

## **2-1.2. Drainage and Watershed Protection.**

(A) *BEST MANAGEMENT PRACTICE (BMP)*. A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

(B) *BUILT-UPON AREA*. That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel (for pedestrian or vehicular use), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are not considered built-upon area.)

(C) *DEVELOPMENT*. Any land-disturbing activity which adds to or changes the amount of built-upon area or otherwise decreases the infiltration of precipitation into the soil. (This definition applies only with respect to watershed protection regulations.)

(D) *DEVELOPMENT, EXISTING*. Those projects that are built and those projects that, at a minimum, have established a vested right under N.C. zoning law prior to the implementation of applicable stormwater regulations, based on at least one of the following criteria: 1) substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or 2) having a valid outstanding building permit; or 3) having expended substantial resources (time, labor, money) and having an approved site specific (or phased) development plan in compliance with NCGS 153A-344.1 or NCGS 160A-385.1. (This definition applies only with respect to watershed protection regulations.)

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(E) *DISCHARGING LANDFILL*. A facility with liners, monitoring equipment, and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream. These facilities require approval and a discharge permit from the N.C. Department of Environmental Management for legal operation.

(F) *DRAINAGEWAY AND OPEN SPACE EASEMENT*. Land designated for use as an open channel conveying the flow from a one-hundred year storm event and for use as open space. Granting of the easement does not transfer title. Drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover. The area within the easement can be included in the gross property area used for calculation of density of development.

(G) *DRAINAGE, REQUIRED CHANNEL*. The theoretical stream bed section which is required to carry and discharge the runoff from a one-hundred-year storm.

(H) *DRAINAGE, TYPICAL REQUIRED CHANNEL SECTION*. A cross-sectional view of a required drainage channel.

(I) *DRAINAGEWAY*. Any natural or man-made channel that carries surface runoff from precipitation.

(J) *HAZARDOUS MATERIAL*. Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Hazardous Substances (42 USC 9601 et seq.); or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

(K) *HIGH DENSITY OPTION*. A density or intensity option for development wherein the density or intensity exceeds the applicable limit for development under the Low Density Option (see Performance Tables in Article VII), thereby imposing a requirement for engineered stormwater controls (runoff control structures) in conformance with the requirements of Article VII (Environmental Regulations) of this Ordinance.

(L) *LOW DENSITY OPTION*. A density or intensity option for development wherein the density, expressed in dwelling units per acre, and/or the intensity, expressed in percentage of the land surface covered by built-upon area, does not exceed certain limits established in Article VII of this Ordinance. The limits vary depending upon the classification of the watershed and upon which overlay zone. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

(M) *PERENNIAL AND INTERMITTENT STREAM*. Streams, with associated lakes and ponds, that are indicated as such on the following:

- i) On the most recent version of the United States Geological Survey 1:24000 scale (7.5 minute quadrangle) topographical map;
- ii) On the most recent version of the Soil Survey of Guilford County developed by the USDA--Natural Resource Conservation Service (formerly United States Department of Agricultural--Soil Science Service); or
- iii) By examination of site-specific evidence that indicates to the Enforcement Officer (using criteria approved by the N.C. Division of Water Quality) the presence of waters not shown on either of these two maps or, evidence that no actual stream or water body exists.

(N) *REDEVELOPMENT*. Any land disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control than the previous development.

(O) *SLUDGE*. Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the N.C. Environmental Management Commission.

(P) *STORM DRAINAGE FACILITIES*. The system of inlets, conduits, channels, ditches and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

(Q) *STORM, TEN (10)--YEAR*. The surface runoff resulting from a rainfall of an intensity that has a 10% chance of being equaled or exceeded in any given year and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

(R) *STORM, ONE-HUNDRED (100)-YEAR*. The surface runoff resulting from a rainfall of an intensity that has a one (1) percent chance of being equaled or exceeded in any given year and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

(S) *STORMWATER RUNOFF*. The direct runoff of water resulting from precipitation in any form.

(T) *STREAM*. A watercourse that collects surface runoff.

(U) *STREAM BUFFER*. A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments

and from the top of bank of each side of streams or rivers. (This definition applies only with respect to watershed protection regulations.)

(V) *SUBSTANTIALLY COMPLETED*. Work has progressed to the point that, in the opinion of the Enforcement Officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished: 1) the dam has been constructed to the approved lines and grades; 2) all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover; 3) principal and emergency spillways have been installed at the approved elevations and dimensions; and 4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

(W) *VARIANCE , MAJOR WATERSHED*. Variance of the existing regulations that does not meet the definition of a Minor Watershed Variance. The North Carolina Environmental Management Commission is designated to rule on all major watershed variance requests.

(X) *VARIANCE, MINOR WATERSHED*. Variance of the existing regulations that meets one of the following criteria: (A) Variance of any standard present in the Ordinance but not in the State Water Supply Watershed Protection Rules; (B) Variance of any standard on which the level of performance required by the Ordinance exceeds that required by the corresponding section of the State Water Supply Watershed Protection Rules, provided that approval of the variance does not lower the level of performance below that required by the State regulations; (C) Variance of the State Water Supply Watershed Protection Regulations by a factor of up to five (5) percent under the high density option or ten (10) percent under the low density option of any standard expressed as a number; or (D) Variance to National Pollutant Discharge Elimination System (NPDES) standards.

(Y) *VELOCITY*. The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overload flows are not to be included for the purpose of computing velocity of flow.

(Z) *WATER DEPENDENT STRUCTURES*. Structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

(AA) *WATERSHED, WATER SUPPLY*. The entire area contributing drainage to Lake Townsend, Lake Brandt, Lake Higgins, Oak Hollow Lake, High Point City Lake, Polecat Creek Lake, Reidsville Reservoir, Lake Mackintosh, Ramseur Reservoir, Madison intake, and the Randleman Dam reservoir.

(AB) *WATERSHED CRITICAL AREA*. That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article VII (Environmental Regulations).

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

### **2-1.7. General.**

(A) *ADDRESS*. The official street number assigned by the Jurisdiction for a specific lot, building or portion thereof.

(B) *AGRICULTURAL TOURISM FACILITY*. An Agricultural use where agricultural products are processed blended, made, stored, sold at wholesale or retail for consumption off or on the premises that offers tours to the

public and provides samples and/or sales of agricultural products. A minor facility includes the production and sales of the product and offers tours. A major facility includes the uses listed above plus restaurants, tourist homes, outdoor event or activity/centers, or similar uses that will enhance the over-all property in relation to tourism and is subject to issuance of a special use permit.

(C) *AIRPORT AND FLYING FIELD, COMMERCIAL (principal use)*. A public or private establishment engaged in operating and maintaining, as a permitted principal use, a general aviation airport or flying field. Such establishment may also service aircraft and provide minor aircraft repair and maintenance; provide aircraft storage and hangar facilities; and furnish coordinated handling services for air freight or passengers.

(D) *ASSEMBLY*. A joining together of completely fabricated parts to create a finished product.

(E) *ATHLETIC FIELD*. Outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g. softball, soccer, football).

(F) *AUTO WRECKING*. A person that provides open storage, disassembling, or salvaging for more than two (2) junked motor vehicles.

(G) *AUTOMOBILE REPAIR SERVICES, MAJOR*. An establishment primarily engaged in one (1) or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair of exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

(H) *AUTOMOTIVE REPAIR SERVICES, MINOR*. An establishment primarily engaged in one (1) or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air-conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators, 3) lubricating service, and 4) front end and wheel alignment.

(I) *BASEMENT*. A story of a building or structure having one-half (1/2) or more of its clear height below grade.

(J) *BLOCK*. The land lying within an area bounded on all sides by streets.

(K) *BOARD OF ADJUSTMENT*. A quasi-judicial body, appointed by the Governing Body, that is given certain powers under this Ordinance.

(L) *BOARDING HOUSE*. A dwelling or part thereof, in which lodging is provided by the owner or operator to more than three (3) boarders.

(M) *CALIPER INCHES*. Quantity in inches of the diameter of trees measured at six (6) inches above the ground for trees four (4) inches or less in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.

(N) *CANOPY TREE*. A species of tree which normally grows to a mature height of forty (40) feet or more with a minimum mature crown width of thirty (30) feet.

(O) *CERTIFICATE OF APPROPRIATENESS*. A statement issued by the Jurisdiction which states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

- (P) *CERTIFICATE OF COMPLIANCE/OCCUPANCY*. A statement, signed by the Enforcement Officer, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.
- (Q) *COMMON AREA(S)*. All areas, including private streets, conveyed to an owners' association within a development, or owned on a proportional undivided basis in a condominium development.
- (R) *COMMUNITY SEWAGE TREATMENT SYSTEM*. A sewage treatment system designed to treat waste water from, three (3) or more dwelling units, more than one (1) principal nonresidential use, or a Group Development. A Community Sewage Treatment System is not public sewer or a utility under the terms of this Ordinance.
- (S) *COMMUNITY WELL SYSTEM*. A system that supplies ground water to twenty-five (25) or more persons or has fifteen (15) or more connections. A Community Well System is not public water or a utility under the terms of this Ordinance.
- (T) *CONGREGATE CARE FACILITY*. A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age, who by reason of their age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.
- (U) *COUNTY*. Refers to Guilford County, North Carolina.
- (V) *CRITICAL ROOT ZONE*. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.
- (W) *DAY*. Any reference to days shall mean calendar days unless otherwise specified. A duration of days shall include the first and last days on which an activity is conducted, and all days in between, unless otherwise specified by state law.
- (X) *DENSITY CREDIT*. The potential for the development or subdivision of part or all of a parcel of real property, as permitted under the terms of this Ordinance, expressed in dwelling unit equivalents or other measures, or development density or intensity, or a fraction or multiple of that potential that may be transferred to other portions of the same parcel, or to contiguous land that is part of a common development plan.
- (Y) *DEVELOPER*. A person engaging in development.
- (Z) *DEVELOPMENT, DENSITY OF*. The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks, shall be used for density calculations.
- (AA) *DEVELOPMENT*. Any man-made change to improved or unimproved real estate, including, but not limited, to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.
- (AB) *DORMITORY, PRIVATE*. A multiple unit residential accommodation which is established directly or indirectly in association with a college, business college, trade school or university, for the purpose of housing students registered and attending such an institution. A private dormitory may contain food preparation and eating facilities primarily for the use of its occupants.
- (AC) *DRIPLINE*. A vertical line extending from the outermost portion of a tree's canopy to the ground.

(AD) *ESTABLISHMENT, ADULT ORIENTED.* An adult arcade, adult bookstore or adult video store, adult cabaret, adult massage parlor, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or any combination, or any combination of the foregoing or any like or similar use as same are defined in Section 11-39, Guilford County Code, entitled "Ordinance Regulating Adult Oriented Establishments," as amended.

(AE) *FAMILY.* One (1) or more persons occupying a dwelling unit and living as a single household.

(AF) *FAMILY CARE HOME.* A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six (6) or less resident handicapped persons, pursuant to NCGS 168-21.

(AG) *FENCE.* A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material, used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

(AH) *FLOOR AREA, GROSS.* The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

(AI) *FLYING FIELD, PRIVATE (accessory use).* A private airstrip used for individual aircraft take off and landing that is 1) located on the same lot with a permitted principal use; 2) intended for the exclusive use of the owner; 3) subject to all Accessory Use Area requirements of Section 4-5.4; and 4) that cannot be used or operated as a commercial airport.

(AJ) *GRADE, FINISHED.* The final elevation of the ground surface after development.

(AK) *GRADE, NATURAL.* The elevation of the ground surface in its natural state before man-made alterations.

(AL) *GREENWAY.* Public open space owned and maintained by the local government which has been designated on an officially adopted greenway plan.

(AM) *GROUP CARE FACILITY.* A facility licensed by the State of North Carolina (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than thirty (30) people.

(AN) *GROUP DEVELOPMENT.* A development in which, in lieu of division of a tract of land into separate lots of record for separate principal buildings, a tract of land is divided into two (2) or more principal building sites for the purpose of building development (whether immediate or future), and occupancy by separate families, firms, businesses, or other enterprises.

(AO) *HISTORIC STRUCTURE.* Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior), or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district, or a district preliminarily determined by the Secretary to qualify as a registered historic district; 3) individually listed on a state inventory of historic places; 4) individually listed on a local inventory of historic

places in communities with historic preservation programs that have been certified (a) by an approved state program as determined by the Secretary of Interior or (b) directly by the Secretary of Interior in states without approved programs.

(AP) *HOME OCCUPATION*. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

(AQ) *JUNK/SALVAGE YARD*. Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

(AR) *LANDFILL, BENEFICIAL FILL AREA*. A disposal site that meets all of the following conditions:

- 1) The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel;
- 2) The fill activity involves no excavation;
- 3) The fill activity will cover two (2) acres or less and be in operation one (1) year or less;
- 4) The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.

Any disposal site not meeting all the requirements listed above shall be considered a Land Clearing and Inert Debris (LCID) Landfill.

