



PLANNING BOARD AGENDA
Monthly Meeting
February 23, 2026
7:00 PM

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Approval of Agenda
5. Approval of Minutes from November 24, 2025.
6. New Business
 - A. RFA – SUP-03-2025 - Lina Hasan
 - B. Planning Board Applications Review
7. Regular Business
 - A. Planning Department Staff Report November 2025, December 2025 & January 2026
 - B. Update on Projects
8. Old Business – UDO Revisions
9. Adjourn

TOWN OF WILSON'S MILLS

PLANNING BOARD

REGULAR MEETING

MINUTES

November 24, 2025

Present: Donald Byrd - Chair, Marvin Dodd – Vice-Chair, Jay Mouser, Jim Uzzle, Doris Riley, Benji Parrish, Lloyd Barnes.

Others Present: Wendy Oldham, Planning Director; Cynthia Paul, Planning Technician; Kleber Aguilar, Code Enforcement Officer & Permit Technician.

Absent Tony Eason.

Convocation D. Byrd called the meeting to order at 6:59 P.M.

Pledge of Allegiance The Pledge of Allegiance was led by D. Byrd.

Invocation: The invocation was given by L. Barnes.

Approval of Agenda A motion was made to approve the agenda by J. Uzzle and seconded by D. Riley. The motion passed unanimously.

Approval of Minutes A motion was made by J. Uzzle to approve the minutes from May 27, 2025, J. Mouser seconded it. The Planning Board approved unanimously.

New Business Approval of the Street Take-Over for Mill Creek Phases 1 & 2

B Parrish made a motion to approve the Street Take-Over for Phases 1 & 2 of the Mill Creek Subdivision and M. Dodd seconded the motion, the motion passed unanimously.

Regular Business: Planning Department Staff Report (May 2025, June 2025, July 2025, August 2025, September 2025, & October 2025).

W. Oldham reviewed the staff departmental reports and answered questions from the Planning Board Members. Discussion included the street take-over for the Mill Creek subdivision and the planned opening date for Wilson's Mills High School. A motion was made by D. Riley to approve the staff reports for (May 2025, June 2025, July 2025, August 2025, September 2025, & October 2025) and L. Barnes seconded the motion. The motion passed unanimously.

Update On Projects

W. Oldham provided an update to the Planning Board on all projects that were included in the staff report, W. Oldham read aloud the staff report. Chairman D. Bryd raised questions concerning 366 and 200 Powhatan Road, W. Oldham updated him on the current permit approvals and changes made to the current construction taking place.

Old Business

W. Oldham discussed the Town's Bike and Pedestrian Acceleration Plan Project. Jim Uzzle asked about grant opportunities to assist with project costs. W. Oldham stated that she is working with a Johnston County contract to explore potential grant funding, noting that the Town's Bike and Pedestrian Plan connect with Johnston County's Greenway Trail.

A motion was made by Doris Riley to approve Old Business. The motion was seconded by Lloyd Barnes.
Motion passed unanimously.

Adjourn:

B. Parrish made a motion to adjourn at 7:50 P.M, and M. Dodd seconded it. Motion carried unanimously.

Donald Byrd, Chair

Attest:

Wendy Oldham, Planning Director



Request for Planning Board Action

TO: Donald Byrd and Planning Board Members
FROM: Wendy Oldham, CZO
DATE: February 23, 2026
FILE No.: SUP-03-2025
REQUEST: Special Use Permit to allow a Residential Group Home facility in Town limits.

REQUEST SUMMARY	
CASE #:	SUP-03-2025
Applicant/Owner:	Lina El Hasan – Luna Care LLC.
LOCATION:	115 Gladstone Loop Wilson’s Mills NC 27520
TAX ID:	17J07043B
SITE ACREAGE:	0.16
ZONING:	RMST
CURRENT USE:	Residential
REQUEST:	To Allow a Licensed Residential Group Home Facility for children with disabilities.

SITE LOCATION



RELEVANT SECTIONS FROM THE CODE

Goal 3: RETAIN OUR CHARACTER!

5.2.3.1 Objective 1: Preserve the small-town appeal of Wilson's Mills while encouraging compatible business growth through development of revised development standards and specifications.

Goal 10: FOSTER A FAMILY ORIENTED COMMUNITY!

5.2.10.1 Objective 1: Identify which barriers currently exist in Wilson's Mills that inhibit it from being a more family friendly community.

BACKGROUND

The property owner is requesting a Special Use Permit to allow the future operation of a Residential Group Home Facility for children with disabilities. The facility would be designed to provide supervised long-term residential care and support services for children with disabilities and/or special needs. The proposed home would offer a safe, supportive, and structured environment tailored to meet the ongoing needs of its residents.

STANDARDS FOR APPROVAL

Recommendation to the Town Council will be based on facts as presented, staff, planning board recommendation, and the findings of facts listed below:

FINDINGS OF FACT

1. All applicable specific conditions as described in the Town's Code of Ordinances pertaining to the proposed Special Use have been or will be satisfied.

Statement by applicant: The proposed development is appropriately located within a zoning district that permits the intended use, is thoughtfully designed to meet all local building, safety, and accessibility standards, and will be operated in full compliance with applicable regulations. The facility's layout, staffing, and daily operations are planned to ensure safety functionality and minimal impact on the surrounding community, supporting its suitability in alignment with public interest and planning requirements.

2. Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety, and convenience, traffic flow, and control and access in case of fire or another emergency.

Statement by applicant: The proposed group home complies with all required regulations and standards outlined in the Wilson's Mills Development Ordinance,

including Zoning, Safety, accessibility, and land use provisions. Additionally, the development adheres to all applicable state and federal regulations governing residential care facilities, ensuring the site is suitable, legally compliant, and appropriately designed to support the needs of its residents in a safe and supportive environment.

3. Off Street parking, loading, refuse, and other service areas are located to be safe, convenient, allow access in case of emergency and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood.

Statement by applicant: The proposed group home located, designed, and will be operated in a manner that will not substantially injure the value of adjoining or abutting properties. The home is residential in scale, and character maintaining compatibility with the surrounding neighborhood. Furthermore, it serves a vital public need by providing safe, supportive housing and care for vulnerable children, fulfilling a necessary community service that aligns with both public interest and social responsibility.

4. Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to manage the proposed use.

Statement by applicant: The proposed group home for disabled children will be in harmony with, the surrounding area maintaining a residential appearance and scale consistent with the character of the neighborhood. The development aligns with the Town of Wilson's Mills general plans for land use by supporting inclusive, community-based residential care within appropriate zoning districts. It promotes the Town's Goals of providing diverse housing options and essential services while preserving the integrity and cohesion of the local community.

STATEMENT OF REASONABLENESS AND CONSISTENCY

The proposed Special Use Permit (SUP-03-2025) for a licensed group home serving disabled children is consistent with the Town's Comprehensive Land Use Plan. The use aligns with the plan's goals to support inclusive, community-based residential services and is appropriate within the RMST zoning district. The proposed group home is a reasonable use that serves the public interest by providing supervised necessary care and housing for children with disabilities while remaining compatible with surrounding residential uses.

1. The request is consistent with the comprehensive land use plan and Unified Development Ordinances.
2. The proposed use is compatible with surrounding land uses and zoning classifications.
3. The request promotes orderly development and supports the health, safety, and general welfare of the community.

STAFF RECOMMENDATION:

The staff's recommendation is for approval of the Special Use Permit as the applicant has met all conditions and has sufficiently addressed the findings of fact.

PLANNING BOARD ACTION:

1. OPTION TO APPROVE:

The Planning Board hereby adopts the statement of Consistency and Reasonableness based on the information provided and the discussions held at the Planning Board meeting on February 23, 2026; I hereby recommend approval of the Special Use Permit (SUP-03-2025) to the Town Council.

2. OPTION TO APPROVE WITH CONDITIONS:

The Planning Board hereby adopts the statement of Reasonableness and Consistency based on the information provided and the discussions held at the Planning Board Meeting on February 23, 2026; I hereby recommend the approval of the Special Use Permit (SUP-03-2025) to the Town Council subject to the following conditions:

3. OPTION TO DENY:

Based on the information provided and the discussions held at the Planning Board Meeting on February 23, 2026, I hereby recommend denial of the Special Use Permit (SUP-03-2025) to the Town Council for the following reasons:

Attachments:

1. Map

identifying the subject property and its location within the Town of Wilson's Mills.

2. Letters from Adjoining Property Owners

Written correspondence from neighboring property owners acknowledging and/or supporting the proposed use.

3. Architectural Approval Letter from Charleston Management

Documentation confirming architectural review and approval by Charleston Management.

4. Zoning Letter from the Town of Wilson's Mills

Official correspondence verifying the zoning designation of the property and applicable use considerations.

5. Alliance Health Licensure Application

Application materials submitted to Alliance Health in connection with required licensure.

6. Fire Inspection and Safety Report

Inspection documentation.

7. Department of Health and Human Services (DHHS) – Licensure Application, Correspondence, and Inspection Documentation

Materials submitted to and received from the Department of Health and Human Services, including the licensure application, related correspondence, and inspection documentation associated with regulatory review and compliance.



TOWN OF WILSON'S MILLS
**SPECIAL USE PERMIT
APPLICATION**

Planning Department
PO Box 448, Wilson's Mills, NC 27593
Phone: (919) 938-3885 Fax: (919) 938-1121

PROCESS INFORMATION:

Submission Requirement: An application for a Special Use Permit shall be filed with the Planning, Zoning & Subdivision Administrator. Such applications shall contain all the information required on this form and must be determined to be complete by the Planning, Zoning & Subdivision Administrator prior to advancing it through the approval process.

Public Notification: This is a quasi-judicial process that requires a public hearing.

Review Process: Special Use Permits are for certain land uses that, because of unique characteristic or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. These uses may be permitted through the issuance of a Special Use Permit (SUP) after ensuring that the use complies with the SUP approval criteria. No inherent right exists to receive a SUP. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique and may be subject to specific requirements to mitigate the impacts of the proposed use. A Special Use Permit must be granted in accordance with the procedures set forth in Article 7 of the Wilson's Mills Development Ordinance (WMDO). For a detailed list of uses requiring a Special Use Permit, please refer to Article 10.2 of the WMDO.

FILING INSTRUCTIONS:

- ✓ 12-3-25 Every applicant for a Special Use Permit is required to meet with the Planning, Zoning & Subdivision Administrator in a pre-application conference prior to the submittal of a formal application. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.
- ✓ A petitioner must complete this application in full. This application will not be processed unless all information requested is provided.
- ✓ Waived Submission of associated fees with completed SUP Application, in the amount of \$500.00.

GENERAL INFORMATION:

Project Address/Location: 115 Gladstone Loop Wilson's Mills NC 27520
Zoning District: RMST Size of Property (acres): 0.16
Johnston Co. Tax PIN #: 17J07043B Proposed Building Square Footage: 1,721
Town Jurisdiction: Town Limits ETJ

Findings of Fact:

Article 7.8 of the WMDO require the compliance of specific findings of fact in order to grant a Special Use Permit. The applicant shall submit the following statements of justification, presenting factual information, supporting each and all the required findings as they relate to the proposed Special Use Permit:

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

Statement by applicant:

The proposed development is appropriately located within a zoning district that permits the intended use, is thoughtfully designed to meet all local building, safety, and accessibility standards, and will be operated in full compliance with applicable regulations. The facility's layout, staffing, and daily operations are planned to ensure safety, functionality, and minimal impact on the surrounding community, supporting its suitability and alignment with public interest and planning requirements.

2. That the use or development complies with all required regulations and standards of the Wilson's Mills Development Ordinance and with all other applicable regulations.

Statement by applicant:

The proposed group home complies with all required regulations and standards outlined in the Wilson's Mills Development Ordinance, including zoning, safety, accessibility, and land use provisions. Additionally, the development adheres to all applicable state and federal regulations governing residential care facilities, ensuring the site is suitable, equally compliant, and appropriately designed to support the needs of its residents in a safe and supportive environment.

3. That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or that the use or development is a public necessity.

Statement by applicant:

The proposed group home located, designed, and will be operated in a manner that will not substantially injure the value of adjoining or abutting properties. The home is residential in scale and character, maintaining compatibility with the surrounding neighborhood. Furthermore, it serves a vital public need by providing safe, supportive housing and care for vulnerable children, fulfilling a necessary community service that aligns with both public interest and social responsibility.

4. That the use or development will be in harmony with the area in which it is to be located and conforms to the general plans for the land use and development of Town of Wilson's Mills and its environs.

Statement by applicant:

The proposed group home for disabled children will be in harmony with the surrounding area, maintaining a residential appearance and scale consistent with the character of the neighborhood. The development aligns with the Town of Wilson's Mills' general plans for land use by supporting inclusive, community-based residential care within appropriate zoning districts. It promotes the town's goals of providing diverse housing options and essential services while preserving the integrity and cohesion of the local community.

Existing land use/zoning on adjoining properties:

North: single Family Residential
South: single Family Residential
East: single Family Residential
West: single Family Residential

APPLICANT INFORMATION:

Applicant: Lina El Hasan

Address: 5709 Preveza Pl

City: Raleigh State: NC Zip: 27603

Phone: 919-777-8435 Email: Lina-Hasan2006@hotmail.com

Property Owner (if different from applicant):

Name: Same as above

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

SPECIAL USE PERMIT REQUEST:

Special Use Request (Proposed Land Use and Description):

A Group home through Alliance Health with a maximum of 4 ages 18 and younger disabled minors.

Proposed Conditions Offered by Applicant:

I have voluntarily taken all of the carpet out of the bedrooms, closets, and the living room to help in with wheelchair accessibility. I also added televisions to each room for entertainment. I bought bed rails for safety and assistance. I also upgraded the Shower Chair to a Sliding Chair making it easier and safer for the children.

APPLICANT SIGNATURE:

I do hereby make application and petition to the Town of Wilson's Mills to approve the subject Special Use. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Town of Wilson's Mills and will not be returned. I understand that this application will not be processed unless it is complete, including required fees paid. I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge.

Lina El Hasan
Applicant Printed Name

Lina El Hasan
Applicant Signature

12-3-2025
Date

OWNER'S SIGNATURE:

I, Lina El Hasan, owner of subject property, do hereby give consent to _____ (type, stamp or print clearly full name of agent) to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to the application indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application.

I hereby certify that I have full knowledge that the property I have an ownership interest in is the subject of this application. I understand that any false, inaccurate, or incomplete information provided by me or my agent will result in the denial, revocation or administrative withdrawal of this application, request, approval or permits. I acknowledge that additional information may be required to process this application. I further consent to the Town of Wilson's Mills to publish, copy, or reproduce any copyrighted document submitted as a part of this application for any third party. I further agree to all terms and conditions, which may be imposed as part of the approval of this application.

I hereby certify the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Town of Wilson's Mills and will not be returned.

Lina El Hasan
Printed Name of Owner

Lina El Hasan
Signature of Owner

12-3-2025
Date

FOR TOWN USE ONLY		
Date Received: <u>12-3-2025</u>	Case #: <u>SUP-03-2025</u>	
Payment Amount: <u>waived</u>	Date Paid: _____	
Application Received By: <u>Cynthia Paul</u>		
PB Date: <u>1/26/26</u>	Recommended _____	Denied _____
TC Date: _____	Approved _____	Denied _____



*** DISCLAIMER ***

Johnston County assumes no legal responsibility for the information represented here.



Scale: 1:6629 - 1 in. = 552.43 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no page **Veiling Districts:** Johnston County GIS May 20, 2025)

Result

id: 17J07043B

Tag: 17J07043B

NCPin: 168600-33-5897

Mapsheet No: 1686

Owner Name 1: STARLIGHT HOMES NORTH CAROLINA L.L.C.

Owner Name 2:

Mail Address 1: 4025 LAKE BOONE TRL STE 200

Mail Address 2:

Mail Address 3: RALEIGH, NC 27607-3087

Site Address 1:

Site Address 2:

Book: 06786

Page: 0656

Market Value: 65000

Assessed Acreage: 0.160

Calc. Acreage: 0.160

Sales Price: 1238500

Sale Date: 2024-11-27

Township: Wilson's Mills

Flood Panel: 3720168600 K | 2014-04-30

Water District: Wilsons Mills Water District

ETJ: Wilsons Mills

City Limits: Wilson's Mills

Town Zoning: RMST

County Zoning: Not Applicable

Over-Lay Zoning: Not Applicable

EMS District: ST12

Fire District: Wilsons Mills

Law District: WMPDP

Census Tract: 409

Electric District: SMITHFIELD-SELMA

MUNICIPAL

Special Tax Not Applicable

Johnston County GIS May 20, 2025

US Congressional 13

NC House District: 28

NC Senate District: 10

Date: 6/17/2025

To Whom It May Concern,

I, Claudia Reed, residing at 121 Gladstone Loop, Wilson's Mills, NC, am writing this letter to confirm that I have no objection to my neighbor, Lina El Hassen, operating a group home for children at their residence located at 115 Glad Stone Loop, Wilson's Mills, NC.

I understand that the nature of the business is a small group home for children who are in need of physical and mental assistance, and I have been informed that the operations will not cause noise, traffic, or other disruptions to the neighborhood.

Having considered the scope and impact of the business, I give my full approval and support for Lina El Hassen to proceed with their home-based business activities.

If you have any questions or require further information, you may contact me at the details provided above.

Sincerely,

Signature: Claudia Reed 6/18/2025

Printed Name: CLAUDIA REED

Date: 7/1/2025

To Whom It May Concern,

I, Ms. Martinez, residing at 109 Glad Stone Loop, Smithfield, NC, am writing this letter to confirm that I have no objection to my neighbor, Lina El Hasan, operating a group home for children at their residence located at 115 Glad Stone Loop, Smithfield, NC 27577.

I understand that the nature of the business is a small group home for children who are in need of physical and mental assistance, and I have been informed that the operations will not cause noise, traffic, or other disruptions to the neighborhood.

Having considered the scope and impact of the business, I give my full approval and support for Lina El Hasan to proceed with their home-based business activities.

