

**Watershed Ordinances for Various Jurisdictions<sup>1</sup>**

	<b>Low Density<sup>2</sup></b>	<b>Low Density w/ 10/70<sup>3</sup></b>	<b>High Density<sup>4</sup></b>	<b>Additional Comments</b>
<b>County</b>				
<a href="#">Chatham County</a>	Yes	Yes (partial)	No	(1) The Local Watershed district allows for the 10/70 provision for non-residential uses and can be approved by the Watershed Administrator as a special non-residential intensity allocation (SNIA). The WS-III BW district allows for a 5/70 provision for non-residential uses and can be approved by the Watershed Administrator as a SNIA. (2) There are no provisions for a 10/70 or 5/70 option in the WS-IV PA.
Alamance County	Yes	No	No	
<a href="#">Orange County</a>	Yes	No	Yes	(1) The high density option is only available within certain watersheds primarily for non-residential uses. Projects using the high density option must be consistent with the Land Use Element of the Comprehensive Plan. (2) The stream buffer requirements are generally more stringent than other jurisdictions. (3) Conservation agreements can be used to transfer allowable built upon area between adjoining parcels and within the same watershed.
<a href="#">Durham County</a>	Yes	No	Yes	(1) The provisions described herein are in draft form and currently under consideration for adoption. The high density option is allowed in the zoning ordinance that is currently in effect. (2) Engineered stormwater controls must be used to control the first inch of rainfall. Impervious surface limits of up to 70% are allowed in specified watersheds. In one watershed a major special use permit is required for non-residential developments over 25%.
<a href="#">Wake County</a>	Yes	No	No	
<a href="#">Lee County</a>	Yes	Yes	No	(1) The 10/70 option is available in all watersheds designated as balance of watershed or protected area. (2) The Special Intensity Allocation (SIA) is allocated on a first come, first served basis and is approved by the Watershed Administrator.
<a href="#">Moore County</a>	Yes	Yes (5/70)	No	(1) Allocations are approved by the Watershed Review Board. (2) For non-residential use only. (3) 5% of the available acreage under the 5/70 rule is reserved for public projects and facilities in 5 watersheds and 10% in 1 watershed. (4) All property subject to 5/70 request must be uniformly zoned.
<a href="#">Randolph County</a>	Yes	Yes	No	(1) The 10/70 option is available in non-critical watersheds, is designated for non-residential uses, and allocations are approved by the Planning Director.

<a href="#">Catawba County</a>	Yes	Yes (5/70)	Yes	(1) The 5/70 option is available in WS-II (other residential and non-residential) and WS-III (non-residential) and are approved by the Board of Adjustments. (2) The WS-IV CA & WS-IV PA allows the high density option for planned developments only. In the WS-IV CA engineered stormwater controls must control first one inch of rainfall and developments are not to exceed 50% built upon. In the WS-IV PA engineered stormwater controls must control first one inch of rainfall and developments are not to exceed 70% built upon.
<a href="#">Davie County</a>	Yes	Yes	No	<p>(1) Allocations are approved by the Board of Commissioners as a special use district zoning permit on a project-by-project basis (WS-III BW &amp; WS-IV PA). (2) The following criteria shall be met by the applicant in approving the special use permit:</p> <p>(a) The property under consideration shall be zoned for industrial or commercial uses. In the event the proposed development is for public or non-projt development, educational buildings or facilities, or otherwise serves a significant economic development purpose for the county, the property may be zoned residentially;</p> <p>(b) The property under consideration shall be served by public water and public sewer to accomodate a densely developed site. In the case where public sewer is not accessible, on-site sewage disposal shall be approved by the County Health Department or the state, whichever applies;</p> <p>(c) The development proposed shall begin construction within 12 calendar months of the approval of the special use permit. In the event that construction has not commenced within 12 months, the applicant may apply for one six-month time extension. This extension may be granted by the Board of Commissioners only upon sufficient information presented by the applicant, that predictable difficulties beyond the control of the application have resulted in delay in the start of construction;</p> <p>(d) A site plan shall be submitted showing:</p> <ol style="list-style-type: none"> <li>(1) The location of all buildings and uses on the propety;</li> <li>(2) The location, extent, and types of supporting facilities such as parking lots, driveways, and access streets;</li> <li>(3) The timing of development;</li> <li>(4) The location, extent, and details of landscaped and buffer areas;</li> <li>(5) The positioning of other special purposes on the tract;</li> <li>(6) The petitioners shall incorporate in any future conveyance of the property and file on the public record, a detailed description of the special use and all conditions imposed;</li> </ol> <p>(e) In the event of a significant change from the approved use or site plan, the special use permit shall be invalid and the petitioner shall re-apply to the Board of Commissioners. For purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.</p>

