



## Legislation Details (With Text)

**File #:** ID 14-0777    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Passed

**File created:** 11/6/2014    **In control:** City Council

**On agenda:** 12/2/2014    **Final action:** 12/2/2014

**Title:** Ordinance amending Table 12-4, Table 12-5, and Sections 30-12-3.9, 30-12-3.4, and 30-15-1 of the Land Development Ordinance related to Stream Buffers

**Sponsors:** Planning

**Indexes:**

**Code sections:**

**Attachments:** 1. ad stream buffer changes.pdf, 2. Planning Board Minutes Stream Buffers, 3. Ord. 14-0777 Text Amendment for Stream Buffers

Date	Ver.	Action By	Action	Result
12/2/2014	1	City Council	adopt	Pass

Ordinance amending Table 12-4, Table 12-5, and Sections 30-12-3.9, 30-12-3.4, and 30-15-1 of the Land Development Ordinance related to Stream Buffers

Department: Planning  
Council District: All

Public Hearing: Yes  
Advertising Date/By: November 20th and 26th

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### PURPOSE:

The purpose of this text amendment is to amend the Land Development Ordinance (LDO) provisions related to Stream Buffers. The City Council is required to hold a public hearing on this amendment before considering its approval.

### BACKGROUND:

It has been brought to Water Resource's staff attention that Greensboro's Land Development Ordinance regulations for stream buffers may not currently reflect the standards passed on to Greensboro by the State of North Carolina. In several conversations with the State Watershed staff, it appears that State Legislation changes to the "Jordan Lake" buffers supersede those previously placed over all watersheds except for the Randleman Lake Watershed.

### What are Buffers?

Stream Buffers are vegetated areas through which stormwater runoff flows in a diffuse manner (not channelized) to provide infiltration and the filtering of pollutants. Perennial and intermittent stream buffers are composed of three zones. Zone 1 is the 30 feet located closest to the stream, lake, reservoir, or pond and is primarily intended to be an undisturbed area of vegetation. Zone 2 is the next 20 feet and is to consist of a stable, vegetated area that is mainly undisturbed but, grading and re-vegetation is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 3 is the outermost 50 feet of the 100-foot perennial stream buffer, is not considered part of a riparian protection area and therefore allows disturbance for more activities. No new built-upon area is to be placed in any of these zones.

### **Why change now?**

It has been Greensboro's intent to mirror the minimum state requirements in the Watershed Regulations. Originally, staff was waiting to amend the Ordinance to reflect these changes and all other the changes that might come out of the State Legislature related to stream buffers at one time. Since the State has not completed all of its changes, it has been decided to proceed with this change now.

### **What are the changes?**

In Section 1: The proposed amendment would adjust the stream buffer requirements for "high-density" developments in the General Watershed Area (GWA) and the Watershed Critical Area (WCA) for the Greensboro, Lake Mackintosh and Polecat Creek watersheds to reflect the State changes made by the Legislature in 2013. It is being proposed that the "Zone 3" portion of the buffer would be eliminated for streams located in those watersheds. This, in effect, would decrease the buffer's overall width from 100 feet to 50 feet. Although the dimension would change, this change would not directly change the activities that are permitted in either Zone 1 or Zone 2.

In Sections 2, 4 and 5: The proposed amendment would revise the category names for the types of activities permitted in stream buffers to accurately reflect the State's terminology. More specifically, the current activities which are "Allowed" would be changed to "Exempt", and activities "Allowed with Restrictions" would be changed to "Allowed", and activities "Allowed with Mitigation" would remain unchanged. Although the names for each category would change, this change would not directly change the activities that are permitted in each category.

Section 3: The proposed amendment would only clarify that the current Greensboro regulations and the State regulations allow an applicant to request a modification for encroachments into Zone 2 of the stream buffer. This change would not add the ability to request a modification, alter the process to obtain a modification, or amend the current process to request a modification for encroachments that impact Zone 1 of the stream buffer.

Section 5: The proposed amendment would change the activities that are allowed in streams buffers outside of the Randleman Lake Watershed to reflect the State changes made by the Legislature in 2013. These changes

would permit the “piping of streams” and “Zone 2 non-electric utility crossings” in a stream buffer.

Section 6: The proposed amendment would change the definition for “Airport Facilities” to include “aeronautic industrial facilities that require direct access to the airfield” to reflect the State changes made by the Legislature in 2013.

**BUDGET IMPACT:**

This item will have no budget impact.

**RECOMMENDATION / ACTION REQUESTED:**

The Planning Board recommended these amendments at its November meeting on a vote of 8-0.

Staff recommends that City Council receive citizen comments and consider adoption of the proposed text amendment.