If you have any questions or require further information, you may contact me at the details provided above.

Sincerely,

Signature: Mariella Santiago, 7/20/25

Printed Name: Mariella Santiago



Lina El Hasan
115 Gladstone Loop
Wilson's Mills, NC 27520

December 23, 2025

Re: Architectural Request ID 336511
Status: Approved

Dear Lina El Hasan ,

Thank you for submitting your Request. Upon further review, the Architectural Review Committee has approved your request for your home as of 12/23/2025.

This letter will serve as written confirmation that you may proceed with your Group Home request. A hard copy of this letter can be mailed to you upon request.

Thank you for your continued support of your Crescent Mills Owners Association, Inc. and for maintaining and enhancing our carefully designed community.

Sincerely,

Lezia Norman, Support Manager
lnorman@charlestonmanagement.com



TOWN OF WILSON'S MILLS

4083 Wilson's Mills Road – P. O. Box 448 – Wilson's Mills, NC 27593
Voice: 919-938-3885 – Fax: 919-938-1121
Website: www.wilsonsmillsnc.org

June 9, 2025

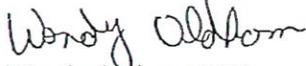
Lina El Hasan
114 Gladstone Loop
Wilson's Mills, NC 27577

Ms. El Hasan:

This letter serves as verification that parcel ID 17J07043B at 115 Gladstone Loop is within the Town of Wilson's Mills corporate limits and is currently zoned RMST. Per the Wilson's Mills Development Ordinance, a group home is allowed within the RMST district, once a Special Use Permit is approved by the Town Council.

Should you have any questions, feel free to contact me at 919-938-3885, extension 220 or via email at woldham@wilsonsmillsnc.org.

Respectfully,


Wendy Oldham, CZO
Planning Director

June 18, 2025

Luna Care LLC
115 Gladstone Loop
Smithfield, NC 27577

Subject: .5600B Luna Care LLC 115 Gladstone Loop Smithfield, NC 27577

Dear: Luna Care LLC

Luna Care LLC is seeking licensure for a residential facility in Johnston County, which is part of the Alliance Health catchment area. N.C.G.S. 122C-23.1 and 10A NCAG 27G.0406 requires applicants for licensure of new residential treatment facilities to submit a letter of support from the Local Management Entity-Managed Care Organization in whose catchment area the facility will be located with their license application to the Division of Health Service Regulation.

The purpose of the statute is to protect the general welfare and lives, health, and property of the people of the State of North Carolina, to ensure that unnecessary costs to the State do not result, that residential treatment facility beds are available where needed, and that individuals who need care in residential treatment facilities may have access to quality care.

In accordance with N.C.G.S. 122C-23.1: Licensure of Residential Treatment Facilities, Alliance concludes the following:

Number of Existing Beds for Same Type of Facility:	0
Projected Need for Additional Beds of Same Type:	TBD

Based on data currently available to Alliance, there is a need for an additional 4 beds in the Alliance Health Johnston County catchment area.

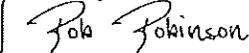
This letter is not intended as an endorsement of the quality of the service or provider, nor is it to be interpreted as a guarantee of contract, referrals, business, or occupancy of the beds for the provider.

Data utilized is current as of the date of the letter and subject to change. This letter of support is valid for 6 months from the date of issuance. Periodically, we may have specialized residential treatment needs in the Cumberland/Durham/Harnett/Johnston/Mecklenburg/Orange/Wake Counties, which will be posted on our website at www.alliancehealthplan.org as a Request for Information (RFI) or Request for Proposal (RFP). Please feel free to visit our website and respond to any RFI/RFP listed.

Should you have any questions, please contact Todd Day at tday@alliancehealthplan.org

Sincerely,

DocuSigned by:



758EC192365E4D7...
Robert Robinson, CEO
Alliance Health

FIRE INSPECTION SAFETY REPORT
(Group R-3 - Single Family Residential Care Homes & Facilities)

NAME OF FACILITY: Luna Care, LLC PERSON IN CHARGE: Lina Elhasan
STREET ADDRESS: 115 Caladstone Loop, Greenville, SC 29615 PHONE # 919-777-8435

CHECK YES or NO AS TO THE CONDITIONS IN THE HOME RELATING TO THE INSPECTION

- | | YES | NO | NA |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 1. Does the occupant utilize <i>listed</i> extension cords? These cords shall not be substituted for permanent wiring and must be used only for portable appliances. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is a working, mounted fire extinguisher(s), rated 2-A, 10-B, C or larger, readily available in the residence? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Does a fire evacuation plan remain posted continually in a prominent location, and is visible to all residents and guests? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does the home have a working telephone which functions without use of electrical power and are emergency numbers posted within sight of the telephone? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is there a working smoke alarm in the residence complying with the following? (CHECK ONLY ONE) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Houses licensed prior to 1976 must have a battery or electric smoke alarm installed outside every sleeping area. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Houses licensed 1976 - June 30, 1999; electric smoke alarms shall be placed outside sleeping areas as required by the code in effect at construction time. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| • Houses licensed after June 30, 1999 must have smoke alarms in every sleeping room, outside bedrooms and other areas, interconnected as required in the N.C. Building Code. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6. Are double key dead bolts installed on any required egress doors? (If YES, these must be removed or changed out to a thumb latch.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Do doors and windows in rooms used for sleeping open properly with little effort? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Are all hallways, doorways, entrances, ramps, steps, and corridors unobstructed, free of storage and readily accessible? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Are address numbers posted in a prominent exterior location and are they visible and legible? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. If provided, the fire Alarm System and/or Sprinkler System must be maintained, tested and inspected on annual basis by qualified and approved service personnel. Provide documentation. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 11. Designate Primary Heat Source: <u>Electric</u> Secondary Heat Source (if applicable): <u>None</u> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 12. List any substandard components or hazards found which were not addressed above or which would require additional inspections: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

DATE of INSPECTION: 6-19-23 STATUS: Approved Not Approved
 FIRE INSPECTOR: (Signature) Jackson Neal (Printed Name) Jackson Neal
 PHONE NUMBER: 984-249-9962 INSPECTION DEPT: SCE S
 LICENSEE'S (Signature) Maha Hasan (Printed Name & Title) Maha Hasan

If Initial Licensure application must include the following information:

NC State Building Code (Code Section) _____ (Code Classification) _____

DHSR Inspector Name and Title _____ Phone No. _____

Any item marked NO on this form will not necessarily result in a non-approval of this home, depending on the various applicable Licensure Regulations. However, any form marked Not Approved will result in non-approval until the items marked are corrected and verified approved by the local Official.

INITIAL LICENSURE APPLICATION FOR MH/DD/SAS FACILITIES

Include First Name, Middle Initial & Last Name for every person listed in the application

Fillable Form

<i>Office use only:</i>	License Number: MHL# _____	FID# _____
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1. FACILITY NAME: Luna Care llc

Name which the facility is advertised or presented to the public. This is the name that will be printed on your license. Refer to this facility name in all inquiries.

2. FACILITY SITE ADDRESS: (NO P.O. BOXES)

Street Address: 115 Gladstone Loop
 City: Wilson's Mills State: NC Zip Code: 27577 County: Johnston County
 Phone: (919)777-8435 Email: Lina_Hasan2006@hotmail.com

* Must have an operable facility designated telephone that is clearly visible, accessible, on site and available 24 hours.

3. FACILITY CORRESPONDENCE MAILING ADDRESS:

Name of Contact Person (Identified person will oversee application process): Lina El Hasan
 Street Address: 5709 Preveza pl
 City: Raleigh State: NC Zip Code: 27603
 Phone: (919)777-8435 Email: Lina_Hasan2006@hotmail.com

4. NAME OF FACILITY DIRECTOR: (First, MI, Last) Lina El Hasan

5. SIGNATURE OF LICENSEE OR PERSON WITH SIGNATORY AUTHORITY: The undersigned, representing the governing authority, submits information for the above-named facility and certifies the accuracy of this information in accordance with 10A NCAC 27G. **ALL APPLICATIONS MUST HAVE AN ORIGINAL SIGNATURE**

Name: (First, MI, Last) Lina G El Hasan
 Signature: Lina El Hasan Title: CEO/Owner Date: 22-JUL-2025

OFFICIAL USE ONLY:

Licensure Categories: _____ Check # _____ Check Amount _____

- SOS
- PPT
- MFF
- ACCESS
- ACO

P Request: _____

Staff Initials:

Remarks:

Building Owner: If the above entity (partnership, corporation, etc.) *does not* own the building from which services are offered, please provide the following information:

Name of Building Owner: N/A

Street Address: N/A

City: N/A State: N/A Zip Code: N/A

Phone: N/A Email: N/A Lease expires: N/A

9. OWNERS, PRINCIPLES, AFFILIATES, SHAREHOLDERS (Confidential Information for Official Use Only)
For-Profit Individuals or Companies

Complete the information below on all individuals who are owners, principles, affiliates or shareholders holding an interest of 5% or more of the licensing entity listed on page 2. Attach additional pages if necessary. If you are the only owner, complete the information below, listing the percentage interest as 100%.

Shareholder Name: (First, MI, Last)	
<u>Lina, G, El Hasan</u>	
Street Address: <u>115 Gladstone Loop</u>	
City: <u>Wilson' s Mills</u>	State: <u>NC</u> Zip Code: <u>27577</u>
Phone: <u>919-777-8435</u>	Email: <u>Lina_hasan2006@hotmail.com</u>
Percentage interest in this facility: <u>100</u>	Title: <u>CEO / Owner</u>

Shareholder Name: (First, MI, Last)	

Street Address: _____	
City: _____	State: _____ Zip Code: _____
Phone: _____	Email: _____
Percentage interest in this facility: _____	Title: _____

Shareholder Name: (First, MI, Last)	

Street Address: _____	
City: _____	State: _____ Zip Code: _____
Phone: _____	Email: _____
Percentage interest in this facility: _____	Title: _____

Non-Profit Companies and For-Profit Companies (If no individual holds an interest of 5% or more, please sign the statement below.)

There are no owners, principles, affiliates or shareholders who hold an interest of 5% or more of the licensing entity applying for or renewing a license:
 Signature: Lina G El Hasan Title: CEO/Owner Date: 22-JUL-2021

6. MANAGEMENT COMPANY: If the facility is managed by a company *other than the licensee*, provide the following information about the Management Company:

Name of Company/Contact Person: N/A
 Street Address: N/A
 City: N/A State: N/A Zip Code: N/A
 Phone: N/A Email: N/A

7. LOCAL MANAGEMENT ENTITY/ MANAGED CARE ORGANIZATION (LME/MCO) (List name(s) of LME/MCOs with which the facility has a contract): Alliance Health

8. LEGAL IDENTITY OF OWNERSHIP/LICENSEE:

The full legal name of the individual, partnership, corporation or other legal entity, which owns the mental health facility business, is required. Owner/Licensee means any person/business entity (Corp., LLC, etc.) that has legal or equitable title to or a majority interest in the mental health facility. This entity is responsible for the financial and contractual obligations of the business and will be **recorded as the licensee on the license**.

(a) Name of Corporation/Legal Entity:

Address: 115 Gladstone Loop
 City: Wilson' s Mills State: NC Zip Code: 27520
 Phone: 919-777-8435 Email: Lina_hasan2006@hotmail.com

(b) Federal Tax ID number of Owner/Licensee: 33-4616713

(c) NATIONAL PROVIDER IDENTIFIER (NPI): 1831084003

For Health Care Providers

The Administrative Simplification provisions of the *Health Insurance Portability and Accountability Act of 1996 (HIPAA)* mandated the adoption of a standard unique identifier for health care providers. The National Plan and Provider Enumeration System (NPPES) collects identifying information on health care providers and assigns each a unique **National Provider Identifier (NPI)**. If you have questions or need additional information regarding the NPI number, call the toll-free number 1-800-465-3203 or visit the website: <https://medicaid.ncdhhs.gov/claims-and-billing/national-provider-identifier>

<http://www.ncdhhs.gov/dma/NPI/index.htm>

(d) Legal entity is: For Profit Not for Profit

(e) Legal entity is: Proprietorship
 Corporation Limited Liability Company
 Partnership Limited Liability Partnership
 Government Unit Professional Limited Liability Company

(f) Name of CEO/President: : (First, MI, Last) Lina, G, El Hasan

Title: CEO / Owner

Street Address: 115 Gladstone Loop

City: Wilson' s Mills State: NC Zip Code: 27520

Phone: 919-777-8435 Email: Lina_hasan2006@hotmail.com

10. SERVICE CATEGORIES:

Services subject to licensure under GS 122C are shown in the table below and are found in the Rules for Mental Health, Developmental Disabilities and Substance Abuse Facilities and Services. All applicants must complete the following table for all services which are to be provided by the facility. If the service is not offered, leave the spaces blank.

Rule 10A NCAC 27G Licensure Rules For Mental Health Facilities	Check Service of License	Beds Assigned by Age		
		0-17	18 & up	Total Beds
.1100 Partial hospitalizations for individuals who are acutely mentally ill. <i>Does not encompass SUD as a primary D/O</i>				
.1200 Psychosocial rehabilitation facilities for individuals with severe and persistent mental illness				
.1300 Residential treatment facilities for children or adolescents—Level II (Max. of 12 clients)				
.1400 Day treatment for children and adolescents with emotional or behavioral disturbances				
.1700 Residential treatment Staff Secure for Children or Adolescents—Level III (Max of 12 clients)				
.1800 Intensive residential treatment for children or adolescents (Level IV)				
.1900 PRTF – Psychiatric Residential Treatment Facility for minors who are emotionally disturbed or who have a mental illness.				
.2100 Specialized community residential centers for individuals with developmental disabilities. (Max. of 30 clients) (CON Required if ICF/IID)				
.2200 Before/after school and summer developmental day services for children with or at risk for developmental delays, developmental disabilities, or atypical development				
.2300 Adult Developmental and vocational programs for individuals with developmental disabilities				
.3100 Non-hospital medical detoxification for individuals who are substance abusers				
.3200 Social setting detoxification for substance abuse				
.3300 Outpatient detoxification for substance abuse				
.3400 Residential treatment/rehabilitation for individuals with substance abuse disorders				
.3600 Outpatient narcotic addiction treatment (preliminary SOTA Authorization letter required)				
.3700 Day treatment facilities for individuals with substance abuse disorders				
.4100 Therapeutic homes for individuals with substance abuse disorders and their children (min. 3 clients)				
.4300 A supervised therapeutic community for individuals with substance abuse disorder				
.4400 Substance Abuse Intensive Outpatient Program				
.4500 Substance Abuse Comprehensive Outpatient is a periodic service that is a time-limited, multi-faceted approach treatment service for adults who require structure and support to achieve and sustain recovery.				

Policies and Procedures: Initial Licensure Survey

Rule 10A NCAC 27G Licensure Rules for Mental Health Facilities	Check Service of License	Beds Assigned by Age		
		0-17	18 & up	Total Beds
.5000 facility based crisis service for individuals of all disability groups				
.5100 Community Respite services for individuals of all disability groups				
.5200 Residential therapeutic (habilitative) camps for children and adolescents of all disability groups				
.5400 Day activity for individuals of all disability groups				
.5500 Sheltered workshops for individuals of all disability groups				
. 5600 supervised living for individuals of all disability groups – NOTE: Only <u>one</u> category (A, B, C, D, E or F) can be checked for .5600 facilities				
5600A Group homes for <u>adults</u> whose primary diagnosis is mental illness (Max. of 6 clients)				
5600B Group homes for <u>minors</u> whose primary diagnosis is mental retardation or other developmental disabilities (Max. of 6 clients) (CON required only if ICF/IID)	✓	6		6
.5600C Group homes for <u>adults</u> whose primary diagnosis is mental retardation or other developmental disabilities (Max. of 6 clients) (CON required only if ICF/IID)				
.5600D Group homes for <u>minors</u> with substance abuse problems				
.5600E Half-way houses for <u>adults</u> with substance abuse problems				
.5600F Alternative family living – providing service in own private residence (Max. 3 clients)				

11. DO YOU HAVE A CERTIFICATE OF NEED? *Required for ICF/IID Facilities (program code .2100 or .5600C)*

No Yes If yes, CON Number: N/A Date CON Received: N/A

12. Do you plan on serving clients requiring blood sugar checks? Yes No

*If yes and your staff will be conducting blood sugar checks, you must apply for a CLIA waiver before conducting blood sugar checks. Please contact DHSR's Acute & Home Care section's CLIA branch for information on obtaining CLIA waiver: <https://info.ncdhhs.gov/dhsr/ahc/cli/index.html>

13. NUMBER OF CLIENTS FOR WHICH THE FACILITY IS GOING TO BE LICENSED:

Type	Specify Number to be Licensed
Ambulatory*	
Non-Ambulatory, 1-3	
Non-Ambulatory, 4 or more	6

Ambulatory: Is a person who can evacuate the facility without physical or verbal assistance during a fire or other emergency.

14. NUMBER AND AGE(S) OF PEOPLE OTHER THAN CLIENTS RESIDING WITHIN THE FACILITY:

(Applicable only in categories where a private residence is allowable: .5600F & .5100 Private Home Respites)

1

Are any of the above people listed non-ambulatory? Yes No

An interpretation the NC Department of Insurance determined in June of 1998. that any child under the age of six residing in a licensed Home (MHL, FCH or Child Care etc.) is considered non-ambulatory and, as such, must be considered as part of the home's licensed census, as the child will require attention in addition, to the care the licensed clients of the home will also require, this would also apply for an aged or disabled family member that needs assistance residing the home.

