determining whether the requirements of this section are applicable.
- (3) All unsubdivided developments that involve a net addition of more than 5,000 square feet of impervious surface shall be subject to the requirements of this section, except that these requirements shall not apply if the total of the net addition of impervious surface area plus the previously existing impervious surface area on the lot does not exceed (i) six percent (6%) of the lot area within a B-5 or WM-3 zoning district, or (ii) for lots in all other zoning districts, the amount of impervious surface area permissible on lots within the C or WR zoning districts under subsection 15-266(b) of this part.
- (4) When land is subdivided, and the permit authorizing the subdivision does not itself authorize the net addition of more than 5,000 square feet of impervious surface to the tract to be subdivided, then the requirements of this section shall not be applicable to the subdivision. The applicability of the requirements of this section

to each of the individual lots so created shall then be determined as development permits are issued for each such lot.

- (5) When land is subdivided, and the permit authorizing the subdivision itself authorizes the net addition of more than 5,000 square feet of impervious surface to the tract to be subdivided (regardless of whether such impervious surface consists of a road or other facilities external to the lots so created, or buildings, parking lots, and other facilities constructed within the lots so created, or a combination of the two), then the subdivision shall comply with the requirements of this section. Furthermore, the stormwater management system that is installed to comply with the provisions of this section shall be required to take into account all the stormwater reasonably expected to be generated by the development (according to generally accepted engineering standards) when all subdivided lots five acres or less in size are fully developed. When such lots are subsequently developed, they shall be exempt from further review under the provisions of this section. However, any lot within such subdivision that is greater than five acres in size and that was not included in the stormwater calculations for purposes of designing a stormwater management system that satisfies the requirements of this section shall be required to comply with the requirements of this section at the time such lot is developed, if and to the extent required to do so under subsection (a)(3) of this section.
- (6) Notwithstanding the other provisions of this subsection, if (i) a lot is within a commercial district described in Section 15-136 or a manufacturing district described in 15-137, (ii) on the date that a development permit application is submitted and the fees paid the lot is already developed to the extent that the lot contains at least 10,000 square feet of impervious surface area, and (iii) the reasonably estimated cost of the redevelopment of the lot as proposed in the development permit application exceeds the greater of \$100,000, or fifty percent (50%) of the appraised value of the existing improvements on the lot, then the requirements of this section shall be applicable to such redevelopment. For purposes of this subdivision (a)(6), the terms "cost" and "appraised value" shall have the same meaning as provided in Subsection 15-125(c) of this chapter.
- (7) Notwithstanding the other provisions of this subsection, the requirements of this section shall apply to any development involving the reconstruction of a previously paved area comprising at least 10,000 square feet (repaving or resurfacing shall not be considered reconstruction).
- (8) Notwithstanding the other provisions of this subsection (but subject to the provisions of subsection (a)(8)f below), the requirements of this section shall apply to all proposed new development that cumulatively disturbs one acre or more for single family and duplex residential property and recreational facilities, and one-half acre for commercial, industrial, institutional, multifamily residential, or local government property. For purposes of this subsection (a)(8) only:

- a. Development means any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
- b. New development means any development project that does not meet the definition of existing development set forth immediately below.
- c. Existing development means development not otherwise exempted from the provisions of this section that meets one of the following criteria: (i) it either is built or has established a vested right based on statutory or common law grounds as of the effective date of this section, or (ii) it occurs after the effective date of this section but does not result in a net increase in impervious surface area and does not increase the infiltration of precipitation into the soil..
- d. Land disturbing activity means any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.
- e. Larger common plan of development or sale means any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.
- f. ***Redevelopment means any development on previously developed land.***

(b) Developments must install and maintain stormwater management systems that will control and treat runoff from the first one inch of rain as follows:

- (1) Draw down the treatment volume in accordance with the requirements of the North Carolina Division of Water Quality Best Management Practices (NC DWQ BMP) Manual.
- (2) Achieve an eighty-five percent (85%) average annual removal rate for Total Suspended Solids.

(c) Subject to subsections (d) and (f), developments must install and maintain stormwater management systems that ensure that the nutrient load contributed by the development is limited to not more than 2.2 pounds per acre per year of nitrogen and 0.82 pounds per acre per year of phosphorus.

(d) Subject to subsection (f), developments that (i) would otherwise be required under subsection (a) to comply with the stormwater treatment standards set forth in subsection (c), and (ii) involve the replacement or expansion of existing structures or improvements, shall have the option of either satisfying the requirements of subsection (c) of this section or achieving a thirty-

five percent (35%) nitrogen and five percent (5%) phosphorous reduction in the loading rates for these nutrients when comparing the situation that exists on the date a completed application is submitted to the post redevelopment situation for the entire project site.

