

P12-32

PENDING AMENDMENT

County Zoning Ordinance
Riparian Buffers

CURRENT MEETING INFORMATION:

County Joint Planning Board, May 15, 2012 at 7:00 pm, Historic Courthouse, 130 Gillespie Street, Fayetteville, 2nd floor hearing room

CASE HEADING:

REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, CREATING STANDARDS FOR RIPARIAN BUFFERS BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, SUB-SECTION D; AMENDING ARTICLE XI LOT AND YARD REGULATIONS, SECTION 1102. YARD REGULATIONS, SUB-SECTION G. BUFFER REQUIREMENTS AND SUB-SECTION H. RESERVED FOR FUTURE USE; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

ADDITIONAL INFORMATION:

Complete text is attached.

The Joint Planning Board's Land Use Codes Committee has considered this text amendment and recommends approval as attached.

CONTACT INFORMATION:

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P12-32
County Zoning Ordinance
Text Amendment
(Riparian Buffers)

P12-32: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, CREATING STANDARDS FOR RIPARIAN BUFFERS BY AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS, SECTION 203 DEFINITIONS OF SPECIFIC TERMS AND WORDS; AMENDING ARTICLE IX INDIVIDUAL USES, SECTION 901. DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, SUB-SECTION D; AMENDING ARTICLE XI LOT AND YARD REGULATIONS, SECTION 1102. YARD REGULATIONS, SUB-SECTION G. BUFFER REQUIREMENTS AND SUB-SECTION H. RESERVED FOR FUTURE USE; AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE.

AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by INSERTING in alphabetical order the term BUFFER, RIPARIAN with the definition as follows:

Buffer, Riparian: A strip of land adjacent to and extending parallel with certain rivers or creeks in Cumberland County consisting of vegetation or woodlands or a combination thereof for purposes of filtering stormwater and providing wildlife habitat. (Section 1102.H)

AMEND Article II Interpretations, Calculations, and Definitions, Section 203. Definitions of Specific Terms and Words, by AMENDING the term BUFFER as indicated below:

Buffer, Screening: An opaque fence, wall, berm, hedge or other natural planting, or a combination thereof, which will restrict the view from adjoining streets and/or abutting properties. (Section 1102.G)

AMEND Article IX Individual Uses, Section 901. Development Standards for Individual Uses, sub-section D. as indicated below:

D. When any non-residential use is adjacent to residentially property zoned properties ~~for residential uses~~, a screening buffer shall be provided in accordance with Section 1102.G of this ordinance;

AMEND the title of Article XI Lot and Yard Regulations, Section 1102. Yard Regulations, sub-section G. Buffer Requirements as indicated below:

G. Screening Buffer Requirements.

AMEND Article XI Lot and Yard Regulations, Section 1102. Yard Regulations, sub-section H. *Reserved for future use* as indicated below:

H. Riparian Buffer. ~~*Reserved for future use.*~~ For purposes of protecting the aquatic and wildlife habitat and to ensure bank stabilization, the Cape Fear River,

Little River, Lower Little River, Rockfish Creek, Little Rockfish Creek and South River shall be protected from development by means of riparian buffer. The riparian buffer shall consist of two zones, a combined width of 50 feet, as follows:

1. Zone One.

a. Zone One shall include the existing vegetated area that is undisturbed except for minimal encroachment for purposes of river or creek access, provided that residential developments shall have no more than one such access point. Where Zone One has been or is to be disturbed for purposes of utility installation, the area disturbed shall count as the access point.

b. The location of Zone One shall begin at the common property line with the river or creek, or at the top of the bank and where the top of the bank is not easily discernable Zone One shall begin at the root growth area closest to the surface water, and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank or the root growth area closest to the surface water.

2. Zone Two.

a. Zone Two shall consist of a stable, vegetated area that is preferably left undisturbed; however, grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised.

b. Zone Two shall begin at the outer edge of Zone One and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water.

Developments proposed and adjacent to the aforementioned rivers and creeks shall have the riparian buffer designated as “common area” with maintenance and upkeep by the owners’ association in the same manner as required for common areas in zero lot line developments – see Section 2402, County Subdivision Ordinance. Each zone shall be demarcated on the ground, shown on the preliminary plan and final plat, in addition to the declaration of covenants addressing the purpose of the riparian buffer zones and maintenance requirements.

The provisions of this sub-section are not intended to supersede or minimize the buffer areas required for high density developments – see Section 31A-23, County Water Supply Watershed Management and Protection Ordinance. In addition, lots with single-family dwelling units consisting of two acres or less in area that pre-exist the adoption date of this amendment (<add date>) shall be exempt from these riparian buffer provisions.