PHYSICAL PLANTPlease fill in information for each inspection Department:**Zoning Department Official**Department Name: Wilson's Mills Town HallStreet Address: 4083 Wilson' s Mills RdCity: Wilson' s Mills State: NC Zip Code: 27593Phone: 919-938-3885 EXT 250 Email: woldham@wilsonsmillsnc.org**Local Building Official**Department Name: Johnston County InspectionsStreet Address: 309 E. Market StreetCity: Smithfield State: NC Zip Code: 27577Phone: 919-989-5060 Email: nspections@johnstonnc.gov**Local Fire Marshall**Department Name: Johnston County Fire Marshal DivisionStreet Address: 2875 US-70 BUS E(PO Box 530)City: Smithfield State: NC Zip Code: 27577Phone: (919) 989-5050 Email: jces@johnstonnc.gov**Local Sanitation**Department Name: Johnston County Environmental HealthStreet Address: 309 E. Market StreetCity: Smithfield State: NC Zip Code: 27577Phone: (919) 989-5180 Email: envhealth@johnstonnc.gov**Building Information: Complete for 24-hour residential facilities only:**Has the building housed a licensed facility previously? Yes No If Yes: Type of licensed facility: N/APrevious License #: N/A Dates of Licensure: From: N/A To: N/ADoes this building(s) contain facilities licensed for a different use other than the one an initial license is being sought for? Yes No If yes, please clarify type of license N/AIs the building a site constructed home or a manufactured/mobile home? Site Constructed Home

NOTE: If it is a manufactured/mobile home, contact the DHSR Construction Section for licensure limitations on this type of structure)

If it is a manufactured/mobile home, was it built after 1976? Yes No

PHOTOGRAPHS

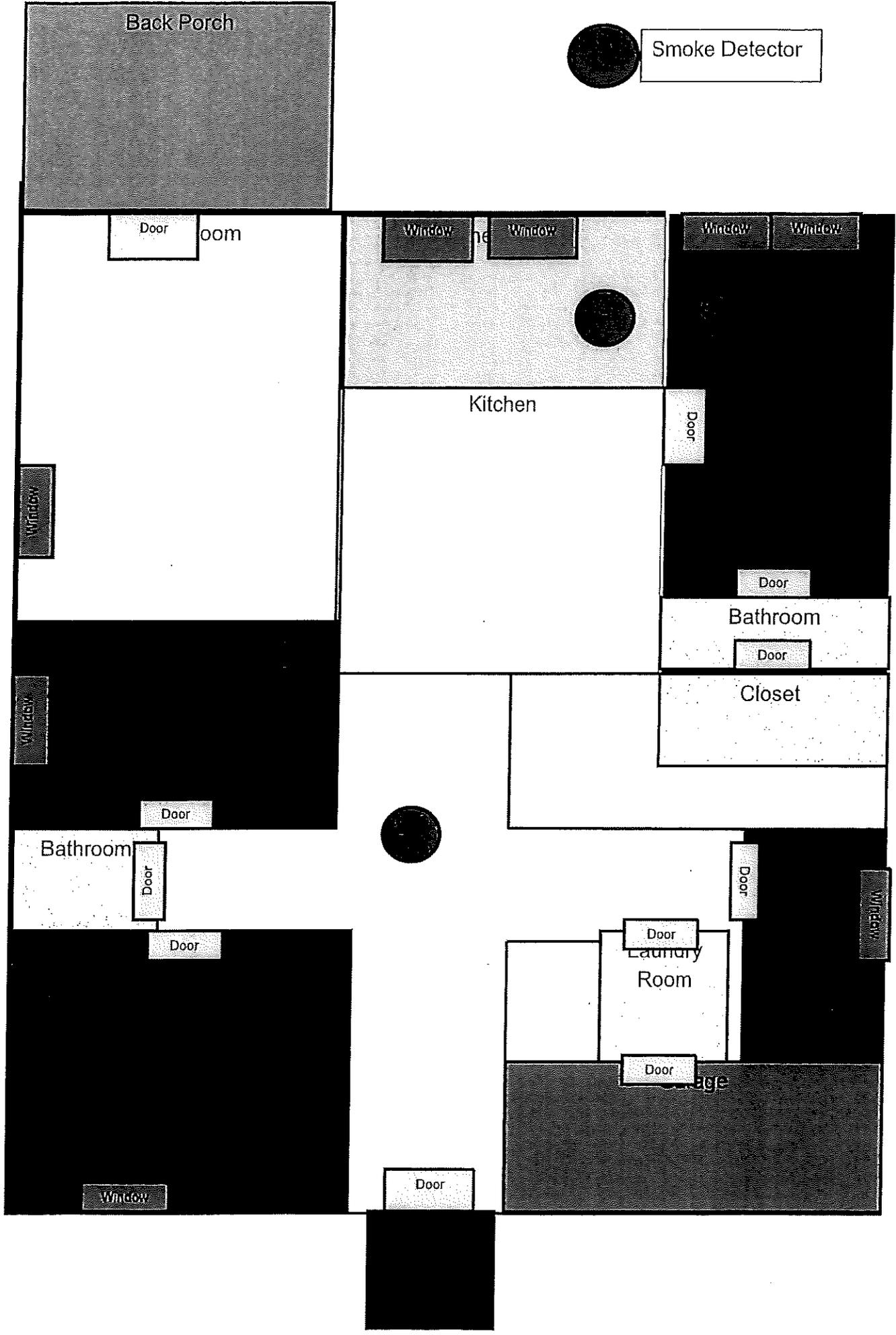
Name of Facility: Luna Care llc

County: Johnston

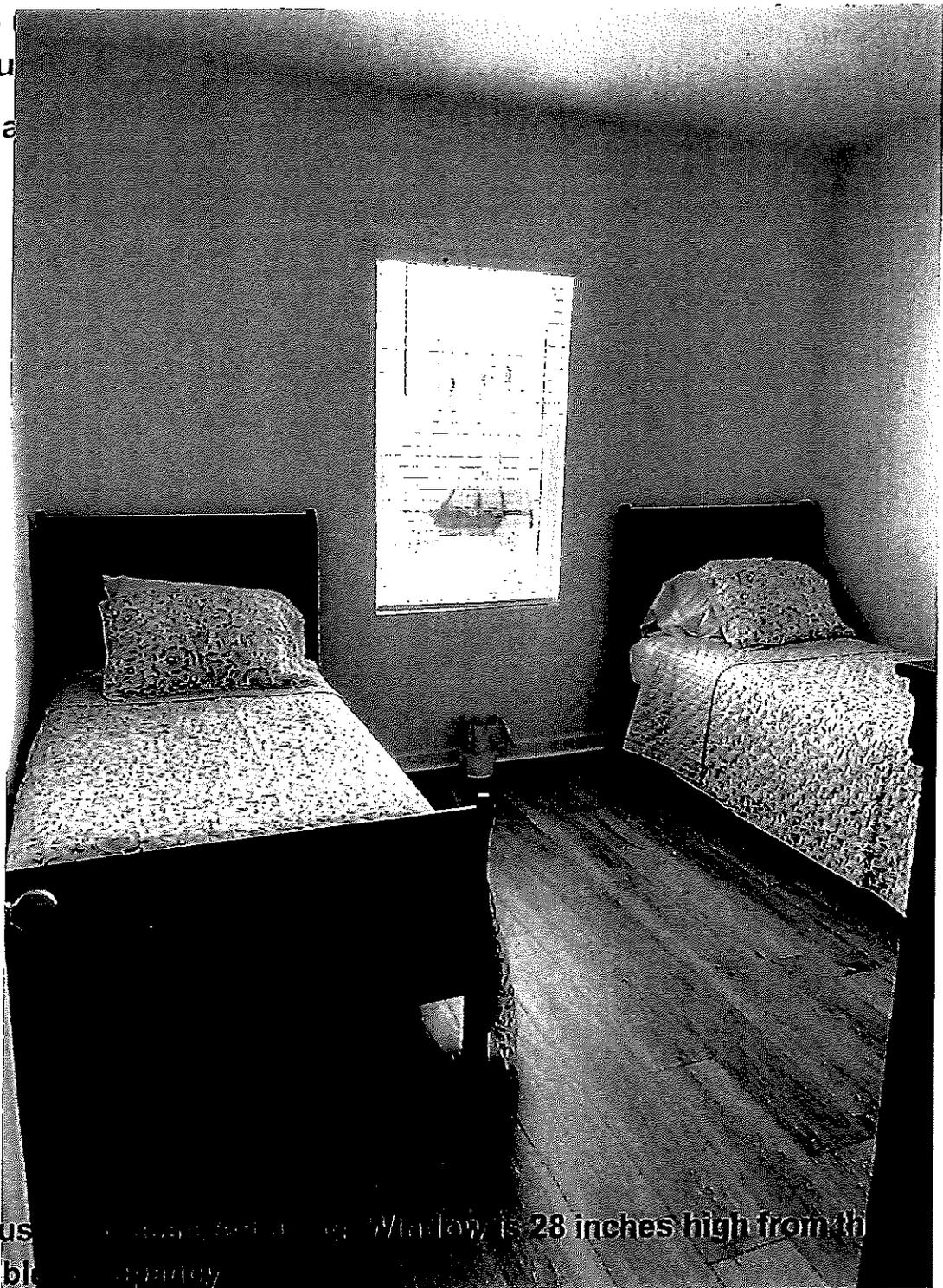
Please attach/insert photos of your facility, as required, to this sheet and add other blank sheets as needed.
Please label each photograph as to the identity of the room within the facility. (If original photos are submitted on the back of the photo, identify with the name and address of the facility (to help identify pictures should photos get separated)).

Back Porch

Smoke Detector

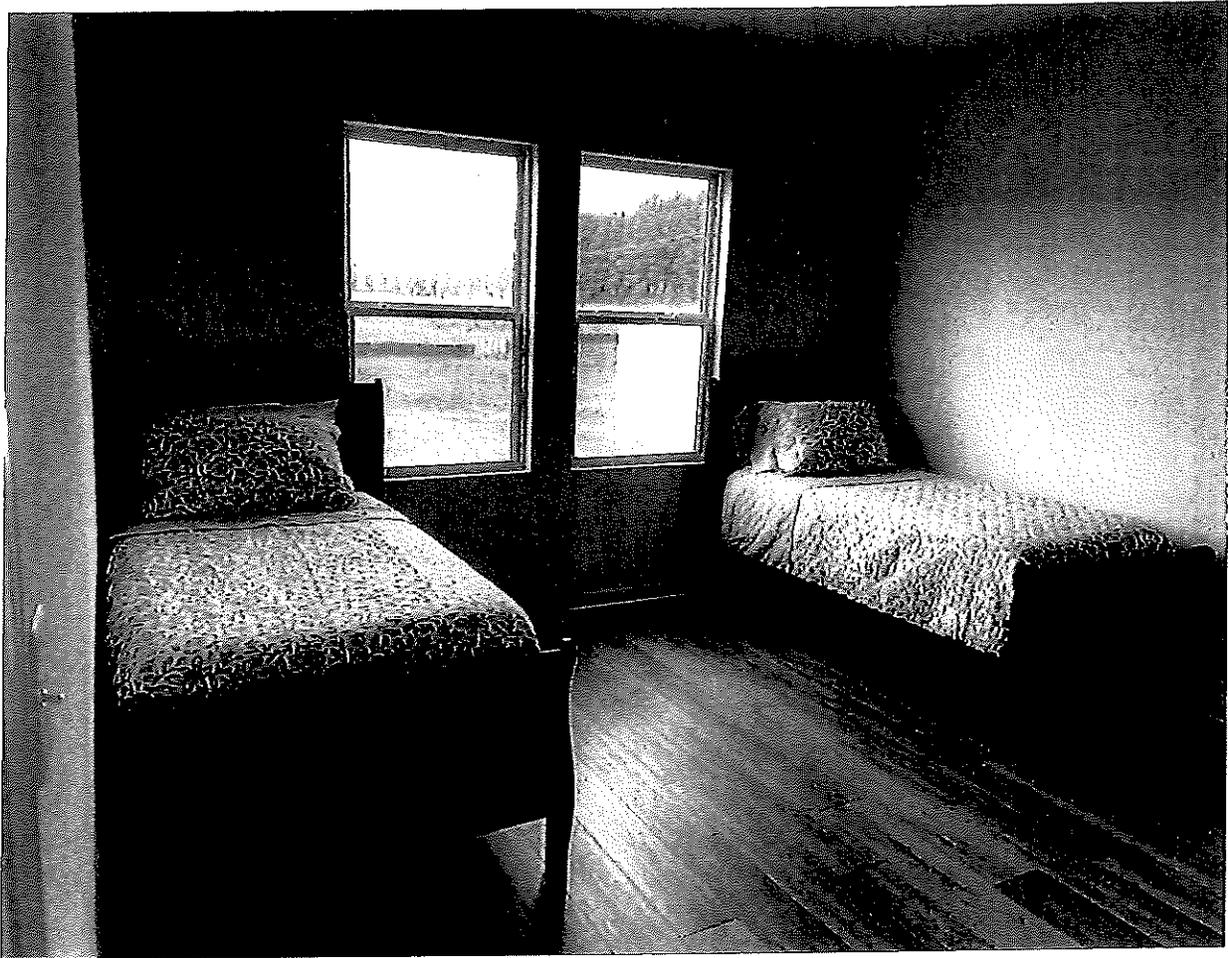


Room 1 –
floor. Double
Room mea



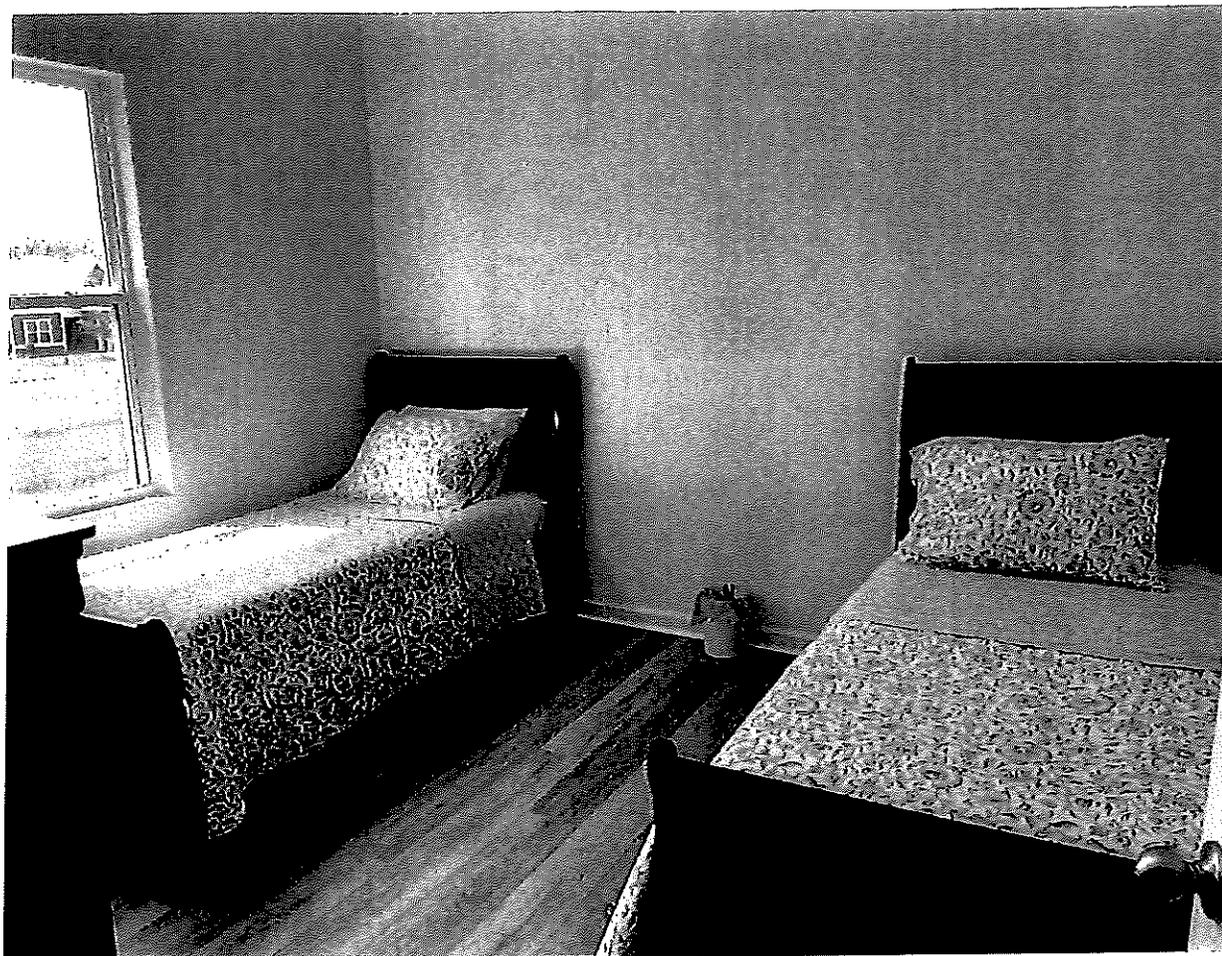
Room 2 – used for... Window is 28 inches high from the
floor. Double

Room measurements: 14 ½ ft x 12 ft 10 inches



Room 3 – used for assisted living. Window is 28 inches high from the floor. Double occupancy.