(e) The need for engineered stormwater controls to meet the nutrient loading rate standards set forth in subsections (c) and (d) shall be determined by using the loading calculation methods and other standards established by the Division of Water Quality as set forth in Sub-Item (4)(a) of 15A NCAC 2B.0265, including the current version of the Stormwater Best Management Practices Manual published by the Division.

(f) Developers shall have the option of offsetting part of their nitrogen and phosphorus loads by implementing or funding offsite management measures as follows:

- (1) Before using offsite offset options, a development shall attain a maximum nitrogen loading rate on-site of six pounds per acre per year for single-family detached and duplex residential development and ten pounds per acre per year for other development, including multi-family residential, commercial and industrial, and shall meet any requirement for engineered stormwater controls required by this Article..
- (2) Offsite offsetting measures shall achieve at least equivalent reductions in nitrogen and phosphorus loading to the remaining reduction needed onsite to comply with the loading rate standards set forth in subsection (c) of this section.
- (3) A developer may make offset payments to the N.C. Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use an offset option provided by the Town of Carrboro, or may propose other offset measures including providing the developer's own offsite offset or utilizing a private seller. All offset measures shall meet the requirements of 15A NCAC 02B.0273(2) through (4) and 15A NCAC 02B.0240.

(g) Developments shall be constructed and maintained so that their stormwater management systems meet the following minimum standards:

(1) The post-development discharge rates shall be less than or equal to the pre-development discharge rates for the 1-, 2-, 5-, 10-, and 25-year 24-hour design storms.

(2) For upstream properties, the 1% chance flood elevation may not be increased.

(h) The presumption established by this section is that, to satisfy the standards set forth herein, the applicant shall design and construct all stormwater management systems required by this section in accordance with the guidelines set forth in the Town of Carrboro Storm Drainage Design Manual (Appendix I to this chapter). However, the permit issuing authority may establish different requirements when it concludes, based upon (i) the information it receives in the consideration of the specific development proposal, and (ii) the recommendations of the public works director or the town engineer, that such deviations from the presumptive guidelines are necessary to satisfy the standards set forth in this section, or that the standards can still be met with such deviations and the deviations are otherwise warranted.

(i) Approval by the town of an applicant's stormwater management plans, and construction by the applicant of the stormwater management systems as shown in such plans, shall not relieve the applicant of the responsibility of complying with the standards set forth in this section. If at any time prior to two years following the issuance of a certificate of occupancy, for an unsubdivided development, or the approval of a final plat, for a subdivision, the town determines that the stormwater management systems planned to be installed or actually installed to meet the requirements of this section do not achieve that objective, the town may require the submission of revised plans and the installation of new, altered, or additional facilities to bring the development into compliance. Prior to issuance of a certificate of occupancy or approval of a final plat, the town may require the applicant to post a performance bond or other sufficient surety to guarantee compliance with this section.

(j) Upon completion of construction of the stormwater management facilities, the permit recipient shall submit to the town "as built" plans for all such facilities in the form required by the town. Compliance with this requirement must occur prior to issuance of a certificate of occupancy, or prior to final plat approval (if applicable), unless adequate security is otherwise provided in accordance with the provisions of Sections 15-53 or 15-60.

(k) Proposed new development undertaken by the Town solely as a public road project shall be deemed compliant with the provisions of this section if it meets the buffer protection requirements of Part III of this Article. All other developments shall comply with both the requirements of this section and the provisions of Part III of this Article.

(l) Variances from the provisions of this section may only be granted in accordance with the requirements of Section 15-92, including subsection (l) of that section.

Section 2. Section 15-92 of the Land Use Ordinance is amended by adding a new subsection (l) to read as follows:

(l) If the board votes to grant a major variance from the provisions of Section 15-263, the board shall then prepare a preliminary record of the hearing and submit it to the Environmental Management Commission for review and approval. If the Commission approves the major variance or approves with conditions or stipulations added, then the Commission shall

prepare a Commission decision which authorizes the board to issue a final decision which would include any conditions or stipulations added by the Commission. If the Commission denies the major variance, then the Commission shall prepare a Commission decision to be sent to the board. The board shall prepare a final decision denying the major variance. For all proposed major and minor variances from the provisions of Section 15-263, the town shall notify and allow a reasonable comment period for all other local governments having jurisdiction within the Jordan Lake Watershed Area and any local governments using Jordan Lake as a water supply for consumption. Appeals from a board decision on a major or minor variance request are made on certiorari to the local Superior Court. Appeals from the Commission decision on a major variance request are made on judicial review to Superior Court. For purposes of this subsection, a major variance is one that authorizes a relaxation by more than five percent of any requirement set forth in Section 15-263.