(AS) *LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D) (MAJOR)*. A disposal site, other than a Minor Construction or Demolition Landfill, for solid waste resulting from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, and which complies with all Sanitary Landfill requirements of Section 15.5-5 of the Guilford County Code and with all zoning and Special Use Permit requirements of this Ordinance.

(AT) *LANDFILL, CONSTRUCTION OR DEMOLITION DEBRIS (C-D) (MINOR)*. A disposal site for solid waste that meets the following criteria:

- 1) The waste results solely from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures located on the same property and under the same ownership, and does not include inert debris, land-clearing, or yard trash.
- 2) The disposal site must be one (1) acre or less.

(AU) *LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MAJOR)*. A disposal site other than a Minor Land Clearing and Inert Debris Landfill as defined in this Ordinance for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management.

(AV) *LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) (MINOR)*. A disposal site that meets all of the following conditions:

- 1) The fill material consists of debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, limbs, leaves, and stumps. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management; and
- 2) The fill activity will cover two (2) acres or less, be in operation three (3) years or less, provided that the Planning Board may upon request grant one (1) or more three-year renewals, and have direct access to a state maintained paved road, provided that the Planning Board may grant a waiver to the paving requirement upon reasonable conditions.

Any disposal site not meeting all the requirements listed above shall be considered a Major Land Clearing and Inert Debris (LCID) Landfill.

- (AW) *LANDFILL, SANITARY/SOLID WASTE*. A site for solid waste disposal from residential, industrial or commercial activities.
- (AX) *MANUFACTURED DWELLING PARK*. A group development site with required improvements and utilities for the long-term location of manufactured dwellings which may include services and facilities for the residents.
- (AY) *MANUFACTURED DWELLING SPACE*. A designated area of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling home in accordance with the requirements of this Ordinance.
- (AZ) *MATERNAL CARE HOME*. A home for nine (9) or less individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for residential females who are pregnant or have recently given birth. For regulatory purposes, children less than one (1) year in age shall not be counted as individuals.
- (BA) *MIXED DEVELOPMENT*. A mixture of residential and permitted office and/or commercial uses in the GB, HB, SC, and CP Districts.
- (BB) *MOTOR VEHICLE, BUSINESS AND PERSONAL USE OF*. A motor vehicle used for transportation at least once every seven (7) days.
- (BC) *MOTOR VEHICLE, JUNKED*. A motor vehicle that does not display a current license plate and is one (1) or more of the following: 1) is partially dismantled or wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) more than five (5) years old and appears to be worth less than one hundred dollars (\$100.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be caused to be removed or disposed. Except that a motor vehicle junked, that is not visible from the public right-of-way or from an adjoining property shall be excluded from this definition.
- (BD) *NONCONFORMING*. A lot, structure, sign, or use of land, which is now prohibited under the terms of this Ordinance, but was lawful at the date of this Ordinance's enactment, or any amendment or revision thereto.
- (BE) *NONCONFORMING LOT(S)*. A Lot of Record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.
- (BF) *NONCONFORMING STRUCTURE(S)*. A structure that does not conform to the requirements of this Ordinance. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.
- (BG) *NONCONFORMING USE*. A use which once was a permitted use on a parcel of land or within a structure, but which is not now a permitted use. The nonconformity may result from the adoption of this Ordinance, or any subsequent amendment.
- (BH) *NURSING HOME*. An establishment which provides full-time convalescent or chronic care, or both, to persons who are not related by blood or marriage to the operator, or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
- (BI) *ON-SITE SEWAGE TREATMENT SYSTEM*. A sewage treatment system designed to serve a maximum of two (2) dwelling units or a principal permitted use where the system and dwelling unit(s) or use are located on the same zone lot.

(BJ) *OFF-SITE SEWAGE TREATMENT SYSTEM*. A sewage treatment system designed to serve a maximum of two (2) dwelling units or a principal permitted use where the system is on a separate Special Purpose Lot from the dwelling unit(s) or use.

(BK) *OPEN SPACE*. Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; or (2) protect streams or water supply; or (3) promote conservation of soils and wetlands; or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance recreation opportunities.

(BL) *Open Space – Private*: Land designated for use on open channel conveying flow from a one-hundred year storm event. Ownership of the land remains with the deeded owner, but the use is restricted. The open space shall be left in its natural condition or graded to a section approved by the Jurisdiction, which will allow economical and efficient maintenance, protection of stream corridors, passive recreation, with permanent vegetation cover. The dedicated area can be included in the gross property area used for calculation of density.

(BM) *Open Space – Public (Dedicated)*: Land designated for use on open channel conveying flow from a one-hundred year storm event and/or for public use and enjoyment. Ownership of the dedicated land remains with the deeded owner, but the use is restricted. Dedication does not transfer title. The open space shall be left in its natural condition or graded to a section approved by the Jurisdiction, which will allow economical and efficient maintenance, the protection of stream corridors, passive recreation and trails for non-motorized vehicles. The dedicated area shall be established with permanent vegetation cover. The dedicated area can be included in the gross property area used for calculation of density of development. Dedication of public open space can be used in major residential subdivisions adjoining Public Open Space. See section 4-4.1(D) (1 & 2)

(BN) *OWNER*. A holder of any legal or equitable estate in the premises, whether alone or jointly with others, and whether in possession or not.

(BO) *PERSON*. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, or public or private institution, utility, cooperative, interstate body or other legal entity.

(BP) *PLANNED UNIT DEVELOPMENT*. An area of land under unified ownership or control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

(BQ) *PLANNING DEPARTMENT*. The Planning and Development Department of Guilford County.

(BR) *PLAT*. A surveyed map or plan of a parcel of land which is to be, or has been subdivided.

(BS) *PLAT, FINAL*. The final map of all or a portion of a subdivision or site, showing the boundaries and location of lots, streets, easements and any other requirements of Appendix 2 (Map Standards), which is presented for local government approval and subsequent recordation in the Guilford County Register of Deeds Office.

(BT) *PLAT, PRELIMINARY*. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage, and any other requirements of Appendix 2 (Map Standards), which is presented for preliminary approval.

(BU) *PLAN, SKETCH*. A rough sketch map of a proposed subdivision or site, showing streets, lots, and any other information required in Appendix 2 (Map Standards) of sufficient accuracy to be used for discussion of the street system and the proposed development pattern.

(BV) *PRIVATE SEWER*. A system which provides for collection and/or treatment of wastewater from a development, or property, and which is not maintained with public funds.

(BW) *PRIVATE WATER*. A system which provides for the supply and/or distribution of potable water for use by a development, project, or owner, and which is not operated or maintained by a government organization or utility district.

(BX) *PUBLIC SEWER*. A system which provides for the collection and treatment of sanitary sewage from more than one (1) property and is owned and operated by a government organization or sanitary district.

(BY) *PUBLIC WATER*. A system which provides distribution of potable water for more than one (1) property and is owned and operated by a government organization or utility district.

(BZ) *RECREATIONAL VEHICLE*. A vehicle which is built on a single chassis, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

(CA) *RECREATIONAL VEHICLE PARK*. Any site or tract of land, of contiguous ownership, upon which fifteen (15) or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this Ordinance.

(CB) *RECREATIONAL VEHICLE SPACE*. A plot of land within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle in accordance with the requirements set forth in this Ordinance.

(CC) *RECYCLING COLLECTION POINT*. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources.

(CD) *RECYCLING PROCESSING CENTER*. A facility used for collection and processing of recyclable materials. Processing means the preparation of materials for efficient shipments, or to an end-user's specification, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

(CE) *RESERVATION*. An obligation shown on a plat or site plan to keep property free from development and available for public acquisition for a stated period of time. It is not a dedication or conveyance.

(CF) *RESIDENTIALLY ZONED PROPERTY*. The following shall be considered residential zoning districts: AG Agricultural, any RS Single Family Residential District and any RM Multifamily Residential District.

(CG) *ROOF LINE*. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

(CH) *SALVAGE YARD, AUTO PARTS*. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.

(CI) *SALVAGE YARD, SCRAP PROCESSING*. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the

storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

**(CJ) SEATING CAPACITY.** The actual seating capacity of an area based upon the number of seats, or one (1) seat per eighteen (18) inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined as indicated by the NC Building Code.

**(CK) SITE SPECIFIC DEVELOPMENT PLAN.** A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one (1) of the following zoning or land use permits or approvals pursuant to NCGS 154A-334.1:

- 1) A Special Use Permit;
  - 2) A conditional use zoning sketch or site plan;
  - 3) A Planned Development-Residential or Planned Development-Mixed unified development plan;
  - 4) A preliminary plat for a major subdivision;
  - 5) A major site plan prepared in accordance with Section 3-11 (Site Plan and Plot Plan Procedures), but not including a master or common sign plan, a watershed development plan, or a landscaping plan;
  - 6) A preliminary plat for a minor subdivision;
  - 7) A plot plan;
  - 8) A minor site plan in accordance with Section 3-11 (Site Plan and Plot Plan Procedures);
  - 9) A master or common sign plan prepared in accordance with Section 6-1.8 (Master or Common Site Plan);
  - 10) A watershed development plan prepared in accordance with Section 7-1.5 (Watershed Development Plan);
- or
- 11) A landscaping plan prepared in accordance with Appendix 2 (Map Standards).

**(CL) SLOPE.** An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance, commonly expressed as "two to one", (2:1), and "one and one-half to one", (1.5:1) etc. . . .

**(CM) SOIL SCIENTIST.** A Soil Scientist certified and licensed by the State of North Carolina under NCGS 89F.

**(CN) SOLID WASTE.** Garbage, refuse and other discarded solid materials.

**(CO) SUBDIVIDER.** Any person who subdivides land.

**(CP) SUBDIVISION.** All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future), and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following are not included within this definition and are not subject to any subdivision approval regulations in this Ordinance:

- 1) The combination or recombination of a portion of previously subdivided and recorded lots if the total number of lots is not increased, and the resultant lots are equal to or exceed the standards of this Ordinance;
- 2) The division of land into parcels greater than ten (10) acres if no street right-of-way dedication is involved;
- 3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- 4) The division of a tract in single ownership, the entire area of which is not greater than two (2) acres into not more than three (3) lots, if no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of this Ordinance.

**(CQ) SUBDIVISION, MAJOR.** A subdivision involving more than four (4) lots, or requiring new public street(s) for access to interior property, or requiring extension of public sewer or water line, or requiring a waiver or variance from any requirement of this Ordinance.

- (CR) *SUBDIVISION, MINOR (PRIVATE)*. A subdivision involving not more than four (4) lots, all or some of which may have access on a private lane.
- (CS) *SUBDIVISION, MINOR (PUBLIC)*. A subdivision involving not more than four (4) lots fronting on an existing approved public street(s), not requiring any new public street(s) for access to interior property, not requiring extension of public sewer or water line.
- (CT) *SWIMMING POOL*. A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above-surface pool, having a depth of more than thirty (30) inches designed, used, and maintained for swimming and bathing.
- (CU) *SWIMMING POOL, NONPERMANENT*. A swimming pool that is so constructed that it may be readily disassembled for storage and reassembled to its original integrity.
- (CV) *TENANT*. Any person who alone, or jointly, or severally with others, or occupies a building under a lease or holds a legal tenancy.
- (CW) *TOURIST HOME*. A private residence in which accommodations are provided for lodging and may include meals for overnight guests for a fee.
- (CX) *TRACT*. All contiguous land and bodies of water in one (1) ownership, or contiguous land and bodies of water in diverse ownership, being developed as a unit, although not necessarily all at one time.
- (CY) *UNDERSTORY TREE*. A species of tree which normally grows to a mature height of fifteen (15) to thirty-five (35) feet in height.
- (CZ) *USE*. The purpose or activity for which land or structures is designed, arranged or intended, or for which land or structures are occupied or maintained.
- (DA) *USE, MIXED*. Occupancy of building or land by more than one (1) use.
- (DB) *USE, ACCESSORY(S)*. A structure or use that: 1) is clearly incidental to and customarily found in connection with a principal building or use; 2) is subordinate to and serves a principal building or a principal use; 3) is subordinate in area, extent, or purpose to the principal building or principal use served; 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry, in the principal building or principal use served; and 5) is located on the same zone lot as the principal building or use served.
- (DC) *USE(S), PRINCIPAL*. The primary purpose or function that a lot or structure serves or is proposed to serve.
- (DD) *VARIANCE*. Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.
- (DE) *WAIVER*. Official permission from any designated body, other than the Board of Adjustment, to depart from the requirements of this Ordinance.
- (DF) *WALL, RETAINING*. A structure, either masonry, metal, or treated wood, designed to prevent the lateral displacement of soil, rock, fill or other similar material.

(DG) *ZONING DISTRICT*. An area defined by this Ordinance and delineated on the Official Zoning Map, in which the requirements for the use of land, and building, and development standards are prescribed.

(DH) *ZONING VESTED RIGHT*. A right pursuant to NCGS 153A-344.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

(Amd. of 8-8-03)

## II-2. DEFINITION INDEX

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### 5-13.7. Drainage and Open Space.