Room measurements: 11 ft 11 inches x 10 ft 10 inches

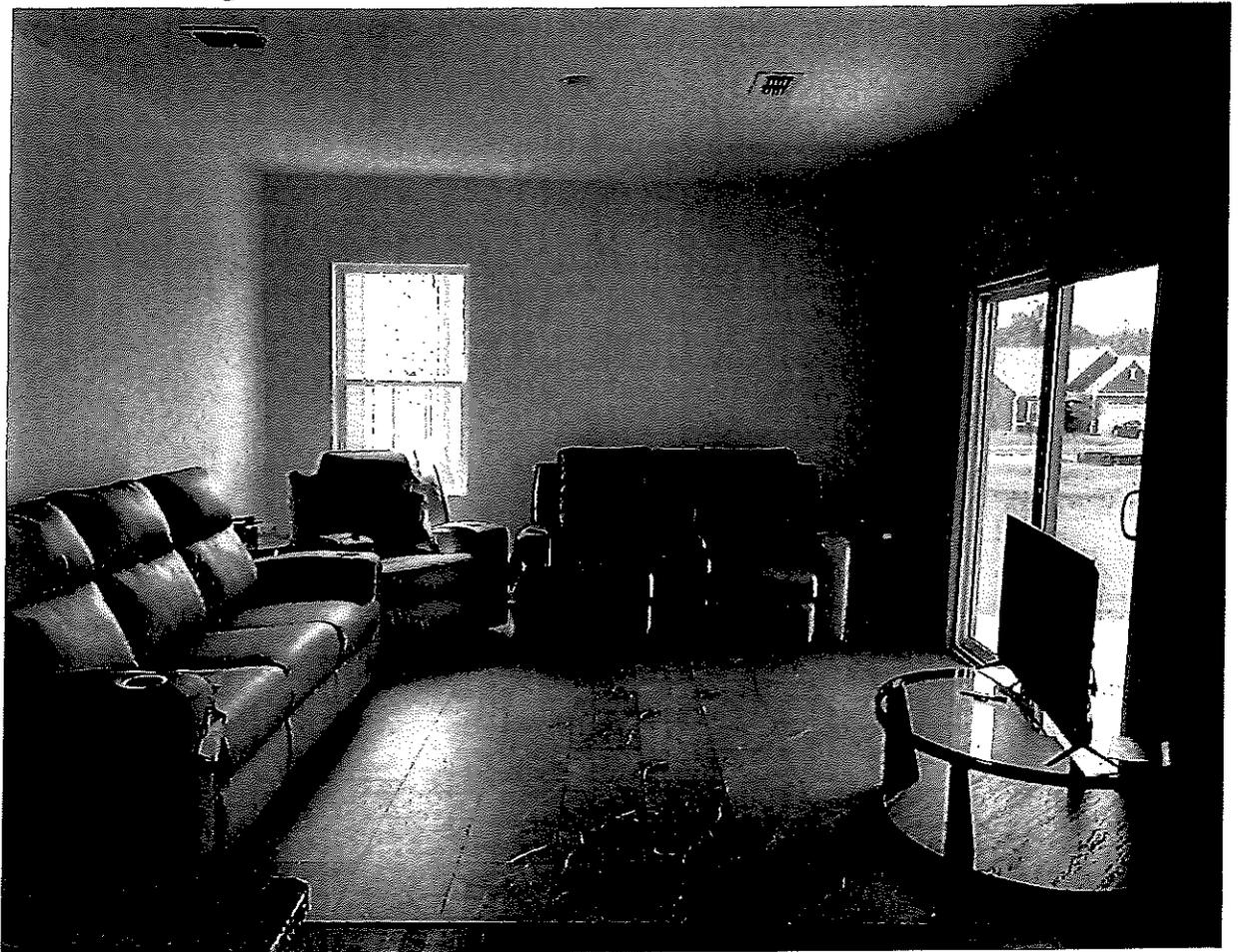


Room 4 – used for office with a pull-out bed for care provider to reside in. window is 28 inches high from floor.

Single occupancy

Room measurements: 10 ft x 11 ft

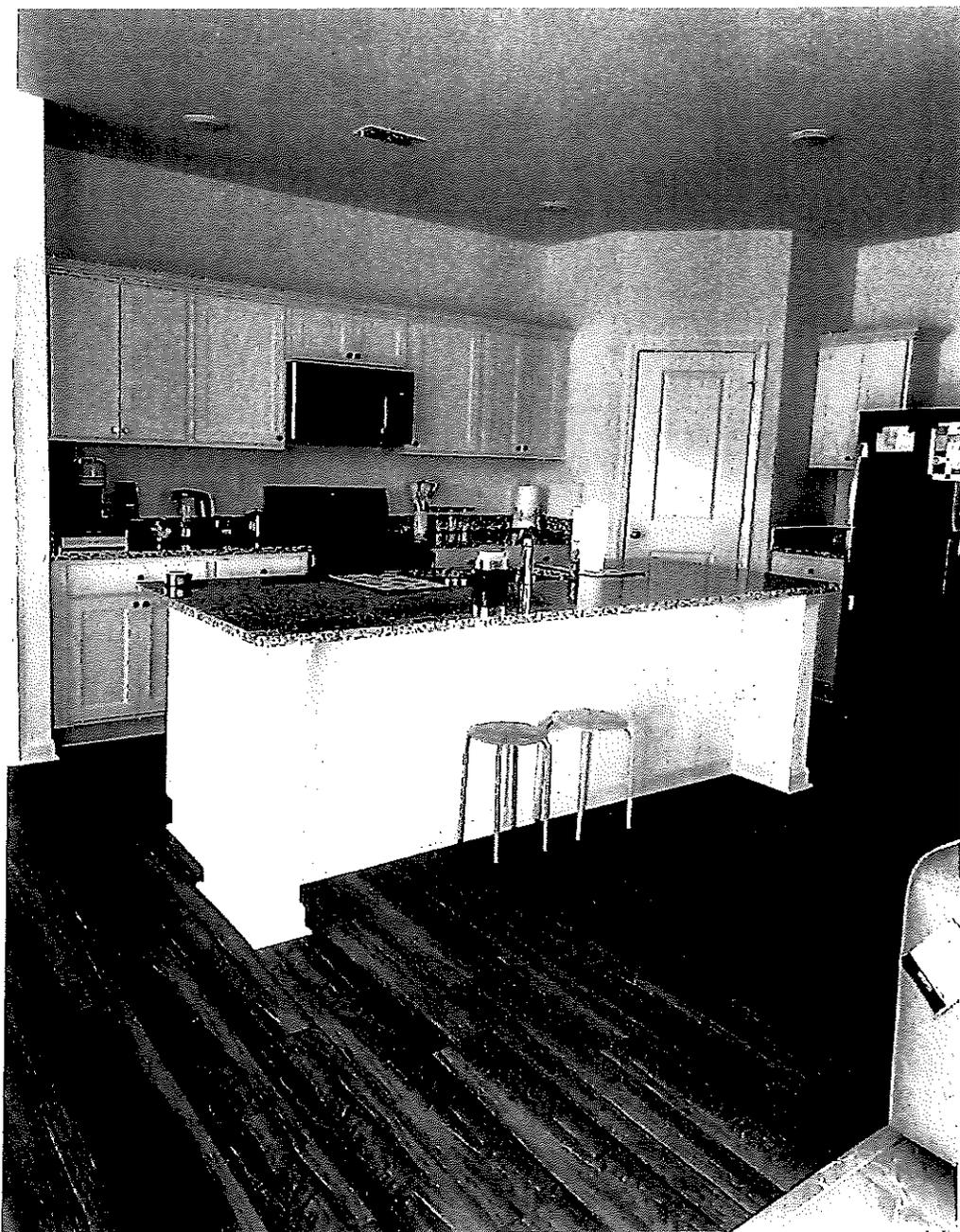
- Window height from floor: 28 inches.



Dinning Room, used for breakfast / lunch/ dinner as applicable to clients.

Measurements: 8 ft ¼ X 10 ft 6





Living room, used as a common area.

Backdoor measurements:

- Width: 70 inches
- Length: 80 inches



Kitchen area used for cooking.

Floor measurements:

- Width: 12 feet
- Length: 19 ft 5 inches



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

JOSH STEIN • Governor
DEV DUTTA SANGVAI • Secretary
MARK PAYNE • Director, Division of Health Service Regulation

November 5, 2025

Ms. Lina Hasan, CEO/Owner (via email only)
Luna Care, LLC
5709 Preveza Place
Raleigh, NC 27603

Re: Project No. MHL-5873-ARB
FID No. 250832
Luna Care, LLC
Initial Application
Wilson's Mill (Johnston)

Dear Ms. Hasan:

The floor plan and documents (received September 04, 2025; fee paid October 10, 2025) for the project located at 115 Gladstone Loop, Wilson Mills, NC, 27577 have been reviewed for conformance with the licensure rules for Mental Health, Developmental Disabilities, and Substance Abuse Facilities and Services (10A NCAC Chapter 27, Subchapter G) for program .5600B, *Group homes for minors whose primary diagnosis is mental retardation or other developmental disabilities*, with the understanding that the home is a 1-story, non-sprinklered building, under the applicable requirements of the 2018 North Carolina State Residential Code (NCSRC) and the 2018 North Carolina State Building Code (NCSBC) Section 428.4, *Small Non-ambulatory Care Facilities*, with references back to 428.3, *Small Residential Care Facilities*. The capacity of the home is proposed for up to four (4) non-ambulatory clients all of whom may not be able to respond and evacuate the home without verbal or physical assistance in an emergency.

Please be sure that you have reviewed and will be able to meet all of the following requirements as well as any issued by local authorities before beginning construction or modifications to prevent unnecessary expense on your part if any of the requirements are not physically or financially achievable. This project **cannot** be approved until we receive an acceptable written response to the following comments:

1. Bedrooms must have at least 100 square feet for single occupancy and 160 square feet when two clients occupy the bedroom. [Licensure Rule 27G .0304(d)(1)] Based on the information received, the following bedrooms can be used by clients. This information will be verified during the final inspection. Please note that minimum client bedroom sizes must not include the square footage of closets or wardrobes. (Floor plan attached).

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION
CONSTRUCTION SECTION

LOCATION: 1915 Health Services Way, Raleigh, NC 27607
MAILING ADDRESS: 2705 Mail Service Center, Raleigh, NC 27699-2705
info.ncdhhs.gov/dhsr/ • TEL: 919-855-3893 • FAX: 919-733-6592

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

- a. Bedroom #1 – approximately 143 sq. ft. – One (1) client
 - b. Bedroom #2 – approximately 129 sq. ft. – One (1) client
 - c. Bedroom #3 – approximately 110 sq. ft. – Staff Office
 - d. Bedroom #4 – approximately 180 sq. ft. – Two (2) Client's
2. Based on the information provided, it appears this home will have 24-hour shift staff and no live-in staff. Please confirm.
 3. This application is for four (4) non-ambulatory clients who may not be able to respond and evacuate the home without verbal or physical assistance in an emergency. Per 2018 NCSBC, Section 428.4.1, this home must be sprinklered with a NFPA 13-D wet pipe system with a 30-minute water supply. Provide sprinkler drawings, designed by a NICET Level III designer for review and approval. All bathrooms, toilets, closets, pantries, storage and utility spaces shall be protected by sprinklers. The sprinkler system shall be monitored in accordance with 2018 NCSBC Section 903.4, Exemption 1 is not applicable in this occupancy.
 4. A building fire alarm system in accordance with NFPA 72 must be provided. Provisions shall be made to activate the internal evacuation alarm at all required exits (pull stations). [2018 NCSBC, Section 428.3.7]. Provide fire alarm drawings designed by a North Carolina licensed Professional Engineer for our review and approval.
 5. The home must be provided with smoke detectors as required by the 2018 NCSRC, Section R314.3. Smoke detectors must be installed in each sleeping room and outside each separate sleeping area in the immediate vicinity of the bedrooms. All smoke detectors must be interconnected so if one sounds, they all sound. Each smoke detector must receive its primary power from the building wiring and have battery back-up.
 6. Heat detectors must be installed in all attic spaces. Heat detectors must be connected to the fire alarm and detection system. [2018 NCSBC, Section 428.3.5].
 7. Verify electrical outlets located in the bathroom, outdoors, garage, kitchen countertops and laundry are GFCI protected. [2017 NC State Electrical Code, 210.8].
 8. In areas of the facility where clients are exposed to hot water, the temperature of the water must be maintained between 100-116 degrees Fahrenheit. Verify this requirement is met. [Licensure Rule 27G .0304 (b) (4)]
 9. Section 428.3.3 [2018 NCSBC] requires each normally occupied story of the home must have two remotely located exits. Section 428.1.2 requires where two means of egress exits are required, the exits or exit access doors shall be located to minimize the possibility that both may be blocked by any one fire or other emergency condition. Based on the floor plan submitted, the location of the Kitchen and the laundry room may present a potential hazard and may require an additional exit for the clients located in Bedrooms #4 & #3 as they will have to traverse by these areas in the event of a potential fire to reach an exit. No action is required at this time we will field verify on site at the time of Inspection.

Please note that the North Carolina Department of Insurance considers any occupant less than six years of age, any developmentally challenged child or adult, and any elderly adult needing assistance in evacuating the home to be unable to respond and evacuate without assistance. Therefore, if you plan to

have any staff with family members less than six years of age or any other non-client person needing assistance to evacuate living in the home, an additional review will be required.

We must receive responses and supporting documentation on your letterhead addressing each requirement listed above. At that time, we will re-review the project.

You may access the current licensure rules our website: <https://info.ncdhhs.gov/dhsr/rules.htm>. You may also want to review the process for licensing Mental Health facility at the following website: <https://info.ncdhhs.gov/dhsr/mhlics/faclicinfo.html>.

Please use our Project No. MHL-5873-ARB and FID No. 250832 on all correspondence related to this project and attach a Construction Plan Submittal Form with any project resubmittals. If you have any questions about this project or if we can be of any further service, please contact our office at the telephone number or e-mail address below.

Sincerely,

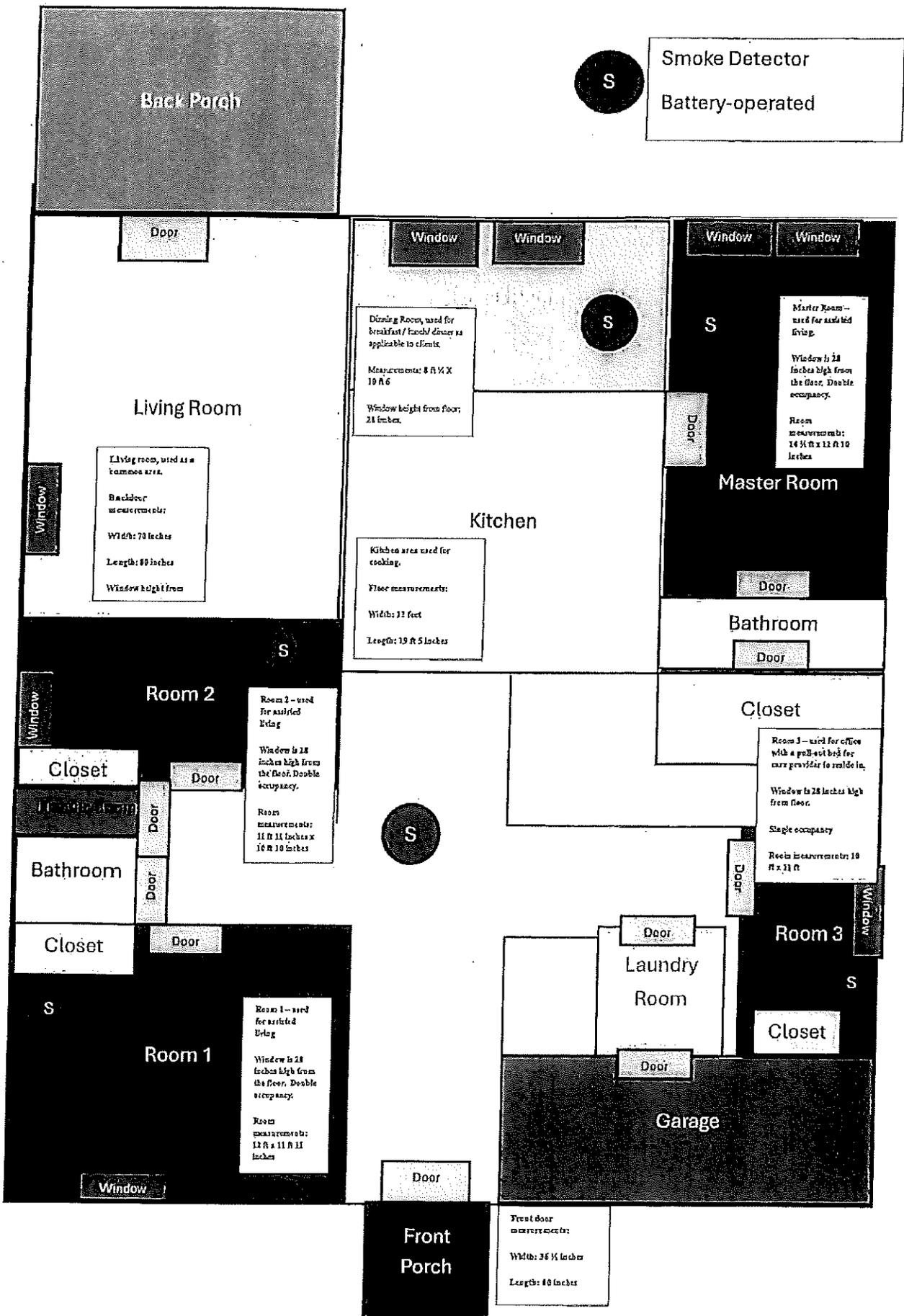
Anthony Brinson

Anthony Brinson

Engineering Plan Reviewer
DHSR Construction Section
anthony.brinson@dhhs.nc.gov
(919) 855-3920

Attachment

cc: DHSR Mental Health Licensure and Certification Section – Danalouise Reeves, Michael Blake
(via email only)
Johnston County Building Permitting & Inspections – Anthony House (via email only)
Johnston County Fire Marshal Office – Jackson Neal (via email only)



Inspection of Residential Care Facilities

Establishment Name: LUNA CARE
 Location Address: 115 GLADSTONE LOOP
 City: SMITHFIELD State: North Carolina Zip: 27577
 County: 51 Johnston
 Licensee: LUNA CARE LLC
 Telephone: (919) 777-8435

Establishment ID: 4051430456

Date: 07/08/2025 Status Code: A
 Time In: 1:35 PM Time Out: 2:30 PM
 Inspection Re-Inspection

Number of Residents: 6

Wastewater System:

Municipal / Community Onsite

Water Supply:

Municipal / Community Onsite

Classification: Approved (40 or less demerits, and no 6-demerit item violated) Disapproved (More than 40 demerits or 6-demerit item violated)

PHYSICAL FACILITIES: (1607 & 1608)