<a href="#">Pasquotank County</a> <a href="#">(Criteria)</a> <a href="#">(Application)</a>	Yes	Yes	No	<p>(1) The 10/70 option is available in the WS-IV PA watershed and is approved as a Special Intensity Allocation (SIA) by the Board of Commissioners. (2) The following criteria shall be met for approval of a SIA:</p> <ol style="list-style-type: none"> <li>1. Proposed developments that will be considered are commercial/industrial uses, manufacturing firms, shopping centers, big box retailers, professional offices, public/institutional facilities, public or non-profit development, public utilities, expansion of established businesses or uses that otherwise serve a significant economic development purpose for Pasquotank County;</li> <li>2. A site plan drawn to scale by a surveyor/engineer shall be submitted showing: <ol style="list-style-type: none"> <li>A. The setbacks and location of all buildings and uses on the property;</li> <li>B. The location, extent, and types of supporting facilities such as parking lots, storage areas, driveways, and access streets, and all stormwater structures for meeting high density requirements according to North Carolina Department of Environment &amp; Natural Resources – Division of Environmental Management. Stormwater retainage ponds shall be reviewed for safety and may be required to be fenced and landscaped at the Board of Commissioners discretion.</li> <li>C. The location and details of landscaped and buffer areas;</li> <li>D. The timing of development; and,</li> <li>E. Calculated Impervious Coverage (For purposes of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed).</li> </ol> </li> <li>3. The development proposed shall begin construction within twelve (12) calendar months of the approval of the SIA Watershed Protection Permit or the permit shall be null and void. Applicants may re-apply if their permit expires.</li> <li>4. In the event of a significant change from the approved use or site plan, the SIA Watershed Protection Permit shall be invalid and the petitioner shall re-apply to the Board of Commissioners. As defined in this paragraph “significant change” shall include, but is not limited to the following: (a) a negative effect or reduction in the tax base; (b) failure to produce or maintain the anticipated number of jobs; (c) an increase of more than five percent (5%) in impervious coverage from what was submitted and approved; (d) a change in use of the property.</li> <li>5. If a permit is denied, significant changes must be made that would warrant resubmission of an application for the same parcel. As defined in this paragraph “significant change” shall include, but is not limited to the following: (a) an increase in the anticipated tax base; (b) an increase in the number of full time jobs created; (c) a reduction in impervious coverage; (d) a change in use from what was previously proposed.</li> <li>6. Each application shall require submission of an application fee set forth by the Board of</li> </ol>
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				<p>Commissioners.  Point System is Designed to Promote Less Intense Development  150 Points are required to be considered for an SIA Permit</p> <table border="1"> <thead> <tr> <th>Categories for SIA</th> <th>Standard</th> <th>Points for this Proposal</th> </tr> </thead> <tbody> <tr> <td>1. Tax Base (estimated tax value of the land &amp; building(s) of complete project) \$200,000 to \$500,000 \$500,000 - \$999,999 \$1,000,000 or more</td> <td>50 75 100</td> <td></td> </tr> <tr> <td>2. Fulltime Employment Created 1-10 11-25 26 or more</td> <td>25 50 75</td> <td></td> </tr> <tr> <td>3. Impervious Area 61% - 70% 51% - 60% 25% - 50%</td> <td>25 50 75</td> <td></td> </tr> <tr> <td>4. Revitalization of Existing Development</td> <td>50</td> <td></td> </tr> <tr> <td>5. Public Facilities and Utilities</td> <td>150</td> <td></td> </tr> <tr> <td>6. Non-Profit Establishments</td> <td>100</td> <td></td> </tr> <tr> <td>7. Community Value – as determined by Board of Commissioners</td> <td>50</td> <td></td> </tr> <tr> <td>Total</td> <td></td> <td></td> </tr> </tbody> </table>	Categories for SIA	Standard	Points for this Proposal	1. Tax Base (estimated tax value of the land & building(s) of complete project) \$200,000 to \$500,000 \$500,000 - \$999,999 \$1,000,000 or more	50 75 100		2. Fulltime Employment Created 1-10 11-25 26 or more	25 50 75		3. Impervious Area 61% - 70% 51% - 60% 25% - 50%	25 50 75		4. Revitalization of Existing Development	50		5. Public Facilities and Utilities	150		6. Non-Profit Establishments	100		7. Community Value – as determined by Board of Commissioners	50		Total		
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<a href="#">Granville County</a>	Yes	Yes	No	(1) The 10/70 option is available for all non-critical watersheds, is designated for non-residential zoning districts only, and allocations are approved by the Board of Commissioners. (2) A fee of .10 cents per square foot is charged for the difference in the area allowed to be developed by right and the additional acreage allowed at 70%.																											
<a href="#">Henderson County</a>	Yes	Yes	No	(1) The 10/70 option is available for all non-critical watersheds and are designated for multi-																											