The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements required for the construction and maintenance of the drainage system. Refer to Article 7-1.8 for the following sections of drainage requirements as they relate to subdivisions:

- (A) General Drainage Requirement.
- (B) Enclosed Subsurface Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement.
- (C) Open Channel Drainage in Dedicated Drainageway and Open Space Area (**Public Open Space**).
- (D) Open Channel Drainage and requirement for Drainageway and Open Space Easement (**Private Open Space**).
- (E) **Open Channel Drainage** and requirement for a Drainage or Drainage Maintenance and Utility Easement

Lots abutting public open space may be reduced in size in accordance with the provisions in Section 4-4.1(D) (Lots Adjoining Public Open Space). If lot sizes have been reduced with the provisions of this Ordinance, the following note shall appear on the plat:

"The required area of Lots \_\_\_\_\_ through \_\_\_\_\_ has been reduced in accordance with Section 4-4.1(D) of this Ordinance. All other dimensional requirements of this Ordinance shall apply."

(Amd. of 4-21-05)

## ARTICLE VII

### ENVIRONMENTAL REGULATIONS

#### 7-1. Stormwater Management/Watershed Protection Districts

##### 7-1.1. District Descriptions.

##### 7-1.2. Incorporation of Designated Water Supply Watershed/NPDES Phase II Stormwater Map of Guilford County North Carolina.

##### 7-1.3. Applicability.

##### 7-1.4. Participation in a Public Regional Water Quality Lake Program.

##### 7-1.5. Stormwater Management/Watershed Development Plan.

##### 7-1.6. Improvements.

##### 7-1.7. Clustering.

##### 7-1.8. Drainage.

##### 7-1.9. Stream Buffer Required.

##### 7-1.10. Stream Channelization.

##### 7-1.11. Activities Regulated by Other Governmental Agencies.

##### 7-1.12. Variances .

##### 7-1.13. Watershed Reporting.

#### 7-2. Watershed Protection Districts and Performance Standards

##### 7-2.1. National Pollutant Discharge Elimination System (NPDES).

##### 7-2.2. General Watershed Areas (GWA).

##### 7-2.3. Watershed Critical Areas (WCA).

### 7-1.

## STORMWATER MANAGEMENT/WATERSHED PROTECTION DISTRICTS

### 7-1.1. District Descriptions.

Two overlay districts cover the unincorporated areas of Guilford County. They are the National Pollutant Discharge Elimination System (NPDES) and the Water Supply Watershed overlays. The Water Supply Watershed area is further divided into the Watershed Critical Area (WCA) and the General Watershed Area (GWA). The WCA covers the portion of the watershed adjacent to a water supply intake or reservoir. The GWA covers the rest of the watershed draining to the reservoir or intake.

(Amd. of 4-21-05)

### **7-1.2. Incorporation of Designated Water Supply Watershed/NPDES Phase II Stormwater Map of Guilford County, North Carolina.**

The provisions of this Ordinance shall apply to all unincorporated areas of Guilford County, as shown on the map titled "Designated Water Supply Watershed/NPDES Phase II Stormwater Map of Guilford County, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies, and is hereby made a part of, this Ordinance.

The Stormwater Map shall be kept on file by the Enforcement Officer and shall be updated to take into account changes in the land area covered by this Ordinance and the geographic location of all structural BMPs permitted under this Ordinance. In the event of a dispute, the applicability of this Ordinance to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary maps and the Guilford County Development Ordinance.

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

### **7-1.3. Applicability.**

(A) *Coverage:*

- 1) Sections 7-1 and 7-2 apply to all sites in unincorporated Guilford County unless specifically exempted pursuant to item (B) of this section.
- 2) The construction of new streets by local government shall comply with best management practices developed in response to the City of Greensboro's or NCDOT's EPA-NPDES Stormwater Management Program which is incorporated herein by reference.
- 3) Widening of existing streets and the installation of sidewalks shall comply with the provisions of this Ordinance to the extent practicable. When determined by the Enforcement Officer that the provisions of these sections cannot be met, the widening of existing streets and the installation of sidewalks shall comply with best management practices developed in response to the City of Greensboro's or NCDOT's EPA-NPDES Stormwater Management Program which is incorporated herein by reference.

(B) *Exempt Activities:* The following activities are exempt from the Stormwater Management/Watershed Development requirements of this Section. However, any restrictions upon building location, drainageways, pavement or other built-upon area, or any other matter appearing on any previously approved Stormwater Management/Watershed Development plan covering the subject property shall be complied with unless and until replaced by an approved revised plan.

- 1) Construction of a single family dwelling and its accessory structures on a legal lot of record established prior to the regulations for the watershed protection district. This exemption does not apply to the High Point, Jamestown, and Lower Randleman Lake water supply watersheds.
- 2) Redevelopment. Requires submittal of a site plan documenting removal/relocation of built upon area.
- 3) Placement of small accessory buildings, structures, or small amounts of other built-upon area provided that the total additional built-upon area is no greater than four hundred (400) square feet. This exemption shall apply to an individual property for one time only after January 1,

1994. Requires submittal of site plan documenting location of 400 sf built-upon area. This provision shall not allow any development to circumvent the standards as set forth by the State and shall not be construed to allow development in the Randleman Lake Riparian Areas.

- 4) Existing development in non-water supply districts that was in place prior to July 1, 2007 . Any water quality device required by new development shall be sized to treat runoff from all built-upon area (existing and proposed) that naturally flow to that device. Required water quality control for an area of new development can be substituted for an equal area of existing development, if the Enforcement Officer has determined that equal or improved water quality will result.
- 5) Existing development in water supply watershed districts until such time that additional new development is initiated on the site.

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

#### **7-1.4. Participation in a Public Regional Water Quality Lake Program.**

(A) *Where Permitted:* Where a regional water quality lake program has been established by one or more local governments, or by an authority operating on behalf of one or more local governments, and approved by the N.C. Environmental Management Commission, a development may participate in said program in lieu of any certification of runoff control required by this Article, provided that:

- 1) The development is within an area covered by a public regional water quality lake program;
- 2) Runoff from the development drains to an existing or funded public regional water quality lake which is part of said program;
- 3) Participation is in the form of contribution of funds, contribution of land, contribution of lake construction work, or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the Governing Body; and
- 4) The Enforcement Officer finds that the watershed development plan is in compliance with all other applicable requirements of this Article.

(B) *Use of Contributions:* Each contribution from a development participating in a public regional water quality lake program shall be used for acquisition, design, or construction of one or more such lakes in the same water supply watershed that the development lies in.

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

#### **7-1.5. Stormwater Management/Watershed Development Plan.**

(A) *Plan Required.* A Stormwater Management/Watershed Development plan in accordance with the performance standards specified in Table 7-2-1 or the requirements of Sections 7-2.2 and 7-2.3 and with other requirements of this Article shall be submitted to the Enforcement Officer and shall include all applicable information listed in Appendix 2 (Map Standards) of this Ordinance.

(B) *Plan Approval:* The Enforcement Officer is authorized to approve any Stormwater Management/Watershed Development plan which is in conformance with the performance standards specified in Table 7-2-1 or the requirements of Section 7-2.2 and 7-2.3 whichever is applicable, and with other requirements of this Article.

(C) *Approved Plan a Prerequisite:* The Enforcement Officer is not authorized to issue any permits,

except as provided in Section 3-4.1(D) for development on any land unless and until a Stormwater Management/Watershed Development Plan in compliance with the requirements of this Section has been approved.

(D) *Deed Restriction-Restrictive Covenant:* In accordance with applicable National Pollutant Discharge Elimination System (NPDES) Phase II regulations recorded deed restrictions and protective covenants shall be required to ensure that development activities maintain the development consistent with the approved project plans. Effective July 1, 2007, the following restriction shall be required for all developments in unincorporated Guilford County.

The Enforcement Officer shall review and approve plats and deeds prior to recording or prior to issuing a building permit. A copy of the recorded document shall be forwarded to the Enforcement Officer prior to issuing a certificate of occupancy.

The deed restriction and protective covenants note shall take the following form for plats and deeds:

<b>DEED RESTRICTION-RESTRICTIVE COVENANT:</b>
"Development of subject property is required to be in accordance with applicable state and federal regulations for the National Pollutant Discharge Elimination System (NPDES) Phase II stormwater management program. The recording of this document establishes an enforceable restriction on property usage that runs with the land to ensure that future development and/or redevelopment shall maintain the site in a manner consistent with applicable law and the approved project plans. Any alterations to the site shall not be permitted without review and approval by the local governmental office having jurisdiction for watershed/stormwater management protection."

(E) *Permanent Runoff Control Structures:* When a permanent runoff control structure is required for a development to meet the requirements of this Article, a North Carolina registered professional engineer shall prepare the plan with the Engineer's Statement of Runoff Control from Article 7-1.6(B) affixed, signed, sealed, and dated.

(F) *Appeals:* Appeals of the Enforcement Officer's decision on a Stormwater Management/Watershed Development plan shall be made in writing to the Environmental Review Board. The Technical Review Committee shall review the appeal at its first regularly scheduled meeting after receipt of the written appeal and make a recommendation to the Environmental Review Board.  
(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

### **7-1.6. Improvements.**

(A) *Design of Improvements:*

1) Design of improvements shall:

- a) Be performed by a North Carolina registered professional engineer;
- b) Be subject to approval of the Enforcement Officer ; and
- c) Meet or exceed the guidelines in the latest edition of the Guilford County Water Quality Protection Manual, issued by Guilford County.

2) The Enforcement Officer may recommend, and the Technical Review Committee may require, that a given runoff control structure(s) be positioned on a site such that water quality protection is improved.

- 3) The construction plans for required runoff control structures shall be approved prior to issuance of any building permit on a site. For subdivisions, construction plans shall be submitted in accordance with Section 5-7.1 (Plans).

(B) *Engineer's Statement of Runoff Control:* The engineering certification required on Stormwater Management/Watershed Development Plans and construction plan drawings shall be of the following form:

**ENGINEER'S STATEMENT OF RUNOFF CONTROL**

I state that, to the best of my knowledge and belief, the runoff control measure(s) shown on this plan have been designed to control and treat stormwater runoff from the first one inch of rain from all built-upon areas over the total drainage area and the discharge of the storage volume is at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm and that the runoff control measures shown on this plan meet or exceed the guidelines in the latest edition of the Guilford County Water Quality Protection Manual issued by Guilford County.

SIGNATURE	_____	P.E. SEAL	_____
DATE	_____		

(C) *Construction of Improvements:*

- 1) The construction of all improvements designed for post construction runoff control and shown on an approved Stormwater Management/Watershed Development plan shall be substantially completed prior to any plat recordation or issuance of any building certificate of occupancy (compliance).
- 2) Final approval of installed post construction runoff control structures will be required at finalization of the grading permit or at issuance of the final building certificate of occupancy (compliance), whichever comes later. If neither a building permit nor a grading permit is required for a site, then any required runoff control structure shall be substantially completed prior to installation of any built-upon area on the site. Engineering statement of completion and record of construction Article 7-1.6(E) shall be required prior to final approval by the Enforcement Officer.

(D) *Recordation of Permanent Improvements:* All permanent runoff control structures and associated access/maintenance easement(s) (specific or general, at the owner's option) shall be recorded on a final plat; and a Best Management Practice Operation and Maintenance Agreement, as outlined in the latest edition of the Guilford County Water Quality Protection Manual shall be submitted to the Enforcement Officer for review and approval.

(E) *Engineer's Statement of Completion:* The owner or registered design professional in responsible charge acting as the owner's agent shall employ one or more professional engineers to provide inspections during construction. Upon the completion of final inspection, the professional engineer shall provide the engineer's statement of completion. The Record of Construction (as shown in the Water Quality Protection Manual) and the Engineer's Statement required upon completion of permanent runoff control structures shall be of the following form:

**ENGINEER'S STATEMENT OF COMPLETION**

I state that, to the best of my knowledge and belief, the permanent runoff control structure for (name of plat) is duly recorded in the Office of the Guilford County Register of Deeds and has been completed in conformance with the approved plans and specifications dated (approval date).

SIGNATURE	_____	P.E. SEAL	_____
DATE	_____		

(F) *Maintenance Responsibility:*

- 1) When runoff control structures serve more than one lot, an owner's association or binding contract for the purpose of maintenance shall be required. See Section 5-8.2 (Permanent Runoff Control Structures).
- 2) Maintenance of runoff control structures shall be performed at such time as the designated sediment storage volume of the structure has been lost to sediment or a part of the system is not functioning as originally designed. The Enforcement Officer shall have the responsibility to inspect runoff control structures annually, to record the results on forms approved or supplied by the N. C. Division of Water Quality, to keep the recorded results on file, and to notify the responsible property owner or owner's association when additional maintenance or repairs are required. All required repairs and maintenance shall be performed within ninety (90) days after such notice. In case of failure by the responsible party to perform the required maintenance or repairs within the stated period, in accordance with Section 8-5 of this Ordinance the jurisdiction may impose an assessment of a civil penalty up to two hundred dollars (\$200.00) per day for each violation.

