

ATTACHMENT B

AN ORDINANCE TO AMEND MINOR TECHNICAL PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE REGULATING RIPARIAN BUFFERS

WHEREAS, the Durham City Council wishes to amend certain provisions regarding riparian buffers and related matters in the Unified Development Ordinance to better promote the community’s health, safety, and welfare;

NOW, THEREFORE, be it ordained that Article 3, Applications and Permits, Article 8, Environmental Protection, are amended to make the following changes:

SECTION 1

Modify Article 3, Applications and Permits, Section 3.7, Site Plan Review, paragraph 3.7.1, Applicability, paragraph B, Types of Site Plans, paragraph 3, Major Site Plans, as set forth in the strikeouts and underlining below.

Sec. 3.7 Site Plan Review

3.7.1 Applicability

[Paragraphs A, C and D are omitted.]

B. Types of Site Plans

[Paragraphs 1 and 2 are omitted.]

3. Major Site Plans

a. Criteria

Projects shall be considered major site plans if:

- (1) They request modifications of a standard established in this Ordinance that requires governing board approval;
- (2) They involve the development of any use that requires the issuance of a major special use permit; or
- (3) They are located in a Watershed protection Overlay Critical Area (A), as defined in Sec. 4.11, Watershed Protection Overlay, with impervious surface that exceeds the maximum permitted by the Low Density Option under Sec. 8.7, Watershed Protection Overlay Standards.

[Paragraphs b and c are omitted.]

SECTION 2

Modify Section 8.5, Riparian Buffer Protection Standards, paragraph 8.5.4, Riparian Buffers Protected, paragraph D, Buffer Identification, paragraph 2, paragraph d, as set forth in the strikeouts below.

Sec. 8.5 Riparian Buffer Protection Standards

[Paragraphs 8.5.1 through 8.5.3 and 8.5.5 through 8.5.13 are omitted.]

8.5.4 Riparian Buffers Protected

[Paragraphs A through C are omitted.]

D. Buffer Identification

[Paragraph 1 is omitted.]

- 2. Signs or other mechanisms that clearly demarcate riparian buffer boundaries shall be required for all new development or redevelopment.

[Paragraphs a through c and e are omitted.]

- d. Each sign shall be 4” by 6” in size, shall face away from the buffer, and shall read “Riparian Buffer – Do Not Disturb Except as Authorized by the City [County] of Durham”.

SECTION 3

Modify Section 8.5, Riparian Buffer Protection Standards, paragraph 8.5.10, Uses, paragraph F, Use Category Requirements, paragraph 3; and paragraph G, Table of Uses, as set forth in the strikeouts and underlining below.

Sec. 8.5 Riparian Buffer Protection Standards

[Paragraphs 8.5.1 through 8.5.9 and 8.5.11 through 8.5.13 are omitted.]

8.5.10 Uses

[Paragraphs A through E are omitted.]

F. Use Category Requirements.

[Paragraphs 1 and 2 are omitted.]

- 3. **Allowable with Mitigation.** An allowable with mitigation use requires written authorization from the North Carolina Division of Water Quality, City, or County as appropriate and may occur following a finding of “no practical alternatives” and issuance of an Authorization Certificate pursuant to paragraph

8.5.11, No Practical Alternatives/Authorization Certificate, and approval of a mitigation strategy pursuant to paragraph 8.5.12, Mitigation.

G. Table of Uses. The following table sets out potential new uses within the riparian buffer, or outside of the buffer with impacts upon the buffer, and categorizes them as exempt, allowable, or allowable with mitigation. The requirements for each category are contained in paragraph F, Use Category Requirements, above. All uses not categorized as exempt, allowable, or allowable with mitigation are prohibited and may not occur within the riparian buffer or outside of the riparian buffer with impacts on the buffer unless a variance is obtained pursuant to paragraph 8.5.13, Variances. Uses include construction, monitoring, and maintenance activities.

[Non-relevant portions of the table are omitted.]

Road impacts other than crossings of streams and other surface waters subject to this section.	AM
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SECTION 4

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

SECTION 5

That this amendment of the Unified Development Ordinance shall become effective upon adoption.