

**ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO  
CLARIFY REQUIREMENTS FOR EXEMPT AND ALLOWABLE ACTIVITIES  
RELATED TO UTILITIES IN WATER QUALITY BUFFERS**

\*DRAFT 12-17-2014\*

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-269.5(d) of the Carrboro Land Use Ordinance is amended to read as follows:

(d) Table of Exempt and Allowable Activities in Water Quality Buffers  
(NOTE: ALL ENTRIES IN THIS TABLE NOT SHOWN BELOW WILL NOT BE AFFECTED BY THE PROPOSED AMENDMENT)

Activity	Exempt	Allowable	Allowable with Mitigation
<b>Recreation</b>			
Greenway / hiking trails <sup>1</sup> designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical		X	
<b>Utilities</b>			
Electric utility, aerial, perpendicular crossings <sup>2,3,4</sup> : <ul style="list-style-type: none"> <li>• Disturb equal to or less than 100 linear feet of buffer</li> <li>• Disturb greater than 100 linear feet of buffer</li> </ul>	X		
		X	

<sup>1</sup> To the extent practicable, greenway easements shall be located a minimum of 10 feet from the top of bank; surfaces shall be a minimum of 15 feet from the top of bank

<sup>2</sup> Provided that within 30 feet of surface waters, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Administrator as defined in Section 15-269.6.

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.

Activity	Exempt	Allowable	Allowable with Mitigation
Electric utility, aerial, other than perpendicular crossings <sup>3</sup> : <ul style="list-style-type: none"> <li>• Impacts greater than 50 feet from surface waters</li> <li>• Impacts within 30-50 feet of surface waters</li> <li>• Impacts within 30 feet of surface waters<sup>2,4,5</sup>:</li> </ul>	X	X	X
Electric utility, underground, perpendicular crossings <sup>3,4,6</sup> : <ul style="list-style-type: none"> <li>• Disturb less than or equal to 40 linear feet of buffer</li> <li>• Disturb greater than 40 linear feet of buffer</li> </ul>	X	X	

- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

<sup>3</sup> Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

<sup>4</sup> Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the Administrator completes a no practical alternative evaluation as defined in Section 15-269.6

<sup>5</sup> Provided that:

- No heavy equipment shall be used within 30 feet of surface waters.
- Vegetation in undisturbed portions of the buffer shall not be compromised. • A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable for all installation and rehabilitation projects, and for all maintenance activities involving woody vegetation within 10 feet of the top of a stream bank. • Trees shall be: 1) felled so as not to damage trees not intended for removal or stream banks; and 2) removed by chain.
- Stumps shall be removed only by grinding.
- At the completion of the project the disturbed area shall be stabilized with native vegetation.
- The condition and use of the area within 50 feet of surface waters shall be consistent with Sections 15-269.3 and 15-269.4.

<sup>6</sup> Provided that, within 30 feet of surface water, all of the following BMPs for underground utility lines shall be used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Administrator, as defined in Section 15-269.6.

- A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable for all installation and rehabilitation projects, and for all maintenance activities involving woody vegetation within 10 feet of the top of a stream bank.
- Trees shall be: 1) felled so as not to damage trees not intended for removal or stream banks; and 2) removed by chain. Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed. • Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench created for the line installation, Stump grinding is allowable only for stumps more than 30 feet from surface waters.

Activity	Exempt	Allowable	Allowable with Mitigation
Electric utility, underground, other than perpendicular crossings <sup>3,6</sup> : • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters <sup>5</sup> :	X	X	X
Non-electric utility, perpendicular crossings <sup>3,5,6,7</sup> : • Disturb equal to or less than 40 linear feet of buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb equal to or less than 40 linear feet of buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 150 linear feet of buffer	X	X  X	X  X

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- Underground cables shall be installed by vibratory plow or trenching.
  - The trench shall be backfilled with the excavated soil material immediately following cable installation.
  - No fertilizer shall be used other than a one-time application to re-establish vegetation.
  - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
  - In wetlands, mats shall be utilized to minimize soil disturbance.
  - At the completion of the project the disturbed area shall be stabilized with native vegetation.
  - The condition and use of the area within 50 feet of surface waters shall be consistent with Sections 15-269.3 and 15-269.4

<sup>7</sup> All sewer crossings shall be protected from damage and risk of future leakage to the maximum extent practicable using ductile iron and other appropriate construction materials and practices.

Activity	Exempt	Allowable	Allowable with Mitigation
Non-electric utility, other than perpendicular crossings <sup>3,5,8</sup> : • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters <sup>6</sup>	X	X	X

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

Section 3. This ordinance shall become effective upon adoption, and its provisions shall be applicable to projects for which permits are issued after the effective date.

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<sup>8</sup> Permanently maintained areas will generally not exceed 20 feet in width. Narrower widths are strongly encouraged, with occasional wider widths to accommodate vehicle turnaround allowed