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

**7-1.7. Clustering.**

(A) *Clustering Encouraged:* Clustering of residential development is encouraged. Clustering of single family detached development is allowed under the provisions of Section 4-4.1(B) (Single Family Detached Cluster Development). Multifamily development may be clustered so long as the development complies with the standards of Section 4-4.2 (Multifamily Districts).

(B) *Performance Requirements:* Clustering is allowed if the overall density of the project meets the applicable density and stormwater runoff control requirements, the built-upon areas are designed and sited to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, the remainder of the tract remains in a vegetated or natural state, and the stream buffering requirements found in Section 7-1.9 are met.

(Amd. of 4-21-05)

**7-1.8. Drainage.**

The design of storm drainage systems and plans, including calculations, shall clearly indicate the easements or dedicated areas required for the construction and maintenance of the drainage system.

(A) *General Drainage Requirement:*

- 1) All watercourses which carry concentrated drainage from a public road or have a two acre or larger drainage basin, shall be treated in one or more of the four ways listed in Section 7-1.8(B), (C), (D) and (E) which follow. The Technical Review Committee when

applicable or enforcement officer shall approve the treatments to be used when deemed compliant with the requirements of the subsections which follow. Open drainage channel requirements shall be based upon a minimum of one hundred-year storm, and enclosed systems shall be based upon a minimum of ten-year storm. If the channel is a perennial or intermittent stream, is identified on the adopted open space plan map or drains a one hundred twenty (120) acre or larger basin, the determination of drainage treatment shall be made by the Technical Review Committee when applicable or the enforcement officer. In making this determination the following factors shall be considered before selecting the appropriate method(s) listed in the subsections which follow:

- a) The type of development;
  - b) The treatment employed by nearby developments;
  - c) The probability of creation of drainageway and open space;
  - d) The probability of the creation of future maintenance problems;
  - e) The probability of erosion or flooding problems; and
  - f) The adopted open space plan.
  - g) NPDES Phase II requirements, stream buffer requirements, and channelization limitations for the WCA and GWA, as described in Article VII (Environmental Standards).
- 2) If the channel is not a perennial or intermittent stream, or is not identified on the open space plan and drains less than a one hundred twenty (120) acre drainage basin, the determination of drainage treatment shall be made in a manner consistent with this Section.

(B) *Enclosed Subsurface Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement:*

- 1) This Section applies to enclosed subsurface drains. Profiles and enclosure standards shall be in accordance with the Guilford County Storm Sewer Design Manual.
- 2) A drainage maintenance and utility easement (DMUE) or drainage easement designed to accommodate storm water shall be placed on a recorded plat when determined necessary by the Jurisdiction. The required easement shall be centered on the enclosure when practical, but in no case shall the outside wall of the enclosure be located less than five (5) feet from the edge of the easement. The easement shall be of a width determined necessary for maintenance purposes by the Jurisdiction based upon enclosure depth, topography and location of existing and proposed improvements, but no less than fifteen (15) feet.
- 3) The DMUE or drainage easement shall be kept free and clear of any buildings or other improvements which would interfere with the proper maintenance of the underground enclosures. The Jurisdiction shall not be liable for damages to any improvement located within DMUE area caused by maintenance of utilities located therein. Furthermore,

DMUE may be used for future installations of any underground utility, provided that:

- a) Any underground utility to be installed by any utility provider other than the Jurisdiction shall be subject to approval.
- b) Any government agency, public utility, or private company installing additional underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed area disturbed by such installation.
- c) The Jurisdiction shall not be responsible for damages caused by installation of additional lines by any public or private utility company.

(C) *Open Channel Drainage in Dedicated Drainageway and Open Space Area (Public Open Space):*

- 1) This Section applies to an open channel in a dedicated drainageway and open space area. The drainageway and open space area shall be dedicated by a recorded plat and shall be labeled "Dedicated to Guilford County and the public for Drainageway and Open Space". This is a voluntary option available in lieu of 7-1.8(D) which enables one to utilize cluster options and reduce lot sizes when abutting public open space. The ownership of the dedicated land remains with the deeded owner, but the use is restricted. Dedication does not transfer title. The dedicated area can also be deeded to any individual or group, such as a homeowners association or to Guilford County (with Board of Commissioner acceptance). A previously dedicated area may be considered for development through approval from TRC and re-platting.
- 2) The voluntarily dedicated drainageway and open space area along any stream that drains a 120 acre or larger drainage basin shall include the land between the natural one hundred (100) year flood contour lines as determined by FEMA or by calculations approved by the US Army Corps of Engineers. (Caution: Other Environmental Regulations or federal wetland regulations will prohibit or restrict fill placement in certain locations.) An area within the floodway fringe can be developed as permitted in Section 7-5.8 with a Floodplain Development Permit. The remainder shall be dedicated as indicated in subsection 1) above.
- 3) In case of severe topography, additional width may be needed to assure reasonable ease of maintenance.
- 4) Adequate access to the public open space shall be provided by means of the dedicated area abutting public right-of-way or by appropriately spaced access easements no less than twenty feet (20') in width. If existing access from adjacent areas is deemed sufficient, no new access shall be required.
- 5) The centerline of the drainage channel that drains a one hundred twenty (120) acre or larger drainage basin shall be located no less than fifty (50) feet from any street or property line provided that the dimensions of the drainage way and open space area conform to all other requirements of this Section
- 6) Public open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.

(D) *Open Channel Drainage and requirement for Drainageway and Open Space Easement (Private Open Space):*

- 1) This Section applies requirements to an open channel meeting one or more of the descriptions in 7.1.8(A). At the time of plat recordation an easement for the drainageway and open space shall be provided and shall be labeled "Drainageway and Open Space Easement". The drainageway and open space easement shall include the drainage channel and the one-hundred-year regulatory floodplain contour as shown on the effective Flood Insurance Rate Maps or by calculations approved by the US Army Corps of Engineers.
- 2) Drainageway and open space shall be left in its natural condition or graded to a section approved by the Jurisdiction which will allow economical and efficient maintenance and shall be stabilized with permanent vegetative cover.

(E) *Open Channel Drainage and requirement for a Drainage or Drainage Maintenance and Utility Easement:*

- 1) This Section applies to open channels on private property within a drainage or drainage maintenance and utility easement.
- 2) The drainage or drainage maintenance and utility easement shall be a minimum total width of no less than specified below.

Drainage Basin	Required Distance from Stream Centerline	Minimum Total Easement Width
2 - 6 acres	15 ft.	30 ft.
6.01 - 25 acres	30 ft.	60 ft.
25.01 or more acres	55 ft.	110 ft.

The easement width shall be centered on the drainage channel, unless the Technical Review Committee when applicable or the enforcement officer approves other easement alignments because of topographic conditions. Cases in which the drainage channel flows into an impoundment, the easement shall extend over and twenty (20) feet beyond the normal water level of the impoundment or meet the minimum width as specified above, whichever is greater. Concentrated drainage from less than a two (2) acre drainage basin, exiting a public right-of-way, shall be as conveyed into a drainage easement as specified below:

- a) Thirty (30) feet wide for the length of channel for concentrated flow exiting public right-of-way into a defined channel.
- b) Minimum thirty (30) feet wide by fifty (50) feet in length for concentrated flow exiting public right-of-way onto terrain with no pronounced drainage features
- 3) In case of severe topography, additional width may be required to assure reasonable ease of maintenance.
- 4) The easement topography may be modified if permitted under other applicable local and state regulations (stream buffer, NC Division of Water Quality 401/U.S. Army Corps of Engineers 404, etc.). In such cases, the approved typical required drainage channel section shall include the necessary channel to accommodate a one hundred (100) year flood event and be in accordance with the Guilford County Storm Sewer Design Manual.

The area outside of the required drainage channel may be filled; but any resulting slope shall be no steeper than two (2) feet horizontal to one (1) foot vertical, unless the slope is protected by masonry paving, rip-rap, or other material which meets the Jurisdiction's specifications. If the channel has been altered such that the design flow cannot be contained within the recorded easement, a corrected easement shall be recorded to show the altered location and width.

- 5) If the Technical Review Committee determines suitable access to the easement is not otherwise provided, access shall be guaranteed by a suitably located access easement which shall be no less than twenty (20) feet in width.
- 6) It shall be the responsibility of the owner to maintain all drainageways located on the property. If the Governing Body determines that it is in the public interest to alter the typical required channel section and/or profile of the stream to improve flow, the Jurisdiction may enter the property within the indicated access or drainage maintenance and utility easement and carry out the necessary work without liability for any damage to the property, or improvements thereon, located within the easement.
- 7) Drainage maintenance and utility easements may be utilized for any underground utility provided that:
  - a) Underground utility lines to be installed by any utility provider other than the Jurisdiction shall be subject to approval by the Enforcement Officer.
  - b) The government agency, public utility, or private company installing underground lines after development has been completed by the owner of the property shall be responsible for the replacement of all fencing, pavement and grassed areas disturbed by such installation.
  - c) The Jurisdiction shall not be responsible for damage caused by the installation of additional lines by any public or private utility company.
  - d) The Jurisdiction shall not be liable for damages to any improvements located within the drainage maintenance and utility easement area caused by maintenance of utilities located therein.
- 8) No buildings or structures except for water-related improvements shall be placed or constructed within the access or drainage maintenance and utility easement. All drives, parking areas, or other improvements, shall be constructed no closer than two (2) feet horizontally from the top of any back slope along any open watercourse.

(F) *Modifications to Drainage or Drainage Maintenance and Utility Easement:*

- 1) This section applies to all recorded drainage or drainage maintenance and utility easements. This shall include other recorded easements identified by an assortment of varying names in which one of the principal functions is to convey runoff from stormwater.
- 2) Unless strictly prohibited under other applicable sections, easements may be modified, altered, or relocated with prior approval by the Enforcement Officer based upon review of certification with supporting technical data by a registered design professional. Supporting data shall be in accordance with the Guilford County Storm Sewer Design

Manual and must clearly demonstrate that such modifications will not result in any increase in flood levels or create any adverse impacts during the occurrence of the design flow discharge. Approval criteria shall include but not be limited to: system capacity to adequately convey design flow discharge, location of outlet/discharge, resistance to erosive forces, potential to adversely impact neighboring properties, system maintenance requirements, existing utilities, other applicable local, state, and federal regulations.

- 3) Any alteration of a drainage or drainage maintenance and utility easement without prior approval may be deemed a violation and subject to enforcement actions. Nothing in this section shall prohibit the installation of utilities as allowed by other sections.

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

### 7-1.9. Stream Buffer Required.

A stream buffer with a minimum width as specified in Table 7-1-3 measured landward from the normal pool elevation of impoundments and from the top of bank of each side of streams or rivers, shall be maintained along all perennial and intermittent streams. This requirement is not applicable to enclosed subsurface drainage segments of intermittent streams, or to perennial streams outside of water supply watersheds, in which the North Carolina Division of Water Quality has issued a 401 Water Quality Certification to allow the stream segment to be altered by routing it through an enclosure such as a culvert. [See Section 7-2.3 (Watershed Critical Area Requirements) for additional requirements concerning stream buffers in the WCA.] No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of stormwater Best Management Practices.

Table 7-1-3  
Stream Buffer Width Requirements

WATERSHED	LOW DENSITY DEVELOPMENT		HIGH DENSITY DEVELOPMENT	
	Perennial Streams, Lakes and Ponds	Intermittent Streams	Perennial Streams, Lakes and Ponds	Intermittent Streams
<b>Water Supply Districts</b> <b>WS--III<sup>a</sup></b> Reidsville (Troublesome Creek) <sup>a</sup> Greensboro (Reedy Fork) <sup>a</sup> Polecat Creek <sup>a</sup> Sandy Creek <sup>a</sup> <b>WS--IV<sup>a</sup></b> Lake Mackintosh (Big Alamance Creek) <sup>a</sup>	30 ft.	30 ft.	100 ft.	30 ft.
Jamestown (Deep River) <sup>b</sup> High Point (East and West Fork, Deep River) <sup>b</sup> Lower Randleman Lake (Deep River) <sup>b</sup>	50 ft.	50 ft.	100 ft.	50 ft.
<b>NPDES, non-water supply districts<sup>a</sup></b>	30 ft.	30 ft.	30 ft.	30 ft.

<sup>a</sup> The stream buffer for the NPDES (non water supply district) and water supply districts other than Jamestown, High Point, and Lower Randleman Lake shall have the first twenty (20) feet from the top of bank, landward, designated as a Water Quality Conservation Easement (WQCE) and the remainder of the stream buffer shall be

a vegetated area. Refer to Article 2, for Water Quality Conservation Easement requirements.

<sup>b</sup> Under the Low Density Option the stream buffer shall be comprised of Zone 1, which shall be an undisturbed area of vegetation extending a distance of thirty (30) feet landward from the water line or top of stream bank along both sides of the stream, and Zone 2, which begins at the outer edge of Zone 1 and extends a minimum of twenty (20) feet and shall be a vegetated area. Under the High Density Option, the first fifty (50) feet of stream buffers shall conform to the requirements of Zones 1 and 2, the remainder shall be vegetated. Refer to the "Water Quality Protection Manual" as amended, for additional stream buffer requirements. Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow and reestablishing vegetation. Concentrated runoff from new ditches or man made conveyances shall be converted to diffuse flow before the runoff enters Zone 2 of the riparian buffer. Periodic corrective action to restore diffuse flow shall be taken if necessary by the property owner to impede the formation of erosion gullies.