Section 3. Article XI of the Carrboro Land Use Ordinance is amended by adding Section 15-179.1 to read as follows (the substance of this section is transferred from pre-existing Subsection 15-263(b)(3)):

Section 15-179.1 Day Care Uses Within Village Mixed Use Developments.

All 22,000 (Day Care) uses that are located within the single family residential use areas of a village mixed use development shall install and maintain site development and/or building features to ensure that the environmental impact, including but not limited to storm water volume, nutrient loading, water use or greenhouse gas emissions, contributed by the development activity is managed and/or reduced through a combination of features and practices that will result in an overall reduction in environmental impact from that which otherwise could reasonably be expected to occur in association with development of the 22,000 use. Specific performance measures that will be evaluated to determine whether the intent of this subsection has been met are as follows:

- (1) Open space, if practicable, is dedicated to either the homeowners association or the town, and
- (2) Storm water best management practices (BMPs) and associated grading and stabilization occur outside any primary conservation areas, and all runoff from the BMPs is discharged in a diffuse manner that insures that erosional rills will not be created as runoff enters and flows through conservation areas; and
- (3) Roof drainage is captured in sufficient quantity and in appropriately sized and sited devices to provide at a minimum for all on-site plantings, including but not be limited to screenings, vehicle accommodation areas, foundation plantings, garden beds, trees, shrubs, flowers, groundcover, and turf, and
- (4) Nutrient load requirements may be met (i) by storm water management structures or devices on the development site itself and/or (ii) the retrofitting of existing or construction of new BMPs elsewhere in the VMU development, and
- (5) Educational materials including, but not limited to on-site signage, brochures, and web postings on stormwater management practices are prepared and/or installed, and

- (6) Low Impact Development techniques are used to the extent practicable

Section 4. Section 15-2 (Authority) of the Carrboro Land Use Ordinance is amended to read as follows:

This chapter is adopted pursuant to the authority contained in Article 19 of G.S. Chapter 160A; Article 21 (Part 6) of G.S. Chapter 143; G.S. 143-215.6A; G.S. 143-214.5; Article 4 of G.S. Chapter 113A; as well as Chapter 527 of the Session Laws of 1953; Chapters 122 and 136 of the Session Laws of 1963; Chapter 260 of the Session Laws of 1977; Chapter 753 of the Session Laws of 1979; Chapters 233 and 476 of the 1987 Session Laws; Chapters 216 and 484 of the 2009 Session Laws; and other state and local laws.

Section 5. Chapter 1 of the Carrboro Land Use Ordinance is amended by adding a new Section 15-9 to read as follows:

Section 15-9 Stricter Regulation Controls

The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

Section 6. Section 15-263.1 of the Carrboro Land Use Ordinance (Maintenance of Structural BMPs) is amended by adding new subsections (g) and (h) as follows:

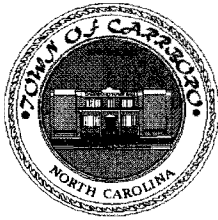
(g) If a structural BMP is located within a subdivision, then the recorded plat of such subdivision shall include a reference to the book and page number where the Operation and Maintenance Agreement is recorded.

(h) Where appropriate in the determination of the Administrator to assure compliance with this section, structural BMPs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

Section 7. Section 15-272 of the Carrboro Land Use Ordinance (Signs Excluded from Regulation) is amended by adding a new subsection (12) as follows:

(12) Signs posted near structural BMPs to comply with Subsection 15-263.1(h) that do not exceed four square feet.

Section 7. All provisions of any town ordinance in conflict with this ordinance are repealed.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☐ MAIL ☐ FAX ☒ EMAIL

To: David Andrews, Town Manager
Mayor and Board of Aldermen

From: Randy Dodd, Environmental Planner

Date: June 20, 2012

Subject: LUO Ordinance Provisions to Comply with New Development Requirements of Jordan Lake Rules

Background and Summary

Town staff continue to be involved in activities related to implementation of state rules passed to restore Jordan Lake. The North Carolina Environmental Management Commission (EMC) and DWQ adopted regulations in 2009 (15A NCAC 02B.0262-.0273 and Session Laws 2009-216 and 2009-484) to reduce nitrogen and phosphorus inputs to Jordan Lake, as described below. This report focuses on an update on required Town compliance activities for treating stormwater from new development.

