

## **CHAPTER 8: WATERSHED PROTECTION REGULATIONS**

### **8.1.3 - Exemptions to Applicability**

~~D. A pre-existing lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single-family residential purposes without being subject to the restrictions of this Chapter except Section 8.3.4 where practicable. However this exemption is not applicable to multiple contiguous lots under single ownership unless the lots violate the minimum lot size established by the N.C. Environmental Management Commission. Lots in violation of N.C. Environmental Management Commission minimum standards shall be combined according to Section 8.3.8(A)(2).~~

### **8.1.9- Definitions**

~~**Minor Variance** - A variance that does not qualify as a Major Variance.~~ **A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high-density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low-density option. For variances to a vegetated setback requirement, the percent variation shall be calculated using the footprint of built-upon area proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.**

**Protected Area** - The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

## **8.3 - Development Regulations**

### **8.3.1 - Establishment of Watershed Area**

The purpose of this Section is to list and describe the watershed areas herein adopted. The areas of the Town of Goldston within the jurisdiction of this Chapter as specified in Section 8.1.2 are hereby established as watershed areas. For purposes of this Chapter, the Town is hereby divided into the following areas:

- A. **WS-IV-PA (Protected Area):**  
This land is the area that is within 10 miles and draining to the Goldston-Gulf water intake on the Deep River.
- B. **WS-IV CA (Critical Area):**  
**This is the land within one mile and draining to the Goldston-Gulf water intake on the Deep River.**
- C. **Local Watershed Area:**  
This land is all the area of the Town of Goldston outside (A) and (B) above.

### 8.3.2 – Watershed Areas Described

#### A. WS-IV Watershed Areas – Critical Area (WS-IV-CA)

##### (1) Uses Allowed:

- a. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993, shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of the U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994, recommended by the Soil and Water Conservation Commission.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- c. Residential development.
- d. Non-residential development- limited to those permitted uses listed in attachment A.

##### (2) Density and Built-upon Limits:

- a. Single Family Residential – development shall not exceed one (1) dwelling unit per acre, as defined on a project-by-project basis. No residential lot shall be less than 40,000 square feet if served by public water and sewer, or 65,340 square feet if served by individual wells or individual wastewater disposal systems.
- b. All Other Residential and Non-residential – development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed. No residential or non-residential lot shall be less than 40,000 square feet.
- c. Lots to be created for the express purpose of minor utilities are exempted from the Required Minimum Lot Area. Any noise producing equipment or generators must be stored within a structure or must be setback a minimum fifty (50) feet from any public right-of-way or property line.

##### (3) Prohibited Uses:

- a. New sludge application sites
- b. New landfills
- c. Petroleum contaminated soil remediation
- d. The storage of toxic and hazardous materials unless a spill containment plan is approved and implemented.

ATTACHMENT A: Permitted Uses

Accessory uses and structures clearly incidental to a permitted use

Accessory dwelling unit i.e., guest house, pool house, garage apartment and in-house apartment

Animal husbandry, specialized with a minimum lot area of 15 acres.

Avocational farming

Bed and Breakfast Inns with no more than six rooms for rent with a minimum lot area of three acres

Boarding stables with a minimum lot area of three acres Breeding stables with a minimum lot area of three acres Boat, Camper, and Recreational Vehicle Storage

Breeding kennels with a minimum lot area of three acres

Churches and other places of worship provided such are located on a lot of not less than three acres.

Day Care Centers in the principal residence to accommodate not more than 15 children at any one time.

Day Care Center for more than 15 children with a minimum lot area of three acres

Dwellings, single-family, manufactured.

Dwellings, single-family site built and modular.

Events Center Limited (see Zoning Ordinance for limitations)

Family Care Home limited to not more than six persons.

Fire Stations and emergency medical facilities with a minimum lot area of three acres

Grounds and facilities for hunting and fishing clubs with a minimum lot area of 20 acres

Grounds and facilities for non-profit clubs with a minimum lot area of three acres

Guest house, pool house, garage apartment

High-tech precision computerized machine shop

Home occupations

Horticulture, specialized with a minimum lot area of three acres.

Kindergartens and nurseries with a minimum lot area of three acres

Mini-Warehouse Storage Facilities:

a) Mini warehouses shall not be allowed to keep on the premises explosives, inflammable liquid, hazardous/toxic waste and other pollutants, contraband, live animal, or other goods prohibited by law.

b) Stormwater management facility to retain the first ½ inch of runoff from the impervious surface area

Office – Business and Professional

Owner-occupied bed and breakfast homes with no more than two (2) rooms/units for rent to stays no longer than seven (7) consecutive days and located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standards setbacks as set in the district in which they are located.

Planned residential developments.

Public and private recreation camps and grounds

Public parks and recreation areas including marinas and concessions with a minimum lot area of three acres.

Public utility facilities Schools, public and private with a minimum lot area of three Acres

Solar Farms That: 1) Disturb tree cover less than the built-upon area percentage for the corresponding watershed (i.e., Solar Farms in WS-III can disturb less than 12% of existing tree cover); and 2) Use only crystalline silicon solar photovoltaics

Street and railway rights-of-way

Public utility transmission lines

Temporary construction trailers or structure

Veterinary clinics and hospitals on tracts of land of at least ten (10) acres and where the use of x-ray equipment is limited to that of "digital" systems.

Wireless Telecommunication Towers constructed and owned by public safety service providers.

**B. WS-IV Watershed Areas – Protected Area (WS-IV-PA)**

**(1) Density and Built-upon Limits:**

a. Single Family Residential – development shall not exceed **two (2)** dwelling units per acre, as defined on a project-by-project basis. No residential lot shall be less than ~~40,000~~ **20,000** square feet if served by public water and sewer, or 65,340 square feet if served by individual wells or individual wastewater disposal systems.

b. All Other Residential and Non-residential – development shall not exceed twenty-four percent (24%) built-upon area on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed. No residential or non-residential lot shall be less than 40,000 square feet.

**C. Local Watershed Area (LWA)**