NOTE: All stream buffers shall be identified on a recorded plat as "Drainage and Stream Buffer Easement" or contained within a Drainageway and Open Space Easement.

(Amd. of 4-21-05)

#### **7-1.10. Stream Channelization.**

Perennial Streams in water supply district shall not be channelized without prior approval by the Environmental Review Board.

(Amd. of 4-21-05)

#### **7-1.11. Activities Regulated by Other Governmental Agencies.**

(A) *Designated Agencies:* The following are the designated agencies responsible for implementing the requirements of the Water Supply Watershed Protection Rules as adopted by the N.C. Environmental Management Commission for the specified activity:

- 1) Agriculture-Guilford Soil and Water Conservation District;
- 2) Silviculture-N.C. Division of Forest Resources.

(B) *Transportation:* The North Carolina Department of Transportation shall comply with the practices outlined in its document entitled "Best Management Practices for the Protection of Surface Waters," which is incorporated by reference.

(C) *Hazardous Materials:*

- 1) The Guilford County Fire Marshal and the Guilford County Emergency Management Assistance Agency are the designated management agencies responsible for implementing the provisions of this Subsection pertaining to hazardous materials.
- 2) An inventory of all hazardous materials used and stored in the watershed shall be maintained. A spill/failure containment plan and appropriate safeguards against contamination are required. Waste minimization and appropriate recycling of materials is encouraged.
- 3) Properties in the WCA or GWA shall comply with the requirements of the following hazardous substances regulations if materials listed in the Superfund Amendments and Reauthorization Act (SARA) Section 302 Extremely Hazardous Substances (42 USC 11000 et seq.), or Section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) are stored or used on the site.

**7-1.12. Variances .**

(A) *General:*

- 1) Requests for stormwater management/watershed protection variances shall be submitted in writing on forms supplied by the governing jurisdiction and with a completed stormwater management/watershed development plan showing all pertinent information relative to the site in question. Information shown on the stormwater management/watershed development plan or presented in writing shall be the primary evidence considered pertinent to the variance request.
- 2) For each request for a minor or major stormwater management/watershed variance , the Enforcement Officer shall notify all other local governments having jurisdiction within the same water supply watershed or using the affected water supply for consumption. A comment period of at least fourteen (14) days shall be allowed before the Environmental Review Board hearing.
- 3) In granting variances the jurisdiction may require such conditions as will secure, insofar as practicable, the objectives of the requirements being modified.
- 4) The applicant must demonstrate hardship that the regulations impose on the property, not just apply for a waiver of the rules.
- 5) The applicant must submit a plan that demonstrates equal or better performance than the current regulations or conditions.
- 6) Before the Environmental Review Board or Governing Body may grant a minor watershed variance or recommend approval to the North Carolina Environmental Management Commission (EMC) for a major variance , it shall make the following three findings, and shall include the factual reasons on which they are based.
  - a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the watershed requirements, and all of the following conditions exist:
    - i) If the applicant complies with the provisions of this rule, the applicant can secure no reasonable return from, nor make reasonable use of the subject property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the EMC or Environmental Review Board shall consider whether the variance is the minimum possible deviation from the terms of the rule that shall make reasonable use of property possible.
    - ii) The hardship results from the application of the rule to the property rather than from other factors such as deed restrictions or other hardships.
    - iii) The hardship is due to the physical nature of the applicant's property, such as size, shape, or topography, which is different from that of neighboring properties.
    - iv) The applicant did not cause the hardship by knowingly or unknowingly violating the Rule.

- v) The applicant did not purchase the property after the effective date of the Rule, and then request an appeal to maximize the use of the property. The applicant is entitled to a variance if a valid hardship is demonstrated.
- vi) The hardship is unique to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.
- b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- c) In the granting of the variance the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

(B) *Minor Stormwater/Watershed Variances* : The Environmental Review Board is designated to approve minor stormwater management and watershed variances . The Technical Review Committee (TRC) shall review the submitted request for consistency with the Map Standards in the Guilford County Development Ordinance prior to forwarding to the Environmental Review Board for approval or denial. Any minor variance approved by the Environmental Review Board may be appealed to the governing body within fifteen (15) days.

(C) *Major Stormwater/Watershed Variances* : The North Carolina Environmental Management Commission (EMC) is designated to approve major stormwater management and watershed variances . The review process shall be the same as in subsection (B) above, except that the Governing Body shall make recommendations to the EMC. The variance application, hearing notices, and minutes from each committee and board review shall be forwarded to the EMC, which shall approve or deny the variance .  
(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

### **7-1.13. Watershed Reporting.**

(A) *10/70 Provision-Watershed Reporting*: The Enforcement Officer shall keep records on the County's use of the provisions that a maximum of ten (10) percent of the non-critical area of WS-III watersheds may be developed with new development at a maximum of seventy (70) percent built-upon surface area. Records for each watershed shall include the total area of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, number of developed acres, type of land use and stormwater management plan (if applicable).

(B) *Stormwater Management/Watershed Variances* : The Enforcement Officer shall keep a record of all stormwater management/watershed variances. This record shall be submitted for each calendar year to the Division of Water Quality Management on or before January 1st of the following year and shall provide a description of each project receiving a minor or major variance and the reasons for granting the variance .  
(Amd. of 4-21-05)

### **7-2.**

## **WATERSHED PROTECTION DISTRICTS AND PERFORMANCE STANDARDS**

### **7-2.1. National Pollutant Discharge Elimination System (NPDES).**

(A) *District Boundaries:* The NPDES district covers all the territory encompassed in Guilford County, North Carolina except for those areas within incorporated municipalities and their extraterritorial jurisdiction, and property owned by the Piedmont Triad International Airport.

(B) *Maximum Development Density and Minimum Lot Size:*

- 1) All developments located in the NPDES non-water supply district shall be limited to the maximum density and minimum lot size based upon the development's current zoning.
- 2) All developments located in the NPDES water supply district shall follow the density and development requirements of the GWA and WCA performance tables.

(C) *Performance Standards:* The Stormwater Management/Watershed Development Plan for any development covered by this Section shall be prepared and submitted in accordance with the performance standards found in Table 7-2-1. The owner, developer, or person submitting the Stormwater Management/Watershed Development Plan shall indicate which performance standard they have chosen for review and approval. Development that cumulatively disturbs less than one acre is exempt from the requirements of this section.

Table 7-2-1  
NPDES Performance Standards

DISTRICT	LOW DENSITY OPTION	HIGH DENSITY OPTION <sup>a</sup>
NPDES, non-water supply areas	2 DU/1 AC; 0--24% BUA	greater than 2 DU/1 AC; greater than 24% BUA

<sup>a</sup> Development under the High Density Option shall require Engineering Statement by a registered professional engineer, with seal (Article 7-1.6(B)) certifying the control and treatment of the run-off from a one (1) inch rain and the discharge of the storage volume shall be equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

NOTES:

- 1) DU = Dwelling Unit(s); AC=Acre; Percentage (%) refers to built-upon area of the zone lot, parcel, or tract.
- 2) Single family detached residential developments will be evaluated on the basis of dwelling units per acre.
- 3) All other residential and all non-residential developments will be evaluated on the basis of built-upon area percentage.

(D) *Runoff Control:* When runoff control is required for development using the high density option [see definition in Section 2-1.2 (Drainage and Watershed Protection) and Table 2-1-1] the runoff control shall be by use of a best management practice meeting the performance standards of the following:

- 1) Control and treat the runoff from the first one inch of rain.
- 2) Discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

- 3) Remove an eighty-five (85%) percent average annual amount of Total Suspended Solids and meeting the guidelines in the latest edition of the Guilford County Water Quality Protection Manual.
- 4) Drawdown of treatment volume shall be no faster than forty-eight (48) hours but no slower than one hundred twenty (120) hours.

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

**7-2.2. General Watershed Areas (GWA).**

(A) *GWA District Boundaries:* The GWA district extends from the outer boundary of the WCA to the outer boundary of the watershed of a designated water supply reservoir or intake.

(B) *Maximum Development Density and Minimum Lot Size:* All developments in the GWA, not utilizing Public Sewer, shall be limited to the maximum density of 1 DU/1 Acre and minimum lot size based upon the development's current zoning. The minimum required lot size shall not include the area in a Special Purpose Lot used for Off-site Sewage Treatment Systems. Developments utilizing Public Sewer shall be limited to the maximum density shown in Table 7-2-2 and minimum lot size based upon the Development's current zoning.

(C) *Performance Standards:* The Watershed Development Plan for any development covered by this Section shall be prepared and submitted in accordance with the performance standards found in Table 7-2-2. The owner, developer, or person submitting the Watershed Development Plan shall indicate which performance standard they have chosen for review and approval. Development in the Lake Mackintosh watershed that cumulatively disturbs less than one acre is exempt from the requirements of this section.

Table 7-2-2  
GWA Performance Standards

WATERSHED	LOW DENSITY OPTION	HIGH DENSITY OPTION <sup>a</sup>
<b>WS—III</b> Reidsville (Troublesome Creek) Greensboro (Reedy Fork) Polecat Creek Sandy Creek	2 DU/1 AC; 0-24% BUA	greater than 2 DU/1 AC; 24.01%-50% BUA <sup>b</sup>
<b>WS—IV</b> High Point (East and West Fork Deep River) Lake Mackintosh (Big Alamance Creek) Jamestown (Deep River)	2 DU/1 AC; 0-24% BUA	greater than 2 DU/1 AC; 24.01%-70% BUA
<b>Lower Randleman Lake (Deep River)</b>	1 DU/1 AC; 0-12% BUA	greater than 1 DU/1 AC; 12.01%-50% BUA

<sup>a</sup> Development under the High Density Option shall require Engineering Statement by a registered professional engineer, with seal (Article 7-1.6(B)) certifying the control and treatment of the run-off from a one (1) inch rain and the discharge of the storage volume shall be equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

<sup>b</sup> Development cannot exceed fifty (50) percent built-upon unless it is non-residential development and has received an additional allocation option in compliance with Section 7-2.2 (F)2).

NOTES:

1. DU = Dwelling Unit(s); AC=Acre; Percentage (%) refers to built-upon area of the zone lot,

parcel, or tract.

2. Single family detached residential developments will be evaluated on the basis of dwelling units per acre
3. All other residential and all non-residential developments will be evaluated on the basis of built-upon area percentage

(D) *Runoff Control*: When runoff control is required for development using the high density option [see definition in Section 2-1.2 (Drainage and Watershed Protection) the runoff control shall be by use of a best management practice meeting the performance standards of the following:

- 1) Control and treat the runoff from the first one inch of rain.
- 2) Discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.
- 3) Remove an eighty-five (85%) percent average annual amount of Total Suspended Solids and meeting the guidelines in the latest edition of the Guilford County Water Quality Protection Manual.
- 4) Drawdown of treatment volume shall be no faster than forty-eight (48) hours but no slower than one hundred twenty (120) hours.

(E) *GWA-Watershed Classification WS-IV*: Development in all WS-IV watersheds, except the Lower Randleman Lake, shall not exceed seventy (70) percent maximum built-upon area. Development in the Lower Randleman Lake Watershed shall not exceed fifty (50%) percent maximum built-upon area.

(F) *GWA-Watershed Classification WS-III*:

- 1) *Built-Upon Area Limit*: Development shall not exceed fifty (50) percent built-upon area.
- 2) *Ten/Seventy (10/70) Option for Non-Residential*:
  - a) Ten (10) percent of the local jurisdiction's portion of a WS-III GWA, as delineated on July 1, 1993 may be developed with new non-residential development at up to seventy (70) percent built-upon area.
  - b) Allocation shall be made on a first come-first served basis. When a building permit for the site is issued or the subdivision plat for a development is recorded, an allocation shall be assigned. Expiration of a building permit shall terminate the allocation under this Section. Developments using this option shall provide an engineer's statement of runoff control for control and treatment of the runoff from the first one inch of rain and the discharge is at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

3) *Prohibited Uses*: No new discharging landfills.  
(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

### **7-2.3. Watershed Critical Areas (WCA).**

(A) *General.* The Watershed Critical Area is a district covering the portion of the watershed adjacent to a designated existing or proposed water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

(B) *District Description.*

(1) **WCA Boundary:** The Guilford County Stormwater Map shows the defined Watershed Critical Area boundaries. The WCA boundary shall not be less than one-half (1/2) mile from the normal pool elevation and draining to existing or proposed designated reservoirs.

(2) **Divisions within the Watershed Critical Area:** The WCA consists of four divisions as follows:

1) Tier 1

- a) Tier 1 consists of those lands within two hundred (200) feet of the existing or proposed normal pool elevation and those lands within one-half ( 1/2) mile (High Point Lake, Oak Hollow Lake, Lake Brandt) or one mile (Lake Townsend) upstream of water intake structure(s).
- b) Tier 1 areas are intended for public purpose and should remain undisturbed.