Information and Expected Timeline of Actions

Jordan Lake was impounded in 1983 by damming the Haw River near its confluence with the Deep River. It was created to provide flood control, water supply, protection of water quality downstream, fish and wildlife conservation, and recreation. The lake has had water quality issues from the beginning, with the North Carolina Environmental Management Commission declaring it as nutrient-sensitive waters (NSW) the same year it was impounded. Since that time, Jordan Lake has consistently rated as eutrophic or hyper-eutrophic, with excessive levels of nutrients present. The Jordan Lake Rules were adopted in 2009 to reduce the amount of pollution entering the lake. Preservation and protection of the lake is essential not only for aquatic life protection but because the lake serves as a water supply for several communities, and recreation area for more than one million visitors each year. The rules were developed Attachment C-2 through a process that involved extensive meetings, public hearings and negotiations between residents, environmental groups, local and state government agencies and other stakeholders in the watershed. Specific issues addressed by the rules include reducing pollution from wastewater discharges, and establishes standards for stormwater runoff from new and existing development, agriculture, fertilizer application, and for water quality buffers. Detailed information about the rules, including a history of the strategy as well as the dam construction and lake, an implementation timeline, rule-making archives, and a stakeholder project, is available at <http://www.jordanlake.org>.

Carrboro previously addressed the Jordan Lake Rules by updating the LUO for water quality buffers (2009) requirements and the Town Code to address fertilizer application requirements (2008). The most active recent areas of focus for Town staff with regard to the Jordan rules recently have involved efforts to identify retrofit opportunities to comply with the Existing Development provisions of the rule, and the drafting of ordinance provisions to address new development requirements in the rules. (Information regarding efforts to comply with Existing Development requirements were presented in a June 21, 2011 agenda item to the Board of Aldermen). With regard to new development requirements under the rules, a draft ordinance has been prepared. The major purpose of the ordinance is to require new development to comply with rule requirements to limit nitrogen and phosphorus in stormwater runoff to 2.2 lbs/ac/yr and 0.8 lbs/ac/yr respectively, or to higher levels if an offset payment is also provided. DWQ also requires the Town to demonstrate that a program is in place to implement and enforce the ordinance. Staff presented the draft program and ordinance to the Board of Aldermen on September 6, 2011. Subsequently, the NC Division of Water Quality (NCDWQ) reviewed the materials, resulting in some minor modifications, and the NC Environmental Commission approved Carrboro's draft ordinance and program on May 10, 2012¹. A compliance activity and timeline is provided in Table 1.

Table 1: Jordan New Development Rule Provisions and Timeline

<u>Provision/Activity</u>	<u>Notes</u>	<u>Compliance Date</u>
Jordan Rules Stormwater Management for New Development (Session Law 2009-484; 15A NCAC 02B.0265)	The Town is required to adopt stormwater program (including ordinance) for new development to reduce nitrogen and phosphorus (N= 2.2 lbs/ac/yr; P= 0.82 lbs/ac/yr). Model Ordinance has been released.*	
	Draft ordinance prepared	Summer, 2011
	Deadline for submittal of local stormwater programs/draft ordinance to DWQ	September, 2011
	DWQ recommended adoption of Carrboro ordinance and programs; EMC approved	May, 2012
	Town required to adopt draft ordinance	August, 2012

* Local government road projects deemed compliant if they meet buffer rule requirements

It is noteworthy that the State rules allow for developers to have the option of offsetting part of their nitrogen and phosphorus loads by implementing or funding (via either the North Carolina Ecosystem Enhancement Program, the Town should the Town choose to offer the option, or a private seller) offsite management measures. Before using offsite offset options, a development must attain a maximum nitrogen loading rate on-site of six pounds per acre per year for single-family detached and duplex residential development and ten pounds per acre per year for other types of development. Staff experience with the method required for checking compliance with the rules (the Jordan Lake Accounting Tool [JLAT]) indicates that it is likely that many new development projects can reach the offset threshold without installing additional onsite stormwater management measures beyond that required to comply with other existing stormwater provisions in the LUO. Furthermore, it is likely that most if not all developers will choose to exercise the offset option given the difficulty in achieving the 2.2 lbs/acre/year nitrogen performance standard. In response to the Planning Board's recommendation regarding the NCEEP's offset fees, staff have contacted the NCEEP; the NCEEP fee schedule is set by legislation and the Town does not have the ability to require different fees for offset payments made to

¹ A full report on the Jordan Lake new development stormwater requirements, including ordinance provisions, was presented to the BoA on September 6, 2012 (http://www.townofcarrboro.org/BoA/Agendas/2011/09_06_2011.htm). The Town's submittal to the State is available http://portal.ncdenr.org/c/document_library/get_file?uuid=d8e53f00-4edc-4199-8ab8-918f6d4b0c55&groupId=235275 (large file)

NCEEP. If the Town offers an offset option/program, the Town can develop its own fee schedule. Staff have also checked with NCDWQ staff who indicated that legislation requires that the Town include a private seller option in the ordinance.