1.	Floors and carpets kept clean	2	0
	Floors and carpets in good repair	1	0
2.	Walls, ceilings, and attachments clean	2	0
	Walls, ceilings, and attachments in good repair	1	0

LIGHTING AND VENTILATION: (1609)

3.	Illumination of required spaces	2	0
4.	Ventilation equipment clean and in good repair	2	0

TOILET, HANDWASHING, AND BATHING FACILITIES: (1610)

5.	Facilities provided	5	0
6.	Facilities clean and in good repair	4	0
7.	Hand sink design	4	0
8.	Handwashing facilities properly equipped	4	0

WATER SUPPLY: (1611)

9.	Approved water supply (6-demerit item)	6	0
10.	No cross-connections	5	0
11.	Water availability, pressure, at required ranges	4	0

LIQUID WASTES: (1613)

12.	Approved sewage disposal (6-demerit item)	6	0
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SOLID WASTES: (1614)

13.	Approved waste storage	2	0
14.	Containers covered, clean, and good repair	2	0
15.	Waste removal frequency	2	0

PEST CONTROL AND OUTDOOR PREMISES: (1615)

16.	Pest presence	3	0
17.	Prevention of harborage conditions; premises clean	2	0
18.	Outdoor furniture and playgrounds in good repair	2	0

CHEMICAL AND MEDICATION STORAGE: (1616)

19.	Storage and Use	4	0
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BEDS, LINEN, LAUNDRY, FURNITURE: (1617)

20.	Furnishings clean	2	0
21.	Furnishings in good repair	2	0
22.	Bed linens provided and in good repair	4	0
23.	Bed linens clean; cleaning frequency	4	0
24.	Clean linen storage	3	0
25.	Laundry area and equipment kept clean and in good repair	3	0

FOOD SERVICE UTENSILS AND EQUIPMENT: (1618)

26.	Utensils/equipment (except holding equipment) in good repair	3	0
27.	Utensils and equipment clean	4	0
28.	Equipment non-food contact sides clean	2	0
29.	Utensil and equipment storage	2	0
30.	Ware washing provisions	5	0
31.	Food storage areas clean	3	0

FOOD: (1619)

32.	Foods safe and approved sources	5	0
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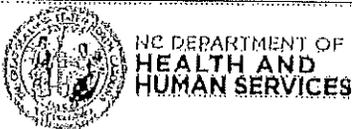
FOOD PROTECTION: (1620)

33.	Food time and temperature control	5	0
34.	Live pet prohibitions	3	0
35.	Food holding equipment provided and in good repair	5	0
36.	Temperature indicating device provided and accurate	2	0
37.	Food storage	4	0

EMPLOYEES: (1621)

38.	Handwashing method	4	0
39.	Handwashing frequency	4	0
40.	Proper use of restriction, exclusion, and reporting	5	0
41.	Vomitus and diarrheal clean up supplies; written plan available	2	0

Total Demerits: 2



Observations and Corrective Actions

- 11 The hot water shall be provided in a temperature between 105F-116F. The hot water at the sinks is 103F and needs to be adjusted to a range between 105F-116F.

- 36 Provide a temperature measuring device for the refrigerator. This thermometer must be able to indicate the temperature in the refrigerator.

Signatures

First

Last

Person In Charge (Print & Sign):

Lina. El Hasan



TOWN OF WILSON'S MILLS

4083 Wilson's Mills Road – P. O. Box 448 – Wilson's Mills, NC 27593
Voice: 919-938-3885 – Fax: 919-938-1121
Website: www.wilsonsmillsnc.org

MEMORANDUM:

To: Members of the Planning Board
From: Planning Department
Date: January 12, 2026
Re: Review of In-Town Resident Planning Board Applications

I respectfully request that the Planning Board review the two applications submitted by in-town residents for the vacant Planning Board seat and make a selection at the January 26, 2026, Planning Board meeting to fill the vacancy resulting from the departure of Doris Riley. Please note that this vacancy must be filled by an in-town resident, as that is the only Planning Board seat currently available.

Thank you for your time and consideration.

Cynthia Paul

Planning Technician

Town of Wilson's Mills

P. O. Box 448

Wilson's Mills, N.C. 27593

919-938-3885 - Office 919-938-1121 - Fax

Application for Committee Appointment

(Please Print When completing the application)

Please indicate below which committee(s) or board(s) you are interested in serving on.

2 Planning Board _____ Historic Preservation Committee
_____ Events Committee _____ Board of Adjustment

2 1st Time Appointment _____ Reappointment

Full Name: ALIF Lamar Brown

Address: 575 Pine Department Rd., Clayton, 27527

Phone Number (Home) 919-912-8445 (Mobile) _____

Employer: Lee Nissan Occupation: General Sales Manager

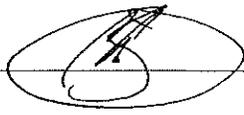
you live in the Wilson's Mills Corporate Limits? YES How long? 27 YEARS

Are you a citizen of the United States? YES How Long? ALL my life

Have you ever served on any committees or any of the above listed committees or Boards? If so, please list.
NO

What do you feel are your qualifications for serving on the committee and why do you think you would be an asset to this committee? YES

What areas of concern would you like to see the committee address? NONE

Signature 

Date 10/14/2025

Any comments can be written on the back of this page if you need more room to do so.

Appointed to _____ Committee on _____

TOWN OF WILSON'S MILLS
P. O. Box 448
Wilson's Mills, N.C. 27593
919-938-3885 - Office 919-938-1121 - Fax

(Please Print When completing the application)

Please indicate below which committee(s) or board(s) you are interested in serving on.

Planning Board _____ Historic Preservation Committee
_____ Events Committee _____ Board of Adjustment

1st Time Appointment _____ Reappointment

Full Name: CHARLOTTE SUE COX

Address: 134 HOLTON STREET WILSON'S MILLS NC 27577

Phone Number (Home) 919-754-7182 (Mobile) 919-754-7182

Employer: ADAMS HOMES Occupation: REALTOR

Do you live in the Wilson's Mills Corporate Limits? YES How long? 9 MONTHS

Are you a citizen of the United States? YES How Long? 45 YEARS

Have you ever served on any committees or any of the above listed committees or Boards? If so, please list.
NO.

What do you feel are your qualifications for serving on the committee and why do you think you would be an asset to this committee? I am a licensed real estate professional with experience as an Agent, Instructor and Broker in Charge. I am detail-oriented, organized, and systems-driven, bringing clarity, structure, and a practical perspective to planning decisions not only professionally but personally while supporting smart, sustainable growth for the Town.

What areas of concern would you like to see the committee address? Balancing new development with the town's small-town character. Ensuring growth aligns with infrastructure capacity. Supporting attainable housing while maintaining quality standards. Preserving green space, buffers, and natural features. Planning with a 10/20 year outlook.

Signature Charlotte Sue Cox Date 1-5-2020

Any comments can be written on the back of this page if you need more room to do so.

Appointed to _____ Committee on _____

Town of Wilson's Mills

P. O. Box 448
Wilson's Mills, N.C. 27593
919-938-3885 – Office 919-938-1121 - Fax

Application for Committee Appointment

(Please Print When completing the application)

Please indicate below which committee(s) or board(s) you are interested in serving on.

Planning Board

Historic Preservation Committee

Events Committee

Board of Adjustment

1st Time Appointment

Reappointment

Full Name: Steven Ray Weaver U.S.Army Veteran

Address: 90 Powell Dr. Wilson's Mills N.C. 27577

Phone Number (Home) _____ (Mobile) 9842264222

Employer: Sunstates Security LLC Occupation: Restricted Access Consultant

Do you live in the Wilson's Mills Corporate Limits? Y How long? 3 Years

Are you a citizen of the United States? Y How Long? 66 Years

Have you ever served on any committees or any of the above listed committees or Boards? If so, please list.
No

What do you feel are your qualifications for serving on the committee and why do you think you would be an asset to this committee? Grew up in a small town and are familiar with growth successes and prosperity. Have really

What areas of concern would you like to see the committee address? Community Projects, Building Rapport in Communities and getting residents involved inwhere we reside

Signature Steven Ray Weaver

Date January 11, 2026

Any comments can be written on the back of this page if you need more room to do so.

Appointed to _____ Committee on _____

Town of Wilson's Mills

P. O. Box 448

Wilson's Mills, N.C. 27593

919-938-3885 – Office 919-938-1121 - Fax

Application for Committee Appointment

(Please Print When completing the application)

Please indicate below which committee(s) or board(s) you are interested in serving on.

Planning Board

Historic Preservation Committee

Events Committee

Board of Adjustment

1st Time Appointment

Reappointment

Full Name: Kaitlin Meitzler

Address: 145 Eason Creek Way, Wilson's Mills, NC 27527

Phone Number (Home) N/A (Mobile) 908-763-8298

Employer: Galaxy Diagnostics Occupation: Sr. Quality Specialist

Do you live in the Wilson's Mills Corporate Limits? yes How long? 1 year + 2 months

Are you a citizen of the United States? yes How Long? Since birth (26.5 yrs.)

Have you ever served on any committees or any of the above listed committees or Boards? If so, please list.
No

What do you feel are your qualifications for serving on the committee and why do you think you would be an asset to this committee? While I may not have construction management experience, I am good with organization, detail, and work well with teams. In addition, I want to be an involved member of the community while assisting with continuous town growth in whatever way possible.

What areas of concern would you like to see the committee address? I reviewed the document that outlines the strategic plan for fiscal years 2025/26 - 2030/31 and would love to see parks + recreation for Wilson's Mills become established as well as increasing walkability and adding more small businesses.

Signature Kaitlin Meitzler

Date 15 Jan 2020

Any comments can be written on the back of this page if you need more room to do so.

Appointed to _____

Committee on _____

STAFF REPORT

TO: Mayor Byrd and Town Council Members
 DATE: January 9, 2026
 FROM: Wendy Oldham, Planning Director
 SUBJECT: Planning Report – December 2025



RESIDENTIAL PROJECTS		
WORKING ON INFRASTRUCTURE		
Willis Crossing	Construction Plans Approved	Waiting on Developer
Southerland Mills	Construction Plans Approved	Installing Infrastructure
CURRENTLY BUILDING IN PHASES		
Wilson's Walk	Phase 3 Plat Recorded	Pulling Permits for Phase 3
Olive Branch	Working on Phase 2B	Building in Phase 2B
Eason Creek	Building Out	Finishing build out
Crescent Mills	Phase 6 Plat Recorded	Last Phase on West Side
Wilson's Ridge	Building in Phase 2	Waiting on Phase 3
PLANNING STAGES		
Cobalt Townes Hwy 70 Bus beside East Hampton	Preliminary Plat Approved	Still working on Sewer/Water
Miller Ridge (formerly known as Johnston Farms Phase 3)	Preliminary Plans approved	Construction Plans approved; waiting on outside approvals
Wilson's Mills Storage WM Road across from Poplar Ck	Construction complete	Certificate of Occupancy Issued
Johnston Farms Waterview Way	Construction Plans Approved	Waiting on Developer
Lee Property Swift Creek End of Strickland Road	Construction Plans	Waiting on state permits
Wellons Property Connecting to Wilson's Ridge	Reviewing construction plans	Reviewing 2 nd submittal; waiting on sewer/water
AWAITING FINAL INSPECTION		
Cottages at Wilson's Mills	Passed final inspection	Waiting on street takeover
STREET TAKEOVER		
Street Name	Subdivision	Linear Feet
Shelmore Ln, Forest Bend Way, Maple Tree Ln	Mill Creek at Wilson's Mills	3,405.41
RECOMBINATION/SUBDIVIDES		
ADDRESS	ACTION	STATUS
N/A	N/A	N/A
REZONES		
ADDRESS	ACTION	STATUS
Gordon Rd/Clayton Blvd	Requesting C-70	Postponed to 1/20/2026

NON-RESIDENTIAL PROJECTS		
ADDRESS/PROJECT	USE REQUEST	STATUS
Clayton Glass & Mirror	New Building for expansion	Waiting on outside permits & water/sewer approval
Wilson's Mills High School	Construction Plans Approved	Building out
SPECIAL USE PERMIT		
N/A	N/A	N/A
EXCAVATION PERMITS		
ADDRESS/PROJECT	COMPANY	STATUS
N/A	N/A	N/A
SIGN PERMITS		
ADDRESS	BUSINESS/PROJECT	STATUS
5117 Wilson's Mills Rd	Wilson's Mills Storage, LLC	Approved
NON-RESIDENTIAL PERMITS		
N/A	N/A	N/A
RESIDENTIAL ZONING PERMITS		
USE	#	
Single Family Home/Town Home – New Construction	23	
Porch/Deck/Pool/Driveway Extension/Ramp/Additions	2	
Accessory Structure	1	
Fence	1	
Manufactured Home	0	
Rooftop Solar Panels	1	
Chickens	0	
MUAHS (Multi Unit Assisted Housing with Services)	0	
Home Occupation	0	
Change of Use	0	
TOTAL	28	
FLOODPLAIN DEVELOPMENT PERMITS		
ADDRESS/PROJECT	ACTION	STATUS
N/A	N/A	N/A
ZONING INSPECTIONS/LETTERS		
Completed and Passed- Single Family Homes		22
Completed and Passed-Other		4
Zoning Verification Letters		0
CODE ENFORCEMENT VIOLATIONS		
VIOLATIONS	#	
TOTAL	4	
Undue Growth	1	
Debris/Garbage Clean-Up	3	
Nuisance/Junk/Abandoned Vehicles	0	
Chickens/Roosters	0	

ZONING VIOLATIONS	
VIOLATIONS	#
TOTAL	4
Building without Permit	3
Fence without Permit	1
Unsafe Structure	0
Other Zoning Violation	0
CODE ENFORCEMENT AND ZONING ABATEMENT	
OUTCOMES	#
TOTAL	4
Abated	4
Final Letter Sent	0
Citations/Fines Issued	0
TOWN ABATEMENTS	
Paid Town Abatements	0

STAFF REPORT

TO: Mayor Byrd and Town Council Members
 DATE: February 16, 2026
 FROM: Wendy Oldham, Planning Director
 SUBJECT: Planning Report – January 2026



RESIDENTIAL PROJECTS		
WORKING ON INFRASTRUCTURE		
Willis Crossing	Construction Plans Approved	Waiting on Developer
Southerland Mills	Construction Plans Approved	Installing Infrastructure
CURRENTLY BUILDING IN PHASES		
Wilson's Walk	Phase 3 Plat Recorded	Pulling Permits for Phase 3
Olive Branch	Working on Phase 3	Building in Phase 2B
Eason Creek	Building Out	Finishing build out
Crescent Mills	Phase 6 Plat Recorded	Last Phase on West Side
Wilson's Ridge	Building in Phase 3	Waiting on Phase 4
PLANNING STAGES		
Cobalt Townes Hwy 70 Bus beside East Hampton	Preliminary Plat Approved	Will have access to water/sewer by end of April 2026
Miller Ridge (formerly known as Johnston Farms Phase 3)	Preliminary Plans approved	Construction Plans approved; waiting on outside approvals
Johnston Farms Waterview Way	Construction Plans Approved	Waiting on Developer
Lee Property Swift Creek End of Strickland Road	Construction Plans-Waiting on Johnston County PU	Waiting on state permits
Wellons Property Connecting to Wilson's Ridge	Reviewing construction plans- JC resumed reviews	Reviewing 2 nd submittal
AWAITING FINAL INSPECTION		
Cottages at Wilson's Mills	Passed final inspection	Waiting on street takeover
STREET TAKEOVER		
Street Name	Subdivision	Linear Feet
N/A	N/A	N/A
RECOMBINATION/SUBDIVIDES		
ADDRESS	ACTION	STATUS
N/A	N/A	N/A
REZONES		
ADDRESS	ACTION	STATUS
Gordon Rd/Clayton Blvd	Requesting C-70	Postponed to 2/16/2026

NON-RESIDENTIAL PROJECTS		
ADDRESS/PROJECT	USE REQUEST	STATUS
Clayton Glass & Mirror	New Building for expansion	Waiting on Johnston County PU reviews
Wilson's Mills High School	Construction Plans Approved	Building out
SPECIAL USE PERMIT		
N/A	N/A	N/A
EXCAVATION PERMITS		
ADDRESS/PROJECT	COMPANY	STATUS
N/A	N/A	N/A
SIGN PERMITS		
ADDRESS	BUSINESS/PROJECT	STATUS
N/A	N/A	N/A
NON-RESIDENTIAL PERMITS		
N/A	N/A	N/A
RESIDENTIAL ZONING PERMITS		
USE		#
Single Family Home/Town Home – New Construction		43
Porch/Deck/Pool/Driveway Extension/Ramp/Additions		1
Accessory Structure		1
Fence		6
Manufactured Home		0
Rooftop Solar Panels		0
Chickens		0
MUAHS (Multi Unit Assisted Housing with Services)		0
Home Occupation		0
Change of Use		0
TOTAL		51
FLOODPLAIN DEVELOPMENT PERMITS		
ADDRESS/PROJECT	ACTION	STATUS
N/A	N/A	N/A
ZONING INSPECTIONS/LETTERS		
Completed and Passed- Single Family Homes		2
Completed and Passed-Other		4
Zoning Verification Letters		1
CODE ENFORCEMENT VIOLATIONS		
VIOLATIONS		#
TOTAL		6
Undue Growth		0
Debris/Garbage Clean-Up		4
Nuisance/Junk/Abandoned Vehicles		2
Chickens/Roosters		0

ZONING VIOLATIONS	
VIOLATIONS	#
TOTAL	4
Building without Permit	2
Fence without Permit	1
Unsafe Structure	1
Other Zoning Violation	0
CODE ENFORCEMENT AND ZONING ABATEMENT	
OUTCOMES	#
TOTAL	5
Abated	4
Final Letter Sent	1
Citations/Fines Issued	0
TOWN ABATEMENTS	
Paid Town AbateMENTS	0

**PROPOSED CHANGES TO UNIFIED
DEVELOPMENT ORDINANCE
JANUARY 26, 2026**

Article 1 1.2.2 Revised March 16, 2026.