family residential and non-residential uses. (2) The 10/70 allocation is approved by either the Watershed Administrator or the Board of Commissioners as indicated below (*in italic*).

Special intensity allocation (SIA)

(3) Upon receipt of a formal application (see Appendix F) and review of a development plan for conformance with the terms of this article, the Watershed Administrator or the Board of Commissioners, as appropriate, shall approve the SIA, provided that acreage is still available in the appropriate category below. Applications shall be made in one of the following categories:

*(a) Category 1: Applications for commercial, industrial or multifamily residential development. These applications shall be reviewed and approved by the Watershed Administrator. No more than 6% of acreage within the balance of the watershed outside the critical area may be allocated for this category.*

*(b) Category 2: Applications for nonresidential community service uses. Such uses include, but are not limited to, schools, churches, community centers, park facilities and nonprofit agencies serving the immediate community. These applications shall be reviewed and approved by the Watershed Administrator. No more than 2% of the acreage within the balance of the watershed outside the critical area may be allocated for this category.*

*(c) Category 3: Applications for nonresidential development shall be reviewed by the Board of County Commissioners following a recommendation by the Watershed Administrator. Allocations from this category shall not be drawn upon unless the application cannot be approved under Category 1 or 2, respectively, due to exhaustion of acreage allocations. No more than 2% of the acreage within the balance of the watershed outside of the critical area may be allocated from this category. The Board of Commissioners may set any criteria under which allocations for this category may be drawn.*

(4) SIA may not be transferred to another parcel of property.

(5) Failure of the developer to obtain a building permit and begin construction within six months of the date of approval of an SIA shall invalidate such SIA. Extensions may be granted for cause by the approving authority upon written request of the developer. Expiration of time limits stated herein shall require reapplication for an SIA permit under the provisions of this section.