2) Tier 2

- a) Tier 2 consists of those lands lying within an area bounded by Tier 1 and a line parallel to and seven hundred and fifty (750) feet in distance from the normal pool elevation.
- b) Tier 2 areas are intended primarily for public purpose with the following exception. Tier 2 areas surrounding Randleman Lake and Lake Mackintosh are not intended for public purpose unless and until more than twenty-five (25) percent of the WCA for the reservoir becomes urban in character, by meeting any of the tests defined in NCGS Section 160A-48(c).

3) Tier 3

- a) Tier 3 consists of those lands lying within an area bounded by Tier 2 and a line parallel to and three thousand (3,000) feet from the normal pool elevation.
- b) Tier 3 areas shall not exceed the WCA Boundary.

4) **Tier 4:** Tier 4 consists of those lands lying in the area between the outer boundary of Tier 3 and the WCA Boundary.

(C) *Runoff Minimization:* The density and built-upon area coverage limits defined in Table 7-3-1 shall apply within the WCA

Table 7-3-1  
WCA Density and Built-Upon Area Coverage Limits  
(expressed as dwelling units/gross acre or % maximum)

	LOW DENSITY OPTION			
WATERSHED	Tier 1	Tier 2	Tier 3	Tier 4

Greensboro (Reedy Fork)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
High Point (East and West Fork Deep River)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
Lake Mackintosh (Big Alamance Creek)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
Jamestown (Deep River)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
Lower Randleman Lake (Deep River)	N/A	1 DU/5 AC; 0-2.5%	1 DU/3 AC; 0-4.0%	1 DU/1 AC; 0-12.0%
WATERSHED	High Density Option (requires public sewer)			
	Tier 1	Tier 2	Tier 3	Tier 4
Greensboro (Reedy Fork)	N/A	1 DU /5 AC; 0-2.5%	2 DU/1 AC; 4.01- 30%	2 DU/1 AC; 12.01- 40%
High Point (East and West Fork Deep River)	N/A	1 DU/5 AC; 0-2.5%	2 DU/1 AC; 4.01-34%	2 DU/1 AC; 12.01-40%
Lake Mackintosh (Big Alamance Creek)	N/A	1 DU/5 AC; 0-2.5%	2 DU/1 AC; 4.01-34%	2 DU/1 AC; 12.01-40%
Jamestown (Deep River)	N/A	1 DU/5 AC; 0-2.5%	2 DU/1 AC; 4.01-34%	2 DU/1 AC; 12.01-40%
Lower Randleman Lake (Deep River)	N/A	1 DU/5 AC; 0-2.5%	2 DU/1 AC; 4.01-30%	2 DU/1 AC; 12.01-40%

NOTES:

- 1) DU= Dwelling Unit(s); AC = Acre; Percentage (%) refers to built-upon area of the zone lot, parcel, or tract.
  - 2) There is no WCA area in Guilford County's jurisdiction for the following watersheds: Reidsville, Polecat Creek, and Sandy Creek. Therefore they are not listed in the table above.
  - 3) Single family detached residential developments will be evaluated on the basis of dwelling units per acre
  - 4) All other residential and all non-residential developments will be evaluated on the basis of built-upon area percentage
- (D) *Land Disturbance Minimization:*
- 1) *Erosion Control Plan:* See Section 7-4.1 (General Requirements) to determine when an erosion control plan is required.
  - 2) *Street Standards:* Refer to Article V (Subdivision: Procedures and Standards) for the minimum street standards. To the extent practicable, the construction of new roads in the WCA should be avoided.
  - 3) *Land Disturbance:*
    - a) No land disturbing activity is allowed within stream buffers, open channel drainageways carrying runoff from a 6.01 acre or more drainage basin, greater than fifteen (15) percent slopes adjacent to drainageways, or Water Quality Conservation Easements, except for utilities, watershed devices, and road crossings.
    - b) The transfer of stormwater from a drainage area of five (5) acres or greater by piping or channeling between sub-basins within the Watershed Critical Area (WCA) is not permitted, unless approved by the Technical Review Committee. The piping or channeling of stormwater from the watershed critical area to a General Watershed Area (GWA) or to a non-watershed basin is allowed.

c) Land Disturbance Limits:

	Tier 1	Tier 2	Tier 3	Tier 4
Maximum Land Disturbance	NA	10% of usable property	60% of usable property	75% of usable property

Usable Property = (Total Site Area) - (Area in stream buffers, open channel drainageways carrying runoff from a 6.01 acre basin or greater, 15 percent slopes adjacent to drainageways, Water Quality Conservation Easements, floodplains, or natural wetlands)

(E) *Protection of Fragile Areas:*

1) Slopes greater than fifteen (15) percent and wetlands.

- a) Slopes greater than fifteen (15) percent lying adjacent and parallel to natural drainageways or streams, and wetlands shall remain in a natural and undisturbed condition except for road crossings, utilities, erosion control devices and runoff control devices.
- b) Recordation of these areas as Drainageway and Open Space Easements may be required wherever authorized by Article 7-1.8 or any other provision in local ordinances.
- c) If not included in a Drainageway and Open Space Easement, a water quality conservation easement shall be recorded over such wetlands and slopes.
- d) Where a water quality conservation easement serves to bring two (2) or more properties into compliance with WCA requirements, the Technical Review Committee may require that the wetlands and slopes covered by such easements be held as common area by an owners' association.

2) Drainage.

- a) Drainage shall be provided by means of open channels. Piping of drainage to cross roadways is allowed.
  - b) All open channel drainageways carrying runoff from a 6.01 acre or greater drainage basin shall have protected channels or remain in a natural and undisturbed state, except for road crossings, utilities, erosion control devices and runoff control devices.
  - c) The undisturbed area width shall be the width as specified in Article 7-1.8 (Drainage).
- 3) Development on the best soils and terrain of any site is encouraged.
- 4) Clustering of residential development may be required by the Technical Review Committee in accordance with Section 4-4.1(B) (Cluster Development).

(F) *Spill Risk Reduction:*

- (1) *Prohibited Uses:* The following uses shall be prohibited in a WCA district:

	DESCRIPTION	SIC INDUSTRY GROUP MAJOR GROUP NUMBERS
a)	<u>Agricultural Uses</u>	
	Animal Feeder/Breeder	0210
b)	<u>Agricultural Services</u>	
	Chemical Treatment and Fertilizer Application for Crops, Weed Control for Crop Operations, including Aerial Crop Dusting	0710, 0721
c)	<u>Mining Uses</u>	
	Mining and Quarrying	1000
d)	<u>Business, Professional and Personal Services</u>	
	Automobile Rental or leasing	7510
	Automobile Repair Services, Major	0000
	Automobile Repair Services, Minor	0000
	Automobile Towing and Storage Services	7549
	Boat Repairs	3730
	Car Wash	7542
	Commercial Chemical and Biological Research	8731
	Furniture Stripping or Refinishing (including secondary or accessory operations)	7641
	Equipment Repair, Heavy	7690
	Agricultural Equipment Repair, Boiler Cleaning and Repair, Cesspool Cleaning, Engine Repair, except automotive, Farm Machinery Repair, Industrial Truck Repair, Machinery Cleaning, Motorcycle Repair Service, Rebabbiting, Repair of Service Station Equipment, Sewer Cleaning and Rodding, Tank and Boiler Cleaning Service, Tank Truck Cleaning Service, Tractor repair, and Welding Repair Shops	
	Heavy Construction Equipment Rental and Leasing	7350
	Lawn Care, Lawn Fertilizing Services, Lawn Spraying Services, Ornamental Shrub and Tree Services with Spraying	0780
	Laundry or Drycleaning Plant	7211, 7216, 7217, 7218
	Laundromats, Coin-operated	7215
	Pest or Termite Control Services	7342

	Septic Tank Services	7699
	Truck Driving Schools	8249
	Truck and Utility Trailer Rental and Leasing, Light	0000
	Truck Tractor and Semi Rental and Leasing, Heavy	0000
	Truck Washing	7542
e)	<u>Retail Trade</u>	
	Fuel Oil Sales	5980
	Convenience Stores with fuel pumps	5411
	Motor Vehicle Sales (new and used)	5511
	Motorcycle Sales	5571
	Recreational Vehicle Sales	5561
	Service Stations, gasoline	5541
	Truck Stops	5541
f)	<u>Wholesale Trade</u>	
	Agricultural Chemicals, Pesticides, Fertilizers	5191
	Chemical and Allied Products	5169
	Motor Vehicles	5012
	Nursery Stock, Plants Potted	5193
	Paints and Varnishes	5198
	Petroleum and Petroleum Products	5170
	Scrap and Waste Materials	5093
g)	<u>Transportation, Warehousing, and Utilities</u>	
	Air Transportation Facilities	4789
	Bus Terminal and Service Facilities	4100, 4170
	Hazardous and Radioactive Waste (transportation, Storage, Disposal.)	4953
	Inert Debris Landfills, Major	0000
	Landfills of any character, minor or major in Lower Randleman Lake Watershed--WCA	0000
	Petroleum Contaminated Soil Remediation Disposal Sites	0000
	Pipelines, except Natural Gas	4600
	Railroad Terminal or Yard	4010
	Recycling Processing Centers	0000
	Refuse and Raw Material Hauling	4212
	Sanitary Sewer and Water Treatment Plant Sludge Application Sites	0000
	Sewage Treatment Plants	4952
	Solid Waste Disposal (nonhazardous)	4953

	Trucking or Freight Terminals	4230, 4213
h)	<u>Manufacturing and Industrial Uses</u>	
	Animal Slaughter or Rendering	0000 (2010)
	Arms and Weapons	3480
	Asbestos, Abrasive, and Related Products	3290
	Asphalt Plant	2951
	Batteries	3690
	Chemicals, Paints and Allied Products	2800
	Concrete, Cut Stone and Clay Products	3240, 3270
	Cement, Hydraulic	3241
	Contractors, Heavy construction	1600
	Contractors, Special Trade	1700
	Dairy Products	2020
	Fats and Oils, Animal	2077
	Fats and Oils, Plant	2070
	Fish, Canned, Cured or Frozen	2091
	Leather and Leather Products (tanning)	3110
	Magnetic and Optical Recording Media	3695
	Meat and Poultry, Packing and Processing (no rendering)	2010
	Metal Coating and Engraving	3470
	Paper Products (no coating or laminating)	2670
	Paper Products (coating or laminating)	2670
	Petroleum and Related Products	2900
	Primary Metal Products and Foundries	3300
	Pulp and Paper Mills	2610
	Rubber and Plastics, Misc.	3000
	Rubber and Plastics, Raw	3000
	Salvage Yards, Auto Parts	5015
	Salvage Yard, Scrap Processing	5903
	Solvent Recovery	7389
	Surface Active Agents	2843
	Textile Products, (no Dying and Finishing)	2200
	Textile Products, (with Dying and Finishing)	2260

i) No new or expansion of existing landfills of any description are permitted in the Lower Randleman Lake watershed.

2) *Containment Structures:*

- a) Storage tanks for fuels and chemicals and associated pumping and piping shall be provided a spill containment system.
  - b) Such containment systems shall be of sufficient volume to contain one hundred (100) percent of all the tank(s) contents stored in the area and shall have a leak detection system installed.
  - c) The containment system shall be approved by the Enforcement Officer and the Fire Marshal.
  - d) Such tanks and containment structures shall not be placed closer than one thousand (1,000) feet to the normal pool elevation of the existing or proposed reservoir.
- 3) *Underground Storage Tanks:* Underground storage tanks for fuels and chemicals shall not be permitted except as approved by the Environmental Review Board.
- 4) *Point Source Discharges:*
- a) No expansion of any existing private wastewater facilities or establishment of any new public or private wastewater treatment plants of any kind shall be permitted. On-site individual residential septic systems approved by the Guilford County Health Department are permitted. Off-site individual residential septic systems are permitted in Tier 4 only, with a) reduction in overall density to 1 DU/1.25 Acre or b) in a Rural Preservation District (or equivalent clustered) zoning.
  - b) Industrial pre-treatment facilities which prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.
- (G) *Storm Water Management:*
- 1) *Control of Run-off:* Run-off from built-upon areas shall be controlled as follows:

If the built-upon area is greater than six percent (6%) in Tier 3 of the Lower Randleman Lake watershed or twelve ) percent (12%) for all other watershed critical areas the runoff control shall be by use of a best management practice meeting the performance standards of the following:

- 1) Control and treat the runoff from the first one inch of rain.
- 2) Discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

- 3) Remove an eighty-five percent (85%) average annual amount of Total Suspended Solids, and meeting the guidelines in the latest edition of the Guilford County Water Quality Protection Manual.
- 4) Drawdown of treatment volume shall be no faster than forty-eight (48) hours, but no slower than one hundred twenty (120) hours.

2) *Design Approval:* All designs for runoff control structures, shall meet the requirements of Section 7-1.6 (Improvements) and shall be subject to the approval of the Enforcement Officer.