Article 2 2.13 PERMITTED ACCESSORY USES AND FIXTURES IN ALL DISTRICTS

2.13.2 B. In a residential, mixed use, or commercial district, a fence or wall in the established front yard and, side yard can be a max of 4 feet, and rear yard of a building abutting a street shall be a maximum of 6 feet in height, unless otherwise regulated by the building or lot type standards of this Ordinance. The fence can not extend beyond the front corner of the building. Fences along interior side property lines in a residential, mixed use, or commercial district shall not exceed 6 feet in height in front of a line parallel to the front of the principal structure on the lot. Decorative caps or spires that extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link, welded wire, ~~or similar fencing materials, if used, shall be placed on the interior side of~~ a masonry wall, solid wood fence, or decorative wood or vinyl fence can be used. that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. (For example, a 4' high welded wire fence attached to the interior of a decorative split rail fence or board farm fence of equal height or greater would perform to the standards of this section).

2.13.2 D In a residential, mixed use, or commercial district, a fence or wall in the established front yard and, side yard can be a max of 4 feet, and rear yard of a building abutting a street shall be a maximum of 6 feet in height, unless otherwise regulated by the building or lot type standards of this Ordinance. The fence can not extend beyond the front corner of the building. Fences along interior side property lines in a residential, mixed use, or commercial district shall not exceed 6 feet in height in front of a line parallel to the front of the principal structure on the lot. Decorative caps or spires that extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link, welded wire, ~~or similar fencing materials, if used, shall be placed on the interior side of~~ a masonry wall, solid wood

~~Wilson's Mills Development Ordinance~~

~~Article 8 - Districts 8-~~

fence, or decorative wood or vinyl fence can be used. that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. (For example, a 4' high welded wire fence attached to the interior of a decorative split rail fence or board farm fence of equal height or greater would perform to the standards of this section).

2.17 DRIVEWAY PERMIT REQUIRED

2.17.1 No driveway or other point of access to a street maintained by either the Town of Wilson's Mills or the North Carolina Department of Transportation shall be constructed, relocated, or altered unless a driveway permit or other approval is obtained from the authority having jurisdiction. The applicant shall comply with the standards for driveways established by the North Carolina Department of Transportation. All driveway plans shall be reviewed by the Town of Wilson's Mills prior to construction of the driveway. All driveways shall be paved surfaces within the public right of way.

Article 3 ADULT ESTABLISHMENT/USES. The definition of "adult establishment" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. Adult establishments include adult bookstores, adult motion picture and mini motion picture theaters, adult video sales and rentals, adult live entertainment business and massage businesses as those terms are defined by G.S.14.202.10, and adult motels and adult cabarets. The following separate definitions individually and collectively define this term.

AIR SCREEN. Refers to a barrier or device designed to control and direct smoke and particulates from open burning activities, ensuring compliance with environmental and safety standards.

FOOD TRUCK. See MARKET, TAILGATE. A licensed, motorized vehicle or trailer that is temporarily parked on private or public property and used for the preparation, cooking, and/or sale of food or beverages to the general public. A food truck shall be fully self-contained, including necessary equipment for storage, cooking, and waste disposal, and shall operate in compliance with state and local health regulations. A food truck shall not be considered a permanent food service establishment or restaurant.

MARKET, TAILGATE. The periodic offering for sale of fresh agricultural and/or prepared food products directly to the consumer at an open-air venue, including the term "Food Truck".

MULTI UNIT ASSISTED HOUSING SERVICES (MUAHS). Also referred to as Registered Residential Facilities (RRF). An assisted living residence in which hands-on personal care services and nursing services (which are arranged by housing management)

Wilson's Mills Development Ordinance

Article 8 - Districts 8-

are provided by a licensed home-care or hospice agency, through an individualized written care plan.

OPEN BURNING. Permitted only in designated areas and must comply with North Carolina General Statutes and Johnston County regulations. NCGS 113-60.2 requires that all open burning must adhere to state regulations, including obtaining necessary permits and limiting the types of materials that can be burned. See Article 11.

REGISTERED RESIDENTIAL FACILITY (RRF) SEE MULTI-UNIT ASSISTED HOUSING WITH SERVICES

SUBDIVISION ADMINISTRATOR. See ADMINISTRATOR. The town administrative official charged with the administration of this Ordinance.

Article 4 None

Article 5 ~~5.3.4 Waiting period for subsequent applications.~~

~~A. Waiting period—general. When an application for a zoning map amendment has been approved or denied by the Wilson’s Mills Town Council, no application including the same property shall be accepted or considered within four (4) months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.~~

~~B. Waiting period—waiver. The waiting period required by this section may be waived by a majority vote of Wilson’s Mills Town Council if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the Administrator, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the Town Council in their review of the request for a waiver. If the request for the waiver is approved, the application shall go through the full review process as set forth above.~~

Article 6 None

Article 7 7.1.1 C Certificate of Occupancy (a.k.a. “CO”) - Johnston County Building Inspections Department issues upon final building inspections, site plan, and zoning compliance permit approval by the Town.

7.3.2 **Building Permit Expiration.** The Johnston County Building Inspections Department and Town of Wilson’s Mills Planning Department may void a **building** permit for a project within the Town jurisdiction if the authorized

work has not begun within 180 days after issuance of the permit, or work was commenced but was discontinued for a period of one year. If the project is not commenced within 180 days of the renewal, permit fee will double, with a maximum of two (2) extensions.

7.5.4 **Permit validity.** Upon the approval of a Zoning Compliance Permit, the applicant shall have ~~one year~~ 180 days to obtain the required building permit(s) if any. Failure to obtain requisite building permit(s) within this time shall render the Zoning Compliance Permit void. The Administrator shall grant a single extension of this time period of up to six (6) months upon written request by the applicant. Upon issuance of a building permit(s), the Zoning Compliance Permit shall expire one year after issuance unless work has substantially commenced, as long as a valid building permit exists for the project. Any unapproved change, as determined by the Administrator in the approved plans shall render the Zoning Compliance Permit invalid and in violation of this Ordinance. Violations of this Ordinance are subject to the remedies and penalties pursuant to this Ordinance.

7.8.5 **Formal review.**

A. **Public hearing.** Upon receipt of a notice from the Planning Director, the Planning Board will review the plans and make a recommendation to the Town Council for Administrator of the applicant requesting a public hearing on the application and Site Development Plan for a special use permit, a quasi-judicial public hearing shall to be scheduled.

B. Action by the Wilson's Mills Town Council.

1. The Wilson's Mills Town Council shall ~~consider the request~~ hold a hearing within 35 days of receiving information from the Planning Board regarding the special use permit application from the Administrator.

2.

GENERAL SUBDIVISION CERTIFICATES

Certificate of Approval

The Town of Wilson's Mills Planning Director hereby approves ~~this sketch~~ plat for the _____ Subdivision.

Date _____

~~Administrator~~ Planning Director

Certificate of Subdivision Approval

Approved for recording by the Town of Wilson's Mills, NC. This plat shall be recorded within thirty days of this date.

~~Wilson's Mills Development Ordinance~~
~~Article 8 - Districts 8-~~

Date Administrator

Certificate of Ownership, and Dedication, and Maintenance

I (We) hereby certify that I am (we are) owner(s) of the property shown and described herein, that the property is within the Planning and Development Regulation Jurisdiction of the Town of Wilson’s Mills and that I (we) hereby adopt this plan of subdivision with my (our) free consent and hereby establish all lots and dedicate to the public/private all streets, easements, walks, parks and other open spaces as shown hereon unless otherwise noted as private.

Date Property Owner

Certificate of Survey and Accuracy

I, certify that this map as (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (a deed description recorded in Book _____, Page _____, of the Johnston County Registry) (other); that the error of closure as calculated by latitudes and departures is 1: _____; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____, and that this map was prepared in accordance with G.S. 47-30. Witness my hand and seal this _____ day of _____, A.D., 20 ____.

Surveyor License or Registration Number SEAL

~~License or Registration number SEAL~~

NCDOT Construction Standards Certification

(For all plats involving new street right-of-way which changes a Local/State system street)

Department of Transportation
Division of Highways

Wilson's Mills Development Ordinance
Article 8 - Districts 8-

Proposed Subdivision Road
Construction Standards Certificate

Approved: _____ (District Engineer) Date:

Certification of Water and Sewer

Certification ~~and~~ approval of water supply and sewage disposal systems. I hereby certify that the water supply and sewage disposal systems installed or proposed for installation meet necessary public health requirements of Wilson's Mills and Johnston County, and are hereby approved.

Date ~~Town or County Health Officer~~ Johnston County Public Utilities

Review Officer Certification

State of North Carolina
County of Johnston

I, _____, review Officer of Johnston County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____
Review ~~Officer~~ Officer

Date _____

CERTIFICATE OF APPROVAL OF PUBLIC STREETS

I hereby certify that the streets and related improvements including seeding of banks have been installed according to plans approved by the Town of Wilson's Mills or proper provisions have been made for their installation.

Public Works Director _____ Date _____

DISCLOSURE STATEMENT FOR USE

All parks, open space, common areas, roads and other areas, easements and rights-of-way not designated for public use in this subdivision are private. Neither of these areas shall be maintained by Wilson's Mills. All maintenance and construction standards are the responsibility of the subdivider and subsequent owners of lots in the subdivision and/or the Homeowner's Association.

Owner _____ Date _____

ARTICLE 8 DISTRICTS

<u>Section</u>	<u>Page #</u>
8.1 Purpose	8-2
8.2 Primary General Use Zoning District Descriptions & Standards	8-2
8.3 Overlay Districts	8-9
8.4 Table of Uses	8-13

ARTICLE 8 DISTRICTS

8.1 PURPOSE

In order to provide for the orderly development of Wilson’s Mills, preserve existing development patterns that contribute to the character and sense of place of the community, and to allow for creativity in the planning for future development, the Town hereby establishes districts and their associated standards and specifications.

8.2 PRIMARY GENERAL USE ZONING DISTRICT DESCRIPTIONS & STANDARDS

The following districts are created by this Ordinance:

A. Agriculture District (AG). The Agriculture District (AG) is established to protect lands used for agricultural production, agriculturally based businesses and related activities. Farmland is a defining element of Wilson’s Mills’ traditional identity and the protection of these lands aids in preserving the character of the Town until such time as new development is preferred by the Town. Listed uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential subdivision type development and excessive septic system utility. The Agriculture District can also be used to preserve open spaces.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Open Space Requirements.** See Article 21.
- (3) **Parking Requirements.** See Article 12.
- (4) **Landscaping Requirements.** See Article 11.
- (5) **Density & Dimensional Requirements.**

Zoning	AG
Density:	1 unit per acre
Minimum Lot Size:	1 acre (43,560 sq. ft.)
Minimum Lot Width:	150'
Primary Structure Building Height (max.):	30'
Accessory Structure Building Height (max.)	25'

Primary Structure Setbacks (min.):	
Front	30'
Side	10'
Rear	20'
Side Street	20'
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.

B. Single-Family Residential (SFR-1, SFR-2, SFR-3). The Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods.

Neighborhoods in these districts are the dominant land use in Wilson's Mills and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Open Space Requirements.** See Article 21.
- (3) **Parking Requirements.** See Article 12.
- (4) **Landscaping Requirements.** See Article 11.
- (5) **Density & Dimensional Requirements.**

Zoning:	SFR-1	SFR-2	SFR-3
Density:	0.91 units/acre	1.82 units/acre	2.64 units/acre
Minimum Lot Size:	30,000 sf	20,000 sf	10,000 sf
Minimum Lot Width:	100 ft.	70 ft.	60 ft.
Primary Structure Building Height (max.):	30'	30'	30'

Accessory Structure Building Height (max.)	25'	25'	25'
Front	40'	30'	25'0"
Side	10'15"	10'	10'8"
Rear	15'	15'40"	8'15"
Side Street	25'	20'	15'
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.		

C. Residential Main Street Transition (RMST). The Residential Main Street Transition District (RMST) provides for neighborhoods in the residential area(s) surrounding the Main Street and contiguous Civic Districts. The intent of this district is to recognize that gradual transition from intense development to high quality mixed density residential development is needed to support the central core of the Town. Higher density residential development allows a greater number of households to walk or bike, thus supporting businesses while reducing the parking demand and providing environmental and health benefits. Allowed building/lot types in these districts are the Detached House, Attached House, and Multi-family Building. Streets in the Residential Main Street Transition District should be interconnected, with streets and sidewalks providing a connection from Wilson's Mills' Main Street and other mixed-use districts to the Single-Family Residential districts surrounding these neighborhoods. They must be back loaded and the alley must be paved. A range of housing types is encouraged. Criteria for the mix of building types establishes compatibility.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Open Space Requirements.** See Article 21.
- (3) **Parking Requirements.** See Article 12.
- (4) **Landscaping Requirements.** See Article 11.
- (5) **Density & Dimensional Requirements.**

Zoning:	RMST
---------	------

Housing Type:	Single-Family Detached	Single-Family Attached	Multi-Family	Other
Density:	7 units/acre	12 16 units/acre	See Article 10	N/A
Minimum Lot Size:	6,000 sf	3,600 1,600 sf	N/A	N/A
Minimum Lot Width:	40 ft.	16 20 ft.	N/A	N/A
Primary Structure Building Height (max.):	30'	30'	45 36'	45'
Accessory Structure Building Height (max.):	25'	25'	25'	25'
Front	10 12'	12 10'	12'	12 10'
Side	10 4'	N/A	10 4'	4 10'
Rear	20 4'	4 20'	20 4'	4 20'
Side Street	10 8'	10 8'	8 10'	8 10'
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.			

D. Main Street (MS). The Main Street District (MS) provides for new development in establishing Wilson's Mills' core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and

services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Open Space Requirements.** See Article 21.
- (3) **Parking Requirements.** See Article 12.
- (4) **Landscaping Requirements.** See Article 11.
- (5) **Density & Dimensional Requirements.**

Zoning	MS
Density:	24 units/acre
Minimum Lot Size:	N/A
Minimum Lot Width:	N/A
Primary Structure Building Height (max.):	45' <u>50'</u>
Accessory Structure Building Height (max.):	25'
Front	10' (max.)
Side	N/A
Rear	8' (min.)
Side Street	10' (max.)
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.

E. Civic (CIV). The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Large developments in the Civic District are encouraged to provide a master plan to the Town. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting

on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Open Space Requirements.** See Article 21.
- (3) **Parking Requirements.** See Article 12.
- (4) **Landscaping Requirements.** See Article 11.
- (5) **Density & Dimensional Requirements.**

Zoning:	CIV			
Housing Type:	Single-Family Detached	Single-Family Attached	Multi-Family	Other
Density:	2 units/acre	8 units/acre	See Article 10	N/A
Primary Structure Building Height (max.):	30'	30'	36'	45' -50'
Accessory Structure Building Height (max.):	25'	25'	25'	25' -50'
Minimum Lot Size:	1 acre			
Minimum Lot Width:	100'			
Setbacks (min.):				
Front	20'			
Side	12'			
Rear	12'			
Side Street	20'			
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.			

~~a~~ ~~—F. Mixed-Use (MU-1&2).~~ The Mixed-Use District (MU-1&2) is established to provide opportunities for both compatible and sustainable redevelopment where underutilized commercial properties already exist as well as infill sites where site specific land planning of new development creates opportunities for businesses and various housing designs sharing community amenities and enhancements. Existing auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-Family. Dominant uses in this district are residential, retail and office. There must be at least 25% commercial included. The Mixed-Use Districts are expected to serve Wilson's Mills residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use District promotes the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to use in adjacent neighborhood districts.

~~Multi-family. Dominant uses in this district are residential, retail and office. The~~

~~Mixed-Use Districts are expected to serve Wilson's Mills residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use District promotes the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to use in adjacent neighborhood districts.~~

- ~~(1) (1) Permitted Uses.~~ See Table of Permitted Uses.
- ~~(2) (2) Open Space Requirements.~~ See Article 21.
- ~~(3) (3) Parking Requirements.~~ See Article 12.
- ~~(4) (4) Landscaping Requirements.~~ See Article 11.
- ~~(5) (5) Density & Dimensional Requirements.~~

Zoning:	MU-1&2-			
Housing Type:	Single-Family Detached	Single-Family Attached	Multi-Family	Other

Density:	7 units/acre	12 17 units/acre	14.5 units/acre	N/A
Minimum Lot Size:	6,000 sf	3,600 1,600-sf	N/A	N/A
Primary Structure Building Height (max.):	30'	30'	36'	50' 45'
Accessory Structure Building Height (max.):	25'	25'	25'	25' 50'
*Minimum Lot Width:	16'	16'	N/A	N/A
Setbacks:				
Front	25' 10' (max.)			
Side	N/A			
Rear	16' 12'			
Side Street	16' (max.)			
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.			
*120' on US 70 & I 42, 40' 60' from ROW for all non-residential uses				

G. Residential Mixed-Use District (RMU). The Residential Mixed-Use District is intended to provide areas of medium to higher density residential development to accommodate single family, duplex, triplex/quadplex, townhome and other small-scale multi-family uses within close proximity to major corridors, intersections and/or existing and planned commercial centers. Allowable building/lot types include the Detached House, Attached House and Multi-family building. Different housing types and lot styles are encouraged. Rear/alley loaded products are highly encouraged in the district. Dwellings in this district may have shared access to common features and onsite amenities such as developed/active or passive open space.

- (1) Permitted Uses. See Table of Permitted Uses.
- (2) Parking Requirements. See Article 12.
- (3) Landscaping Requirements. See Article 11.
- (4) Density & Dimensional Requirements.