				<p>(6) Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate best management practices to minimize water quality impacts.</p> <p>(7) SIA's shall be awarded in the order of applications received which are in compliance with all conditions of this article. Project applications which are deemed to pose a threat to water quality and public health, safety and welfare pursuant to § 192-22 of this article shall be denied.</p> <p>(8) The Board of County Commissioners may establish fees for SIA applications.</p>
<b>Municipal</b>				
Town of Pittsboro	Yes	No	Yes	(1) The high density option can only be used in the WS-IV PA and is approved by the Board of Commissioners. (2) Projects using the high density option must use engineered stormwater controls to control runoff from the first inch of rainfall and developments shall not exceed 70% built upon area.
<a href="#">Town of Siler City</a>	Yes	Yes	No	(1) Distributed on a first come, first served basis. (2) No restrictions on applicable uses.
<a href="#">Town of Chapel Hill</a>	Yes	No	Yes	(1) The Town only has 1 watershed district and under the high density option residential development may not exceed 50% built upon area and non-residential development may not exceed 70% built upon area. Engineered stormwater structures must used to control the first inch of rainfall. (2) Additional impervious surface limitations for areas outside of the designated watersheds is provided for in other sections of the Town's Land Use Management Ordinance.
<a href="#">Town of Cary</a>	Yes	No	Yes	(1) Projects using the high density option must use engineered stormwater controls to control runoff from the first inch of rainfall and developments shall not exceed 70% built upon area. (2) The high density option only applies to the WS-IV PA.
Town of Sanford (See Lee County)				

<sup>1</sup>**Background Information:** The water supply watershed protection rules became effective on August 3, 1992 and were established by the NC Environmental Management Commission. At the time of the initial approval, jurisdictions with WS-II and WS-III watersheds were allowed to incorporate a 5/70 provision in their respective ordinances for non-critical areas. This allowed for 5% of the watershed outside of the critical area to be developed at 70% impervious. In 1995 the water supply watershed protection rules were amended to change the 5/70 provision to 10/70, allowing 10% of the watershed outside the critical area to be developed at 70% impervious. The amendment also allowed the 10/70 option in the WS-IV watershed.

<sup>2</sup>**Low Density:** The minimum standards that apply to watershed districts approved by the NC Environmental Management Commission (NCEMC). Sets minimum housing densities and impervious surface limits for all designated watersheds. Chatham County has 5 watershed districts required by NCEMC (WS-II BW, WS-III CA, WS-III PA, WS-IV CA, and WS-IV PA) and 3 locally designated watershed districts (River Corridor, River Corridor Special Area, and Local Watershed Area). The WS-IV PA allows for 1 dwelling unit per acre and either 36% impervious surface coverage for all other residential and non-residential projects without curb-and-gutter or 24% with curb-and-gutter.

<sup>3</sup>**Low Density with 10/70:** When the water supply watershed protection program was started, local governments were allowed to incorporate a 5/70 provision for the WS-II PA and WS-III PA watersheds. Local governments could allow 5% of certain non-critical watersheds to develop at 70% impervious. An amendment to these rules in 1995 expanded the provision to 10/70 and also included the WS-IV PA. If a local jurisdiction implements the 10/70 provision they must provide an accurate record keeping and tracking system and require a 100 foot stream buffer along any perennial stream located on a project using the 70% provision. The 100 foot stream buffer does not apply throughout the entire watershed. This provision does not apply to any watershed designated as critical. The NC Division of Water Quality refers to the 10/70 option as high density, although the more stringent provisions of the high density option described below do not apply.

<sup>4</sup>**High Density:** This option allows for a higher percentage of impervious surfaces for all areas within WS-II, WS-III, and WS-IV watersheds for both the critical and non-critical watersheds. In the WS-IV CA any property could have 50% impervious surface and property in the WS-IV PA could have 70% impervious surface, as long as engineered stormwater controls designed to handle the first inch of rainfall are installed. The local government is also required to inspect the stormwater control structures annually and is ultimately responsible for the operation and maintenance of each structure in the event of the owner's failure to do so. There are also additional costs that include training for the Watershed Administrator and Watershed Review Board, and technical and legal advice from engineers and attorneys that would be needed to review the structures and associated maintenance and financial surety documents.