Recommendation

Staff recommends that Board of Aldermen review the draft ordinance (with the above edit) and public comment and consider the attached resolution. Since this is a mandated State requirement, staff discourages the Board of Aldermen from recommending against adoption of the ordinance, delaying adoption in consideration of the August deadline, or other recommendations that would compromise the ability of the Town to comply with State requirements through adoption of the ordinance.



TOWN OF CARRBORO

ATTACHMENT D

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, JUNE 7, 2012

LAND USE ORDINANCE TEXT AMENDMENT REQUIRING NEW DEVELOPMENT TO REMOVE NITROGEN AND PHOSPHORUS IN STORMWATER RUNOFF

Motion was made by **Seils** and seconded by **Clinton** that the **Planning Board** recommends the Board of Aldermen **approve** the draft ordinance, with the following additional considerations. We believe the purpose of the payment-in-lieu should be to fully offset the costs of restoration and to discourage destruction of resources, encouraging innovative site design and construction techniques. We also recommend that the fee structure reflect the actual costs of replacing the ecological resource lost and the costs to the community, rather than relying merely on the state minimum fee.

VOTE: AYES: Killeen, Seils, Poulton, Schaefer, Foushee, Clinton, Hunt, Barton

ABSENT/EXCUSED: Chaney, Jaimeyfield, Ferrer

NOES: None

ABSTENTIONS: None

Associated Findings

By a unanimous show of hands, the **Planning Board** membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, the **Planning Board** of the Town of Carrboro finds that the proposed text amendment is consistent with the Town's obligation for regulations to be consistent with State rules and with Carrboro Vision 2020 Sections 5.22 and 5.23.

VOTE: AYES: Killeen, Seils, Poulton, Schaefer, Foushee, Clinton, Hunt, Barton

ABSENT/EXCUSED: Chaney, Jaimeyfield, Ferrer

NOES: None

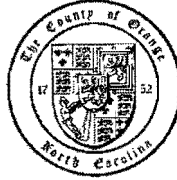
ABSTENTIONS: None

June 7, 2012
(Date)

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration
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131 W. Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278



TRANSMITTAL DELIVERED VIA EMAIL

June 5, 2012

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on May 29, 2012 and proposed for town public hearing on June 26:

- *Compliance with Jordan Rules Relating to New Development*
- *Establishment of Stormwater Volume Control Requirement*
- *Authorization for the Board of Aldermen to allow deviations from Requirements of Sign Ordinance when Approving Master Signage Plan for Multi-Use Business Developments that Require the Issuance of a Conditional Use Permit*
- *Modification to Affordable Housing Payment In-Lieu*

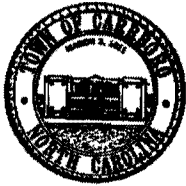
We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

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

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Planning Systems Coordinator



TOWN OF CARRBORO

EAB

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, JUNE 7, 2012

LAND USE ORDINANCE TEXT AMENDMENT
REQUIRING NEW DEVELOPMENT TO REMOVE NITROGEN AND PHOSPHORUS
IN STORMWATER RUNOFF

Motion was made by Rob and seconded by Dustin that the EAB recommends that the Board of Aldermen approve the draft ordinance.

VOTE: AYES: Nina Butler, Rob Creek, Dustin Chicurel-Bayard, Matthew Arnsberger,
ABSENT/EXCUSED: Geoff Gistler, Ian Morse
NOES: —
ABSTENTIONS: —
Bruce Sinclair

Associated Findings

By a unanimous show of hands, the EAB membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, the EAB of the Town of Carrboro finds that the proposed text amendment is consistent with the Town's obligation for regulations to be consistent with State rules.

VOTE: AYES: Nina Butler, Rob Creek, Dustin Chicurel-Bayard, Matthew Arnsberger,
ABSENT/EXCUSED: Geoff Gistler, Ian Morse
NOES: —
ABSTENTIONS: —
Bruce Sinclair

Matthew Arnsberger 6/21/12
(Chair) (Date)