<u>Zoning:</u>	<u>RMU</u>				
<u>Housing Type</u>	<u>Single Family Detached Rear Load</u>	<u>Single Family Detached Front Load</u>	<u>Single Family Attached Rear Load</u>	<u>Single Family Attached Front Load</u>	<u>Multi Family</u>
<u>Density:</u>	<u>7 units/acre</u>	<u>7 units/acre</u>	<u>12 units/acre</u>	<u>12 units/acre</u>	<u>14.5 units/acre</u>
<u>Primary Structure Building Height</u>	<u>36'</u>	<u>36'</u>	<u>36'</u>	<u>36'</u>	<u>36'</u>
<u>Accessory Structure Building Height</u>	<u>36'</u>	<u>36'</u>	<u>36'</u>	<u>36'</u>	<u>36'</u>
<u>Minimum Lot Size:</u>	<u>6,000-SF</u>	<u>1,600 SF</u>	<u>6,000 SF</u>	<u>1,600 SF</u>	<u>N/A</u>
<u>Minimum Lot Width;</u>	<u>40'</u>	<u>50'</u>	<u>16'</u>	<u>25'</u>	<u>N/A</u>
<u>Setbacks (min)</u>					
<u>Front</u>	<u>12'</u>	<u>25'</u>	<u>12'</u>	<u>25'</u>	<u>25'</u>
<u>Side</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>N/A</u>
<u>Rear</u>	<u>5'</u>	<u>25'</u>	<u>5'</u>	<u>25'</u>	<u>20'</u>
<u>Side Street</u>	<u>10'</u>	<u>15'</u>	<u>10'</u>	<u>15'</u>	<u>20'</u>
<u>Minimum Building Separation</u>	<u>25'</u>				
<u>Maximum Ground Floor</u>	<u>8,000 SF per building</u>				
<u>Accessory Structure Setback</u>	<u>A minimum of 5' behind the primary structure & 5' from side and rear property lines.</u>				

G.H. Commercial (C-70). The US Highway 70 & I-42 Commercial District (C-70) is established to provide opportunities for compatible and sustainable development along the US Hwy 70 & I-42 corridor. Development standards in the US Highway 70 & I-42 Commercial District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the US Highway 70 & I-42 Commercial District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include commercial goods & services, employment, and some limited industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shopfront.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Parking Requirements.** See Article 12.
- (3) **Landscaping Requirements.** See Article 11.
- (4) **Density & Dimensional Requirements.**

Zoning	C-70
Density:	N/A
Minimum Lot Size:	25,000 10,000 sf
Minimum Lot Width:	360' on US 70 & I-42; 125' elsewhere
Primary Structure Building Height (max.):	50' 45'
Accessory Structure Building Height (max.):	35' 50'
Front	30'
Side	15'
Rear	12' 16'
Side Street	0'

Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.
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H.I. Corporate Park (CP). The Corporate Park (CP) is established to provide opportunities for compatible and sustainable development within the employment centers of Wilson’s Mills. Development standards in the Corporate Park (CP) District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the Corporate Park (CP) District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Town Plan. Uses in this district include office complexes, and limited commercial goods & services. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shopfront.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Parking Requirements.** See Article 12.
- (3) **Landscaping Requirements.** See Article 11.
- (4) **Density & Dimensional Requirements.**

Zoning	CP
Density:	N/A
Minimum Lot Size:	25,000 10,000-sf
Minimum Lot Width:	360' on US 70 & I-42; 125' elsewhere— from ROW
Primary Structure Building Height (max.):	50'
Accessory Structure Building Height (max.):	35'—50'
Setbacks (min.):	

Front	30' 25'
Side	0' N/A
Rear	12' 16'
Side Street	12' 16'
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.

I.J. Vehicle Service & Repair (VSR). The Vehicle Service and Repair District (VSR) is established to provide locations for specific uses that, due to their unique characteristics and importance to the community, and the traveling public, require different criteria and specifications than typical commercial development. Development standards in the Vehicle Service and Repair District acknowledge that the automobile is the primary mode of transportation in suburban communities and there is a vital need for such businesses to be located in close proximity to one another. Uses within the Vehicle Service and Repair District are buffered from adjacent uses. The dominant uses in this district are vehicle oriented and/or dependent and include vehicle-based services, vehicle repair shops and disabled vehicle storage areas. The Vehicle Service and Repair District is reserved for uses which require broad maneuvering spaces and avoid pedestrian interaction with potentially hazardous conditions. Goals of the Vehicle Service and Repair District include providing a pleasant environment for motorists, a safe environment for pedestrians along the network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and its interconnecting network of streets outside the core area as shown in the adopted Town Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Parking Requirements.** See Article 12.
- (3) **Landscaping Requirements.** See Article 11.
- (4) **Density & Dimensional Requirements.**

Zoning	VSR
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Density:	N/A
Minimum Lot Size:	12,000 sf
Minimum Lot Width:	360' on US 70 & I 42; 80' elsewhere from ROW
Setbacks (min.):	
Front	30'-25'
Side	4'-10'
Rear	8'-16'
Side Street	12'-16'
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.

J.K. Industrial (IND). The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

- (1) **Permitted Uses.** See Table of Permitted Uses.
- (2) **Parking Requirements.** See Article 12.
- (3) **Landscaping Requirements.** See Article 11.
- (4) **Density & Dimensional Requirements.**

Zoning	IND
Density:	N/A
Minimum Lot Size:	30,000 sf
Minimum Lot Width:	150'

Setbacks (min.):	
Front	40'
Side	15'
Rear	20'
Side Street	40'
Accessory Structure Setbacks:	A minimum of 5' behind primary structure & 5' from side and rear property lines.

8.3 OVERLAY DISTRICTS

The following Overlay District(s) supersede the underlying primary general use zoning districts where additional listed uses and/or requirements and/or standards and/or conditions are established by the Overlay District. All other provisions of the Primary General-Use District shall apply where no superseding provisions of the Overlay Districts are established.

8.3.1 Traditional Neighborhood Development Overlay (TNDO)

A. Intent: The Traditional Neighborhood Development Overlay District (TNDO) provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Town and has an overall residential density of up to ~~seven (7) eleven (11)~~ dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.

B. A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Traditional Neighborhood

Development Overlay (TNDO) District applications and apply to all projects within the TNDO District.

C. Permitted Uses: See Table of Permitted Uses.

D. Residential Density Limits: See Primary General Use District

E. A master site development plan in compliance with Traditional Neighborhood Development standards of this Ordinance Section 8.5.1 shall be provided with both the application for a Zoning Map Amendment and the Zoning Compliance Permit Submittal for a TNDO. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate both the internal pedestrian environment and conditions at project edges.

F. A grading plan shall be provided for review and approval in accordance with the procedures of Article 7 of this Ordinance to demonstrate both positive drainage characteristics and smooth grade transitions, ~~to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between dwellings.~~

G. Minimum Development Size: 10 acres

H. Maximum Development Size: none.

I. TND Design Standards & Specifications:

(1) Neighborhood Form:

a. The descriptions of Traditional Neighborhood Building and Lot types in Article 9 will determine the general arrangement and distribution of elements in a TND.

b. The area of the TND shall be divided into blocks, streets, lots, and open space. ~~Grading of blocks shall not produce abrupt “v” ditches, swales and other disruptions to the landscape between dwellings on either individual lots or the same lot.~~

c. Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

(2) Streets, Alleys and Blocks:

a. Public streets shall provide access to all tracts and lots.

b. Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development.

c. Cul-de-sacs shall not exceed 500250 feet in length, ~~must be accessed from a street providing internal or external connectivity, and~~ shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable.

d. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.

e. Pedestrian connections should be provided as extensions of terminating streets where not precluded by topography or other physical constraints.

f. Utilities may run along alleys provided that a permanent access and utility easement is recorded for the full length of alley being used for utilities or public services such as garbage collection.

f.g. All alleys must be 16' wide and paved.

g.h. TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted site plan. Each street type in a TND shall be separately detailed. Street types as described in the Town of Wilson's Mills Standards and Specifications Manual identify the street types listed in a TND. An array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation; sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use. To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods to achieve this interruption include:

i. A street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (see Town of Wilson's Mills Standards and Specifications Manual) and terminate

vistas with a significant feature (building, park, natural feature);

b j. a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space;

e k. perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; and

d l. other traffic calming configurations are acceptable so long as emergency access is adequately provided.

(3) Buildings and Lots:

a. All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.

b. No minimum lot size, width, or setback dimensions are required, except as required in Article 12, Section 12.3-1 for non-alley served lots. Lot configurations and setback criteria shall be as denoted on the approved Major Site Development Plan approved for the project, provided all design criteria of Section 8.5-1, and applicable provisions of Article 9 are met.

c. Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.

d. Building and lot types shall comply with the descriptions provided in Article 9.

e. Large-scale, single use facilities (conference spaces, theaters, athletic facilities, etc.) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

(4) Open Space: The provision and design of open space shall comply with the requirements set forth in Article 21.

(5) Parking, Landscaping and Buffers: Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.3.2 Airport Height Hazard Overlay (AHHO)

A. Purpose:

The purpose of the Airport Height Hazard Overlay District is to provide regulations that prohibits the creation or establishment of hazards that endanger public health, safety, welfare, or impacts an individual's quality of life, or prevents the safe movement of aircraft at the Johnston County Regional Airport and promotes the most appropriate use of land to prevent airport hazards.

B. Intent:

It is the intent of this section and AHHO zone to prevent, eliminate, remove, alter or mitigate hazards to air navigation by regulating the height of structures, and the use of property in the vicinity of the airport. The applicable regulations are established under Section 8.3.2 of this ordinance, Permitted uses are established in Table 8.3.2 B "Johnston County Airport Overlay Zone Chart."

C. Definitions

Airport- The Johnston Regional Airport located at 3149 Swift Creek Rd, Smithfield NC 27577 and uses the airport abbreviation code JNX/KJNX.

Airport Elevation- The topographical elevation above mean sea level at the Johnston Regional Airport. This elevation is 165 feet.

Airport Overlay Zones- Zones intended to place height and land use conditions on land impacted by airport operations while retaining the existing underlying zone. The Title 14 Code of Federal Regulations Part 77 (14 CFR Part 77) Surfaces and runway protection zones have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

Approach and Runway Protection Zone Map- The Approach and Runway Protection Zone Map is compiled from the criteria in 14 CFR Part 77, "Objects Affecting Navigable Airspace." It shows the three airport overlay

zones (Zone B, Zone D, Zone E) that intersect with Wilson's Mills' Planning and Zoning Jurisdiction.

Conical Surface (Zone E)- The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one-foot vertically (20:1) for a distance of 4,000 feet. It is the outermost zone of the overlay areas and has the least number of land use restriction considerations.

Horizontal Surface (Zone D)- The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and begins at the edge of the transitional surfaces and primary surface for a distance of 5,000 feet for visual approach runways.

Obstruction- Any building, structure, growth, or other object, including a mobile object which exceeds a limiting height as set out in Section 8.3.2 D of this Ordinance.

Primary Surface- The primary surface is longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The width of the primary surface is 1,000 feet, or 500 feet on either side of the runway centerline, for precision instrument runway.

Runway Protection Zone (RPZ) (Zone A)- The area off the end of the runway end designed to provide a clear area that is free of above ground obstructions and structures to enhance the protection of people and property on the ground. Zone A is intended to provide a clear area that is free of above-ground obstructions and structures.

Runway Approach Surface (Zone B)- A critical overlay surface that reflects the approach and departure areas to each runway at an airport. The approach surface is longitudinally centered on the extended runway centerline, extending outward and upward from the end of the runway. The approach slope for visual runways is 20:1 for a distance of 5,000 feet.

Transitional Surface (Zone C)- The transitional surface extends outward and upward at right angles to the runway centerline and extends at a slope of seven feet horizontally for each one-foot vertically (7:1) from the side of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

D. Airport Hazard District Zones.

In order to carry out the provisions of this section, there are created and established certain zones which include all of the land lying beneath the runway protection zone, the approach surface, transitional surface, horizontal surface and conical surface as they apply to the Johnston Regional Airport. These zones are identified as A, B, C, D, and E and are defined in Table 8.3.2 A “Dimensions for Airport Overlay Zones-Precision Runway”, in Section 8.3.2 E and on the Airport Height Hazard Overlay Map which is on file in the Town of Wilson’s Mills planning office and the Johnston County planning office.

E. Dimensions for Airport Overlay Zones-precision Runway Table 8.3.2 A

<u>ZONE</u>	<u>INNER WIDTH</u>	<u>OUTER WIDTH</u>	<u>LENGTH</u>	<u>HEIGHT OR SLOPE</u>
<u>Zone A</u> <u>(Runway Protection Zone-Begins at the end of turf runway, 200’ past hard surface runway)</u>	<u>RWY 3-1,000</u>	<u>RWY 3-1,750’</u>	<u>RWY 3-2,500’</u>	<u>RWY 3-50:1</u>
	<u>RWY 21-500’</u>	<u>RWY 21-700’</u>	<u>RWY 21-1,000’</u>	<u>RWY21-34:1</u>
<u>Zone B</u> <u>(Approach zone-Begins at end of turf runway, 200’ past hard surface runway)</u>	<u>RWY 3-1,000</u>	<u>RWY 3-16,000’</u>	<u>RWY 3-*</u>	<u>RWY 3-*</u>
	<u>RWY 21-500’</u>	<u>RWY 21-3,500’</u>	<u>RWY-21-10,000’</u>	<u>RWY 21-34:1</u>

<u>Zone C width (Transitional Surface)</u>	<u>1,000'</u>	<u>RWY 3- 16,000'</u> <u>RWY 21- 3,500</u>	<u>RWY 3-*</u> <u>RWY 21- 10,000'</u>	<u>7:1**</u>
<u>Zone D radius (Horizontal Surface)</u>	<u>Begins at edge of transitional surface</u>	<u>10,000'</u>		<u>150' above runway (excludes approach zone)</u>
<u>Zone E radius (Conical Surface)</u>	<u>Begins at edge of horizontal surface</u>	<u>4,000'</u>		

• Precision instrument approach slopes 50:1 for inner 10,000 feet and 40:1 for an additional 40,000 feet.

** 7:1 slope until intersection with the Horizontal Surface (RWY 3 and RWY 21), then add 7:1 slope on each side of RWY 3 Approach Surface for a horizontal distance of 5,000 feet laterally measured from the edge of the Approach Surface.

F. Airport Zone Height Limitations and Lighting Requirements,

Unless otherwise provided for in this ordinance, no structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zone established by this ordinance to a height in excess of the applicable height limitations established by the ordinance in Section 8.3.2 E and shown on the "Airport Height Hazard Overlay Map."

Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard.

G. Land Use Limitations Within Airport Zones

Land Use Limitations within Airport Zones land uses defined below as compatible shall be issued a permit if they follow all revisions of this ordinance. Those land uses identified as “not compatible” will not be permitted in Zones A-E.

Land uses identified as ‘additional review’ will be evaluated by the land use administrator as to the potential impacts on the airport regarding noise, concentration of people, height, visual restrictions, wildlife attractions, flammable substances and electrical, navigational or radio interference.

Table 8.3.2 B: Johnston County Airport Overlay Zone Chart

C=Compatible; AR=Additional Review Required; NC= Not Compatible

***Commercial Recreational Uses (i.e. facilities used for physical exercise, recreation, or culture)**

<u>Land Use</u>	<u>Zone A</u>	<u>Zone B</u>	<u>Zone C</u>	<u>Zone D</u>	<u>Zone E</u>
<u>Single Family</u>	<u>NC</u>	<u>AR</u>	<u>NC</u>	<u>AR</u>	<u>C</u>
<u>Multi-Family, group living uses</u>		<u>AR</u>	<u>NC</u>	<u>AR</u>	<u>C</u>
<u>Permitted uses in C Commercial District</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>C</u>	<u>C</u>
<u>Permitted Uses in “M” Manufacturing District</u>	<u>NC</u>	<u>AR</u>	<u>AR</u>	<u>AR</u>	<u>C</u>
<u>Basic Utility Uses (utility substations, electrical substations, water & sewer lift stations, water towers)</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>AR</u>	<u>C</u>
<u>Sanitary Landfills</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>AR</u>
<u>Solar power, generation equipment, wind generation, wind farms</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>AR</u>	<u>AR</u>
<u>Communication transmission facilities</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>AR</u>	<u>AR</u>

<u>Outdoor storage, signs and displays</u>	NC	AR	AR	AR	C
<u>General Community Service</u>	NC	AR	AR	AR	C
<u>Daycare Uses</u>	NC	NC	NC	AR	C
<u>Detention Facilities (prisons, jails, probation centers, juvenile detention homes, halfway houses)</u>	NC	NC	NC	AR	C
<u>Educational Facilities</u>	NC	NC	NC	AR	C
<u>Hospitals</u>	NC	NC	NC	AR	C
<u>Religious Assembly Uses</u>	NC	NC	NC	AR	C
<u>Communication Transmission Facility Use (broadcast, wireless, point to point, emergency towers and antennae)</u>	NC	NC	NC	AR	AR
<u>Parking uses (ground lot, parking structures)</u>	AR	C	AR	C	C
<u>Transportation Uses (highways, interstates, local and county roads)</u>	AR	C	C	C	C
<u>Utility Uses (solar power generation equipment wind generators, wind farms)</u>	NC	NC	NC	AR	AR
<u>Farms-plant and animal with no residential</u>	AR	AR	AR	C	C
<u>Resident-related (single-family home,</u>	NC	AR	NC	AR	C

<u>mobile home if converted to real property and taxed)</u>					
<u>Grain bins, bulk fuel, graain elevator</u>	NC	NC	NC	AR	AR
<u>Man-made water retention detention wetlands</u>	NC	NC	NC	AR	AR
<u>Commercial Recreational Use- Outdoor recreation</u>	NC	AR	NC	AR	C
<u>Commercial Recreational Use*- Indoor recreational facilities</u>	NC	AR	NC	AR	C
<u>Parks</u>	NC	AR	NC	C	C
<u>Casino</u>	NC	NC	NC	AR	C

H. Airport Zoning Map

The Airport Land Use and Height Overlay Zones established by this ordinance are shown on the Airport Height Hazard Overlay Map which is on file in the Johnston County planning office and the geographical informational services office and the Town of Wilson's Mills planning office. The Official Airport Land Use and Height Overlay Zoning Map, may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this ordinance.