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

### **7-3. ILLICIT AND ILLEGAL DISCHARGES**

#### 7-3.1. Objectives.

(A) To provide for the enforcement of Guilford County's storm water quality management program;

(B) To reduce the discharge of pollutants to receiving streams to the maximum extent practicable by requiring, where appropriate, the use of best management practices, structural and/or nonstructural storm water quantity and quality control measures and other provisions;

(C) To provide for the inspection and proper maintenance of structural and nonstructural storm water controls;

(D) To prohibit non-storm water discharges to the receiving streams and require the removal of illicit connections to drainageways;

(E) To prevent improper disposal of materials that degrade water quality;

(F) To permit sampling and monitoring for pollutants such as those associated with illicit discharges, improper disposal, industrial and construction activities, and the application of pesticides, herbicides, and fertilizers.

(Amd. of 4-21-05)

#### 7-3.2. Jurisdiction.

The provisions of this chapter shall apply to all the territory encompassed in the unincorporated areas of Guilford County and shall govern the development and use of land and structures therein.

(Amd. of 4-21-05)

#### 7-3.3. Authority.

This chapter is adopted pursuant to the following authorities in NCGS: Chapter 15 (Criminal Procedure), Chapter 113A (Pollution Control and Environment), Chapter 130A (Public Health), Chapter 153A (Counties).

(Amd. of 4-21-05)

#### 7-3.4. Abrogation.

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued. Nothing herein shall repeal, modify or amend any Federal or State law regulating water quality, watershed protection, stormwater management or environmental protection.

(Amd. of 4-21-05)

#### 7-3.5. Definitions.

*CONNECTION.* Any ditch, pipe, or other device for the diversion or transmission of storm drainage, which will in any way affect the operation, or maintenance of the drainageways.

*CONVEYANCE.* Any feature of the landscape or earth, manmade or natural that carries water in a concentrated flow.

*DISCHARGE.* Additions of pollutants into waters of the United States or North Carolina from: Surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyance owned by a stated municipality, or other person which does not lead to a treatment works; and discharges through pipes, sewers, or other conveyance, leading into privately owned treatment works.

*DITCH/SWALE.* Open channel that infiltrates and/or transports runoff waters.

*DRAINAGE.* The flow of runoff into a conveyance.

*DRAINAGE EASEMENT.* An easement, which grants the right of storm runoff to pass over a downstream property.

*EASEMENT.* A grant of one (1) or more of the property rights, by the property owner, to, or for use by, the public, a corporation, or other entity.

*GARBAGE.* Animal and vegetable refuse resulting from the handling, preparation, cooking and consumption of food, including a minimum amount of liquid necessarily incident thereto.

*HAVING CONTROL OVER.* Shall mean but not be limited to any person using, transferring, storing, or transporting a hazardous material immediately prior to release of such hazardous material on the land or into the air or receiving waters.

*HAZARDOUS MATERIAL.* Any substance which, when discharged in any quantity, may present an eminent and substantial danger to the public health or welfare or to the environment.

*HAZARDOUS MATERIAL RESPONSE.* The sending of Guilford County Environmental Health--Emergency Spill Response Team or emergency management equipment to abate hazardous materials, which endanger the health or safety of persons or the environment.

*ILLICIT DISCHARGE.* Any discharge to a stream that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

*MUNICIPAL SEPARATE STORM SEWER.* A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains).

*NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES).* A permitting system established by Section 402 of the Clean Water Act. Permits are issued by the State of North Carolina for discharges directly to the surface waters of the state.

*NEW DEVELOPMENT.* Any activity for which a building permit or a grading permit is required, or any of the following without regard to a permit requirement: clearing, stripping, dredging, grading, excavating, transporting, and filling of land.

*OUTFALL.* A point source at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two (2) municipal separate storm sewers; or pipes, tunnels or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

*PERSON.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or their legal representative agents or assigns.

*REFUSE.* Solid waste, including but not limited to garbage, rubbish and ashes.

*RIPARIAN BUFFER OR STREAM BUFFER.* An area of native or non-native woody vegetation adjacent to a stream or other natural conveyance of water or storm water.

*WATERCOURSE.* A natural or man-made channel that carries surface runoff from precipitation.

(Amd. of 4-21-05)

#### 7-3.6. Acronyms.

BOA--Board of Adjustment.

CFR--Code of Federal Regulations.

DENR--Department of Environmental and Natural Resources.

DEM--Division of Environmental Management.

ERB--Environmental Review Board.

GWA--General Watershed Area.

NCGS--North Carolina General Statutes.

NPDES--National Pollutant Discharge Elimination System.

SWPPP--Storm Water Pollution Prevention Plans.

SWQMP--Storm Water Quality Management Program.

WCA--Watershed Critical Area.

(Amd. of 4-21-05)

#### 7-3.7. Right of entry.

(A) The county manager or his designee shall have right-of-entry on or upon the property of any person subject to this chapter and any permit/document issued hereunder. The county manager or his designee shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this chapter.

(B) Where a person has security measures in force, which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the county manager or his designee will be permitted to enter without delay for the purposes of performing specific responsibilities.

(C) The county manager or his designee shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's operations.

(D) Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the person at the written or verbal request of the county manager or his designee. The costs of clearing such access shall be borne by the person.

(E) The county manager or his designee may inspect the facilities of any user in order to ensure compliance with this chapter. Such inspection shall be made with the consent of the owner, manager, or signatory official. If such consent is refused, the county manager or his designee may seek issuance of an administrative search warrant.

(Amd. of 4-21-05)

#### 7-3.8. Prohibited discharges.

(A) *Illicit Connections.* It shall be unlawful to use any unapproved conveyance or any stream or watercourse to carry off water from any kitchen sink, bathtub or privy, or to carry off any fluid of an offensive or dangerous nature. No water or refuse from any industrial, commercial or institutional process, including uncontaminated water used for heating or cooling, shall be discharged in any stream or watercourse by any person until such person has obtained the appropriate local, state and federal permits.

(B) *Improper Disposal.* It shall be unlawful for any person to discharge non-storm water to any storm water conveyance with the exception of the following:

- Water line flushing;
- Diverted stream flows;
- Rising ground waters;
- Uncontaminated ground water infiltration to separate storm sewers;
- Uncontaminated pumped ground water discharges from potable water sources;
- Foundation drains;
- Air conditioning condensation;
- Irrigation water;
- Springs;
- Water from crawl space pumps;
- Footing drains;
- Lawn watering;
- Car washing at one's residence, not for hire;
- Flows from riparian habitats and wetlands;
- Dechlorinated swimming pool discharges;
- Street wash waters; and

-Discharges from firefighting.

(C) *Litter and Refuse Control*: It shall be unlawful to throw, place or deposit any refuse in any street, public place, on any private property, or in any conveyance within the unincorporated Guilford County, except in garbage cans or garbage receptacles.

It shall be unlawful for any person to throw any garbage, peelings or miscellaneous litter upon any of the sidewalks in the county or upon the floors of any churches, public halls, theaters, buses or other public places.

It shall be unlawful for any person to place, drop or throw any litter, garbage, refuse, grass, shrubbery, tree clippings, bottles, cans, or containers or any kind upon any median strip, alleyway, street or street right-of-way, park or grass strip, or in any conveyance, or upon the private premises of another without permission of the owner or person in control of such premises, or upon any public property; provided, however, that the provisions of this section do not apply to those materials required to be placed for collection on the grass or park strip.

(D) *Organic Waste*: No privy, pigpen, stable or structure of any kind shall be permitted to stand so near any stream, ditch, drain, or storm water conveyance of any kind that animal waste or the droppings therefrom will run into such stream, ditch, drain, or storm water conveyance or in any way poison or contaminate the water therein; nor shall the urine from any privy be allowed to fall or be emptied into any stream, ditch, drain, or storm water conveyance.

(Amd. of 4-21-05)

#### 7-3.9. Spill response.

(A) *Purpose and authority*. The Coordinator for the Guilford County Environmental Health-Emergency Spill Response Team or his designee shall have the authority to summarily abate, control and contain hazardous materials which are emitted into the environment in such a manner as to endanger the health or safety of the general public or the environment. The Coordinator or his designee shall have the authority to enter public or private property with or without the owner's consent, to respond to such hazardous materials emergencies. The Coordinator or his designee shall determine the type, amount and quantity of equipment and personnel required to adequately abate, control and contain all hazardous materials which are emitted into the environment.

(B) *Responsibility*. The property owner and/or the person exercising control over the hazardous materials that create the hazardous material emergency shall be held liable for any response, control, containment, equipment, and materials costs incurred by the Guilford County Environmental Health--Emergency Spill Response Team during the emergency. The property owner and/or person exercising control over such hazardous material, may provide personnel to assist abatement, removal and remedial measures, provided such personnel have been adequately equipped and trained pursuant to the requirements of state and federal laws. Guilford County shall not be liable for the use of outside personnel. Assistance shall consist of any or all of the following:

- 1) Informing Emergency Spill Response Team personnel of all matters pertaining to the incident;
- 2) Supplying emergency response plan information for the site;
- 3) Supplying emergency response equipment, personnel and materials.

(Amd. of 4-21-05)

#### 7-3.10. Review of Stormwater Pollution Prevention Plans.

The County may review the storm water pollution prevention plans required under a facility's NPDES storm water discharge permit when outfall monitoring or the illicit discharge/improper disposal program locates a suspected violator.

(Amd. of 4-21-05)

#### 7-3.11. Violations.

Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this article and by state law:

(A) *Development without permit*. To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this chapter without all required permits, certificates, or other forms of authorization as set forth in this article.

(B) *Development inconsistent with permit.* To engage in any development, use, construction remodeling or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other for of authorization granted for such activity.

(C) *Violation by act or omission.* To violate, by act or omission, any term, variance, modification, condition, or qualification placed by the governing body or its agent boards upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.

(D) *Use in violation.* To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this article or any other regulation made under the authority conferred thereby.

(E) *Continuing a violation.* To continue any of the above violations is a separate and distinct offense each day.

(Amd. of 4-21-05)

### 7-3.12. Civil Penalties.

#### (A) *Illicit Connections.*

1) Any person who is found responsible for an illicit connection shall receive a notice of violation when the connection is discovered. The person shall have thirty (30) days to remove the connection. At the end of that time if the connection has not been removed, the Enforcement Officer may assess civil penalties in the amount of two hundred dollars (\$200.00) for violation of the ordinance. For purposes of this section, each day that a violation remains unabated shall be considered a new, separate and distinct violation for purposes of assessing a civil penalty. In addition to the assessment of civil penalties, the Enforcement Officer may enter the property and take measures necessary to remove the connection and perform whatever cleanup or abatement is necessary. If the person fails to remove the connection in the time prescribed, the county may petition the superior court of justice, for the issuance of an injunction to compel removal and payment; however, removal of the illicit connection shall be immediate upon the determination of the Enforcement Officer that the connection poses an imminent threat to public health.

2) If any person who previously has been found to have an illicit connection reconnects to the conveyance, he shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00). The penalty shall increase by twenty-five (25) percent of the previous penalty amount for every subsequent illicit connection made by the same person. The penalty shall be additional to the cost of cleanup and abatement. If the person has or is required to have a storm water discharge permit from the state division of environmental management, the Enforcement Officer shall alert the appropriate state authorities of the violation. In determining the amount of the penalty the county manager or his designee shall consider the following:

- a) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b) The duration and gravity of the violation;
- c) The effect on ground or surface water quality or on air quality;
- d) The cost of rectifying the damage;
- e) The amount of money saved by noncompliance;
- f) Whether the violation was committed willfully or intentionally;
- g) The prior record of the violator in complying or failing to comply with the storm water quality management;
- h) The costs of enforcement to Guilford County.

#### (B) *Improper disposal.*

1) *Process wastewater.* Any person who is found to have improperly disposed of process wastewater to the receiving streams shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00) In determining the amount of the penalty the county manager or his designee shall consider the following:

- a) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- b) The duration and gravity of the violation;
- c) The effect on ground or surface water quality or on air quality;
- d) The cost of rectifying the damage;

- e) The amount of money saved by noncompliance;
- f) Whether the violation was committed willfully or intentionally;
- g) The prior record of the violator in complying or failing to comply with the storm water quality management program and,
- h) The costs of enforcement to Guilford County.

(C) *Bulk sales.* Any person who is found to have improperly disposed of any substance that was purchased at a bulk sales location which, upon discharge to the receiving streams or drainage network, would have an adverse impact on water quality or cause the county to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00). In determining the amount of the penalty the county manager or his designee shall consider the following:

- 1) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- 2) The duration and gravity of the violation;
- 3) The effect on ground or surface water quality or on air quality;
- 4) The cost of rectifying the damage;
- 5) The amount of money saved by noncompliance;
- 6) Whether the violation was committed willfully or intentionally;
- 7) The prior record of the violator in complying or failing to comply with the storm water quality management program; and
- 8) The cost of enforcement to Guilford County.

(D) *Household products.* Any person who is found to have improperly disposed of any substance that was purchased over-the-counter for household, in quantities considered normal for household purposes, which, upon discharge to the receiving streams or drainage network, would have an adverse impact on water quality or cause the county to be in noncompliance with any applicable environmental permit shall be assessed a civil penalty not to exceed five hundred dollars (\$500.00). In determining the amount of the civil penalty the county manager or his designee shall consider the following:

- 1) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- 2) The duration and gravity of the violation;
- 3) The effect on ground or surface water quality or on air quality;
- 4) The cost of rectifying the damage;
- 5) The amount of money saved by noncompliance;
- 6) Whether the violation was committed willfully or intentionally;
- 7) The prior record of the violator in complying or failing to comply with the storm water quality management program; and
- 8) The costs of enforcement to Guilford County.

(E) *Yard waste.* Any person who is found to have improperly disposed of leaves, grass clippings, or other yard wastes shall be assessed a civil penalty not to exceed five hundred dollars (\$500.00). In determining the amount of the penalty the county manager or his designee shall consider the following:

- 1) The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
- 2) The duration and gravity of the violation;
- 3) The effect on ground or surface water quality or on air quality;
- 4) The cost of rectifying the damage;
- 5) The amount of money saved by noncompliance;
- 6) Whether the violation was committed willfully or intentionally;
- 7) The prior record of the violator in complying or failing to comply with the storm water quality management program; and
- 8) The costs of enforcement to Guilford County.

(F) *Repeat violation.* If a person is found to be responsible for more than one (1) instance of improper disposal, the penalty shall increase by twenty-five (25) percent of the previous penalty amount for each subsequent improper disposal. The penalties shall be additional to the cost of clean-up and abatement.

(G) *Watershed areas.* The penalty assessed for any of the above violations shall be increased by twenty-five (25) percent of the amount assessed if it occurs in any designated water-supply watershed area.

(H) *Failure to report.* The penalty assessed for any of the above violations shall be increased by twenty-five (25) percent of the amount assessed for any spill not properly reported by the violator once he has knowledge of the violation.

(I) *[Penalties.]* In the event there are subsequent penalties assessed by the state against the county for improper disposal or illegal dumping, or illicit connection into receiving streams, caused by any person, such person shall be assessed the equivalent amount of civil penalty.

(Amd. of 4-21-05; Case No. 5-06, 1-18-07)

### 7-3.13. Remedies.

Any or all of the following procedures may be used to enforce the provisions of this chapter:

(A) *Injunction.* Any violation of this article or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

(B) *Civil penalties.* Any person who violates any provision of this article shall be subject to the assessment of a civil penalty under the procedures provided in Article 7-3.12 (Civil Penalties).

(C) *Denial of permit.* The county manager or his designee shall withhold or deny any permit, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this article, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

(D) *Conditional permit or temporary certificate.* The county manager or his designee may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate government authority.

(E) *Revocation of permit.* The county manager or his designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.

(F) *Criminal penalties.* Any violation of this chapter shall be a misdemeanor or infraction as provided by NCGS 14-4. Each violation shall be subject to a fine not to exceed five hundred dollars (\$500.00).

(G) *Notification of the State Enforcement Officials.*

1) *Industrial and related facilities.* When a county manager or his designee discovers an apparent violation of an industrial or related facility's NPDES storm water discharge permit or that the facility is not operating pursuant to its storm water pollution prevention plan, the county shall notify the appropriate state officials immediately.

2) *Construction sites.* If the county manager or his designee discovers an apparent violation of the NPDES storm water discharge permit required by the state for sites with land-disturbing activity greater than one (1) acre, or less if part of a larger project, he shall report the violation immediately to the appropriate state officials.

3) *Abatement.* When the discharge from the facility interferes significantly with the receiving streams, and the facility fails to take appropriate actions upon notification by the county, the county may take immediate and appropriate measures to control the problem whether or not the facility is violating its NPDES permit and recover the cost from the facility.

4) *Judicial Enforcement.* When any person is in violation of the provisions of this chapter, the county manager or his designee, through the county attorney, may petition the superior court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.

(Amd. of 4-21-05)

#### 7-3.14. Appeal Hearing.

(A) Any person assessed a civil penalty under this chapter shall have the right to a hearing before the Environmental Review Board upon making a written demand to ERB specifying the issues to be contested, within thirty (30) days following receipt of the assessment.

(B) Unless such written demand is made within the time specified herein, the action shall be final and binding.

(C) The ERB shall make a final decision on the contested penalty within thirty (30) days of the receipt of the written demand for a hearing.

(D) The ERB shall transmit a copy of the decision by registered or certified mail.

(E) The decision of the ERB shall be considered the final administrative action for the purposes of judicial review. Any person may seek judicial review of a final administrative decision by the ERB by filing a petition for writ of certiorari within thirty (30) days after receipt of notice by registered or certified mail, but not thereafter, with the Superior Court of Guilford County and with a copy to Guilford County.

(Amd. of 4-21-05)

#### 9-1.2. Notice.

(A) *Rezoning, Variance, Approved Waiver, Certificate of Appropriateness for a Major Work, or Watershed Variance* : Whenever there is a request for a zoning map amendment, Special Use Permit, variance, Certificate of Appropriateness for a Major Work, watershed map amendment, watershed variance , or an approved waiver involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed request or approved waiver.

- 1) Notice shall be by first class mail to the last addresses listed for such owners on the county tax abstracts.
- 2) The person or persons mailing such notices shall certify to the governing body that proper notice has been given and such certification shall be deemed conclusive in the absence of fraud.
- 3) In the case of comprehensive rezoning of all property within the Jurisdiction, notice shall be mailed as required by NCGS 153A-343.
- 4) Notice of such proposed action shall also be published in a newspaper of general circulation in accordance with North Carolina General Statutes.
- 5) Each site shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing. Posting shall not be required in the case of comprehensive rezoning.
- 6) In the case of a waiver approved by the Technical Review Committee pursuant to Section 5-12, notice of the approved waiver and appeal rights shall be made by first class mail to the owner(s) of the parcel of land affected by the approved waiver and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing.

(B) *Text Amendment and Appeal*: Whenever there is a request for an action involving a text amendment to this Ordinance or an appeal of an interpretation of this Ordinance, a notice of such proposed action shall be published in a newspaper of general circulation in accordance with North Carolina General Statutes.

(C) *Board Approval of Subdivision or Site Plan*: Whenever there is a request for an action involving a subdivision or site plan requiring a board approval under this Ordinance; the meeting of the designated board shall have an agenda duly posted in accordance with North Carolina Open Meetings Statutes.

### **9-3. TECHNICAL REVIEW COMMITTEE**

#### **9-3.1. Authority.**

There is hereby created a planning agency, pursuant to NCGS 160A-361 or 153A-321 known as the Technical Review Committee (TRC).

#### **9-3.2. Number of Members.**

The TRC shall be composed of at least five (5) department or division heads, or their designated representatives appointed by resolution of the Governing Body. Each representative shall have an alternate.

#### **9-3.3. Officers.**

Planning Director or his designated representative shall serve as Chair of the Technical Review Committee. The Committee shall appoint a Secretary.

#### **9-3.4. Powers and Duties.**

The Technical Review Committee shall have the following powers and duties:

- (A) To provide for a continuing, coordinated, and comprehensive review of the technical aspects of this Ordinance, and for the approval of certain technical aspects of development proposals;
- (B) To review all technical aspects of all development occurring within the jurisdictional area of the local government;
- (C) To review and approve new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, and any other proposals for development specified by this Ordinance and waivers authorized in Article V (Subdivision: Procedures and Standards);
- (D) To recommend to the Planning Board the closing of streets, alleys, easements, and other rights-of-way;
- (E) To review submitted watershed variance requests for mapping standards and content prior to forwarding to the Planning Board and the Governing Body. on all major watershed variance requests;
- (F) To perform any other related duties that the Governing Body may direct; and
- (G) To exercise any other power and authority provided to it by the Governing Body, this Ordinance and State law.

### **9-6. THE ENVIRONMENTAL REVIEW BOARD**

#### **9-6.1. Authority.**

There is hereby created a planning agency, pursuant to NCGS 160A-361 or 153A-321 to be known as the Environmental Review Board.

### 9-6.2. Membership.

The Environmental Review Board shall consist of at least seven (7) members and may have alternates, appointed by the Governing Body.

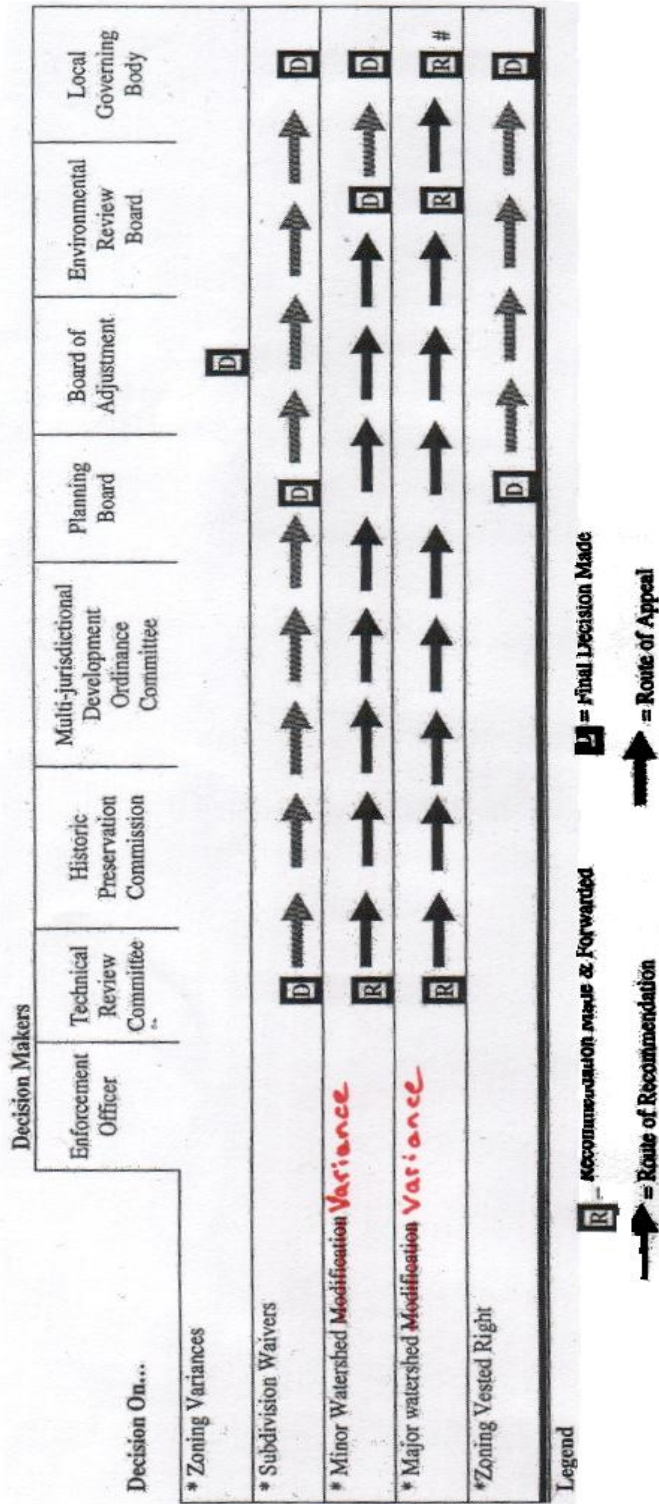
### 9-6.3. Powers and Duties.

The Environmental Review Board shall have the following powers and duties:

- (A) Investigate environmental conditions of Guilford County periodically;
- (B) Review regulatory procedures and methods of governmental units;
- (C) Review appropriate records and reports of governmental units;
- (D) Review the findings of private consultants employed by the County Commissioners or departments under their authority;
- (E) Cooperate with and coordinate activities of various environmental committees and organizations of citizens concerned with environmental quality;
- (F) Cooperate with and coordinate activities of educational institutions, private enterprises, and private citizens;
- (G) Solicit and review suggestions and recommendations and criticisms made by all individual parties and organizations;
- (H) Assist county staff in drafting ordinances for enactment by the County Commissioners when requested;
- (I) Participate in meeting with the County Commissioners, government employees, and general public to explain findings, decisions and recommendations as required;
- (J) Perform other functions as requested by the Guilford County Board of Commissioners;
- (K) To hear and decide matters in accordance with the terms of this Ordinance; to wit: Minor stormwater/watershed variances, channelization of streams, underground storage tanks, Illicit and Illegal discharges, enforcement for non-compliance of environmental regulations;
- (L) To hear and decide matters on appeal from the Enforcement Officers for Stormwater management/watershed and Soil Erosion; to wit: subdivisions, site plans, stormwater management/watershed plans, and soil erosion plans;
- (M) To provide recommendations to the Governing Body with regard to any of the above matters which may be appealed; as well as those matters which are referred to the N.C. Environmental Management Commission with recommendation from the Governing Body such as major Stormwater management/watershed variances.



APPENDIX 4



\* Authority to grant major modifications rests with the N.C. Environmental Management Commission (EMC). The recommendations of the local Boards and Committees shall be forwarded to the EMC for review.

(Amd. of 4-21-05)