I. Variances

Any person desiring to erect or increase the height of any building or structure not in accordance with the regulations prescribed in this section, may apply to the Board of Adjustment for a variance from such regulations. The application for a variance must be accompanied by a determination letter from the Federal Aviation Administration as to the effect of the variance request on the operation of air navigation facilities and the safe, efficient use of navigable air space. An application for a variance from the requirements of this section shall be referred to the Airport Manager for advice as to the aeronautical effects of the variance request on the operation of the airport facilities. If the Airport Manager does not respond to the application request within fifteen (15) days after receipt

of the application, the Board of Adjustment may act on its own to grant or deny such application.

8.4 TABLE OF PERMITTED USES

8.4.1 Table of Authorized Uses Established

The following table lists the principal uses allowed by right within zoning districts as well as uses that may be authorized subject to approval of a Special Use Permit. Function codes of the Land Based Classification Standards (LBCS) of the American Planning Association (APA) correspond to the authorized uses and shall be used to define uses. All uses are subject to the standards and regulations within this UDO.

8.4.2 Permitted and Prohibited Uses

Uses not listed as permitted (P); permitted with supplemental use standards (PS); or requiring a special use permit (S) are presumed to be prohibited (-) from the applicable zoning district. Uses requiring a special use permit must also meet the applicable supplemental use standards as well as the findings of fact associated with special use permits.

8.4.3 Uses Not Listed

Uses not listed as permitted (P); permitted with supplemental use standards (PS); or requiring a special use permit (S) are presumed to be prohibited (-) from the applicable zoning district. Uses requiring a special use permit must also meet the applicable supplemental use standards as well as the findings of fact associated with special use permits.

8.4.4 Land Use Categories

All uses permitted have been divided into nine (9) categories, defined as follows:

- A. Residential**
- B. Lodging/accommodations**
- C. Office and services**
- D. Commercial and entertainment**
- E. Industrial, wholesale and storage**
- F. Educational and institutional**
- G. Agricultural/forestry**
- H. Communications/transportation/infrastructure**
- I. Other**

8.4.5 Similar Uses

The Administrator may determine that a use is materially similar if a permitted use is similarly classified by the Land Based Classification Standards (LBCS) of the American Planning Association (APA); North American Industrial

SEE PERMITTED USES CHART

Article 9 BUILDING AND LOT STANDARDS

~~2.—Grading shall provide for smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area.~~

~~3.2.~~ 3.2. All structures shall front on a public street.

~~1.—Grading shall provide for smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area. The use of crawl-space construction techniques in multi-family residential structures or professional landscape design is required to meet this characteristic of site development to establish a Finished Floor Elevation (FFE) a minimum of two (2.0) vertical feet above adjacent sidewalk.~~

~~2.—Parking shall be located to the rear of the building, unless there are extenuating circumstances that make it impractical to park in the rear of the building, in which case parking may be permitted to the side. When parking is permitted to the side of the building, the parking area shall comprise no more than 35% of the road frontage~~

~~and shall be buffered according to the buffering standards in Article 11.~~

- ~~3.1.~~ Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall a minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative metal, and shall generally match the architectural style of Wilson's Mills.
- ~~4.2.~~ Trash containers shall be located in a rear parking area.
- ~~5.3.~~ Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened.
- ~~6.4.~~ All rooftop equipment shall be screened from view from public Right-of-Ways by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme to maintain compatibility with structures within the Town.
- ~~7.5.~~ Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

9.4 CIVIC BUILDINGS

A. **Description.** For the purpose of this section, civic buildings are used for purposes that are public in nature (e.g. schools, libraries, government buildings, and churches).

B. **Building & Parking Placement**

~~1. — Parking shall be located to the rear of the building; side-yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified:~~

~~2.1.~~ A planting strip, lawn or defined plaza should be provided to relate the building to the street.

3.2. Building and street facades must be parallel to frontage property lines.

4.3. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall a minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas.

5.4. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.

6.5. Trash containers shall be located in a rear parking area.

7.6. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by either an opaque screen or fence, or a Type D Buffer Yard per standards set forth in Article 11.

7. Facilities constructed for the detention and/or retention of stormwater shall be secured by 6' tall chain link fence with ~~lockable~~ access gate(s) ~~and/or suitable substitute to provide equal or better safety protocols from unauthorized entry~~

1 . C. Building Height, Encroachments and Pedestrian Access.

1. Maximum building height shall be 5045'.

~~2. — Parking shall be located primarily to the rear of the building; side-yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side-yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.~~

3.2. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall a minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas.

4.3. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.

5.4. Trash containers shall be located in a rear parking area.

6.5. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by an opaque screen or fence.

7.6. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale. The building's design shall promote pedestrian activity and pedestrian-driven commerce. The sidewalk shall be an extension of the street level businesses' operations. As such, pedestrians should be able to preview businesses' merchandise and/or dine from the sidewalk. Business activities shall not impede on the required pedestrian travel widths and shall not encroach more

than 5 feet into the sidewalk.

7. Facilities constructed for the detention and/or retention of stormwater shall be secured by 6' tall chain link fence with ~~lockable~~ access gate(s) ~~and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.~~

1 C. Building Height, Encroachments and Pedestrian Access.

1. Maximum building height shall be no less than 2 stories and a maximum height of 5045'.

1. Building facades shall be generally parallel to frontage property lines.

2. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall minimum 2.5'

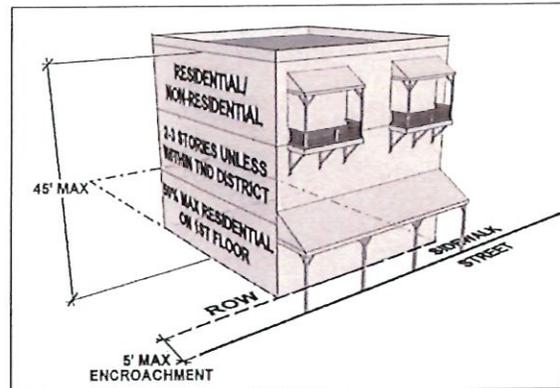
in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas.

3. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical.

4. Trash containers shall be located in the rear parking area.

5. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites.

6. Facilities constructed for the detention and/or retention of stormwater shall be secured by 6' chain link fence with ~~lockable~~ access



gate(s), and/or suitable substitute to provide equal or better safety protocols from unauthorized entry.

2.9.1 C. Building Height, Encroachments and Pedestrian Access.

~~Drive-through, gasoline and fuel pumps, and auto-oriented service facilities shall be located to the rear of the building.~~

1. Entrance canopies (for motels, etc.) shall be oriented towards the primary street.
2. Typical vehicular circulation movement is indicated by thin line arrows.
3. For buildings with flat roofs, building height shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment.

D. Architectural Standards.

- a. Trailers (mobile) ~~and/or manufactured units~~ may not be used as permanent highway buildings.

~~E. Massing and Rhythm~~

- ~~1. To ensure a consistent scale and compatible character of each and every building, massing and rhythm shall be considered in the site design. A single large dominant building mass shall be avoided in new buildings and, to the extent reasonable and feasible, in development projects involving changes to the mass of existing buildings.~~
2. ~~Horizontal masses shall not exceed a height-width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements. Changes in mass shall be related to entrances, the integral structure, and/or the organization of interior spaces and not merely for cosmetic purposes.~~

~~F. Scale and Roofline~~

- ~~1. The scale of buildings must be such that street edges are defined and relate to human proportions. This scale can be achieved through the use of architectural detailing on the first floor of buildings so that larger buildings are broken up into smaller units, by maintaining height limits, by using large~~

~~picture windows along front facades and by using plantings around the buildings.~~

~~2. —A range of roof forms is acceptable as long as they are compatible with the architectural character, scale, and height of surrounding buildings.~~

G.E. Access

1. Structures should be sited so that the primary access is from the street front sidewalk leading to the parking area. ~~In the event that a structure is located on a U.S. or State Numbered Highway, the Administrator may permit the primary access to be located facing the parking area when this option is deemed not to impede public safety and found aesthetically desirable.~~

2. It is recommended that the primary structure be neutral in color, ~~i.e. light grays, browns, beiges, whites or earth tones~~ and not of colors that are distracting to motorists or cause concern among proximate proprietors of diminished property value or customer discomfort. The trim may be of various contrasting colors to that of the primary structure.

Article 10 Uses with Additional Development Standards

10.1 PERMITTED USES WITH ADDITIONAL DEVELOPMENT STANDARDS

2. The Accessory Dwelling Unit shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.

~~3. Home occupations may be located within the Accessory Dwelling Unit.~~

4. The maximum gross floor area for the Accessory Dwelling Unit shall be ~~900800~~ SF ~~maximum or 40% of the gross floor area of the principal structure, whichever is less.~~

10.1.5 Automobile Towing and Storage Service.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards.

1. No more than ~~11060~~ automobiles per acre of storage area shall be stored at an automobile towing and storage service at a time.

2. The automotive storage area must be screened with a six-foot-tall opaque fence and a type C buffer (see Article 11); plantings shall be on the exterior side of the fence.

3. No outdoor disassembly or salvaging is permitted.

10.1.6 Bank, Credit Unions, Financial Services.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards.

1. Drive-through facilities shall be located at the rear **or side** of the building

2. No more than ~~32~~ drive-through lanes shall be permitted, including ATM

3. Drive-through facilities shall be screened from adjacent uses with a type D buffer (see Article 11).

~~ATM may be located at side or front of building only if a walk-up facility~~

10.1.8 Bed-and-Breakfast Inn (Tourist Home).

3. The maximum number of guest rooms provided by the Bed-and-Breakfast Inn establishment (Tourist Home) shall be ~~fourteen (14).~~ Ten (10).

4. Accessory structures shall not be utilized for guest accommodation purposes as part of a Bed-and-Breakfast Inn establishment (Tourist Home).

5. The length of stay of any guest shall not exceed ~~thirty (30)~~ fourteen (14) successive calendar days, with a minimum interval between stays of ninety (90) days.

10.1.11 Religious Institutions

a. ~~Signage shall be limited to a single Pole Sign, subject to the regulations of Article 17. The sign shall not be located in the front yard and, if lit, shall be indirectly lighted.~~

10.1.15 Day Care Center (less than 6 persons as Home Occupation).

Preschool instruction and daytime care is limited to five (5) persons not related to the operator, in accordance with the regulations of the North Carolina Division of Child Development.

10.1.18 Food Trucks

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

- 1. Must be approved and inspected by the Johnston County Health Department
- 2. The maximum time permitted per property shall be ~~before~~ two (2) consecutive days per individual property, unless a Town sponsored event.

~~2~~ 3. A zoning compliance permit must be issued by the Administrator:

~~10.1.20 Raceway (Go-Cart, Motorcycle, &/or Automobile).~~ RESERVED

~~A. Zoning District where additional standards below apply: See Article 8 – Table of Permitted Uses. B. Standards:~~

~~1~~ 1 — A minimum separation of 30 feet, fully vegetated, shall be provided between any use area and any abutting property line. The vegetation shall form a permanent semi-opaque screen between the use area and adjacent property.

~~2~~ 2 — Any use area shall be located a minimum of 200 feet from any residential or mixed-use district.

~~3~~ 3 — The site shall be screened from view at street(s) within 200 feet of the use area by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence.

~~The hours of operation will be no earlier than 8:00 a.m. and no later than 8:00 p.m.~~

10.1.21 Home Occupation.

- 1. A maximum of 25 percent of the gross floor area of the dwelling unit may be used for the home occupation. ~~If the home occupation is housed in an accessory structure, the square footage of the accessory structure shall not exceed 25 percent of the square footage of the principal structure (home):~~

10.1-24 Multi-Family Development.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. The multi-family development shall not exceed a total of ~~seventy-two (72)~~ sixty (60) dwelling units without separation of parcels by a public street or park.

~~2.~~ All parking for the multi-family development shall be located behind the building. The parking area shall be screened from adjacent properties and from the street with a minimum of a type C 20' buffer (see Article 11).

~~2—3.~~ The buildings in the multi-family development shall be architecturally compatible with single family structures on the street on which the multi-family building is proposed. Elements that shall be incorporated into the design of the multi-family building to ensure architectural compatibility are:

~~2.6.1—~~ The multi-family building shall be constructed of building materials similar to those used on single family structures on the street.

~~2.6.2—~~ The roof pitch of the multi-family building shall be the same as that of the single-family structures on the street.

~~2.6.3—~~ The fenestration of the multi-family building by location and size of windows and doors shall be similar to that of the single-family homes on the street.

~~a.~~ Color renderings of the proposed building must be submitted with the application to ensure architectural compatibility.

3.2. No multi-family building shall be located closer than 36 feet to an existing multifamily building or development. The distance shall be measured along centerline of streets from the edge of the property proposed for development to the closest edge of the property on which the existing multi-family building or development is located.

10.1.25 Assisted Living Facility.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. The facility shall provide centrally located shared food preparation, food service, and dining areas.
2. Common recreation, social, and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit.
3. All facilities shall be solely for the use of residents and their guests.
4. Facilities for administrative services and limited medical services for the exclusive use of the resident shall be located on the site.
5. All facilities must be licensed or registered with the State of NC DHHS prior to residents moving in

~~10.1.27 Special Events and Temporary Structures. — RESERVED
 3 — Zoning Districts where additional standards below apply: See Article 8 — Table of Permitted Uses:
 Standards: See Article 15~~

~~10.1.30 Temporary Construction Storage and/or Office. — RESERVED
 2 — Zoning Districts where additional standards below apply: See Article 8 — Table of Permitted Uses:
 3 Standards: See Article 15~~

10.1.31 Veterinary Service with Outdoor Kennels.

A. Zoning Districts where additional standards below apply: See Article 8 – Table of Permitted Uses.

B. Standards:

1. The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 400 feet from abutting property ~~lines located in a residential or mixed-use district.~~
2. The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property ~~yies in a residential or mixed-use district~~ with a type B 30' buffer (see Article 11) or 6 foot privacy fence. The fence shoould be fence on the inside and buffer plants/materials on the outside..

ARTICLE 11 LANDSCAPE REQUIREMENTS & TREE PROTECTION

11.5 OPEN BURNING REGULATIONS

A. General Provisions for Open Burning

1. Open burning is permitted only in designated areas and must comply with North Carolina General Statutes and Johnston County regulations.
 - a. NC GS 113-60.2 requires that all open burning must adhere to state regulations, including obtaining necessary permits and limiting the types of materials that can be burned.
2. Open burning activities must adhere to the following requirements:
 - a. A valid permit must be obtained from the appropriate authorities.
 1. Only materials specified by law are permissible for burning, in accordance with NC Administrative Code 15A NCAC 02D.1900, which outlines restrictions on burning certain materials to protect air quality.

B. Use of Air Screens

1. All open burning activities must incorporate air screens to minimize smoke dispersion and enhance air quality.
2. Air screens must be constructed of non-combustible materials and designed to effectively contain smoke and particulates.
3. The use of air screens is mandatory at any time open burning is being conducted with land clearing activities for any subdivision/project of 5 acres or more within the Town of Wilson's Mills Planning jurisdiction, with the exception of homeowners cleaning up yards of yard debris.

C. Compliance and Enforcement

1. The Town reserves the right to inspect open burning sites for compliance with these regulations.
2. Non-compliance with the air screen requirements may result in penalties as outlined in the town's enforcement provisions.

Table 11.1 BUFFER YARD CHART for RESIDENTIAL AND NON RESIDENTIAL DEVELOPMENT		
DEVELOPMENT DISTRICT	ADJACENT DISTRICT	BUFFER YARD REQUIRED
"AG", "IND",	All other districts	Type A
"MU-1&2", "C-70", "CP", VSR"	"SFR", "RMST", "CIV", "TNDO"	Type B
"MS", "CIV"	"SFR", "RMST"	Type C
"VSR"	"MS", "MU-1&2", "C-70", "CP" "RMU"	Type C
"MS", "C-70", "CP"	"MU-1&2", "IND", "RMU"	Type C
"SFR", "RMST", "TNDO"	All other districts	Type C
"MU-1&2", RMU	"MS", "C-70", "CP", "VSR"	Type D

ARTICLE 12 OFF-STREET PARKING, STACKING, AND LOADING AREAS

12.3.4 Parking on Residential Streets. Parking shall be allowed along one side of all residential streets except along alleys, designated bike lanes, within eight (8) feet of a driveway apron, within 15 linear feet of a fire hydrant, and areas specifically signed for no parking. No parking signage will be installed along one side of the street.

12.11.12 Parking Space Dimension. The minimum size for parking spaces shall be eleven (11) nine (9) feet by twenty (20) eighteen (18)

feet as shown in the Wilson's Mills Technical Standards & Specifications Manual.

Table 12.1

Type of Land Use	Off-street Parking Spaces to be Provided:	
	Minimum	Maximum
Residential		
Accessory dwelling unit	1	2
Dwellings, multi-family with 2 bedrooms or less	2 per unit <u>plus 1 extra for every 3 units</u>	2 per unit
Dwellings, multi-family with 3 bedrooms or more	2 per unit <u>plus 1 extra for every 3 units</u>	3 per unit
Dwellings, single-family, <u>attached or detached</u> with 2 bedrooms or less	2 per unit <u>plus 1 extra for every 3 dwellings</u>	not applicable
Dwellings, single-family, <u>attached or detached</u> with 3 bedrooms or more	2 per unit <u>plus 1 for every 3 dwellings</u>	not applicable

12.13.5 Parking on Streets in Residential Districts. Parking shall be allowed along one side of at the streets in residential districts except along alleys, designated bike lanes, and areas specifically signed for no parking. Vehicles shall park so as not to block access to intersections and driveways to properties.

ARTICLE 13 STREETS

13.1 GENERAL

In an area where potential development is among an area where the Town of Wilson's Mills adopted Bike/Pedstrian Plan is proposed, the developer will be

responsible for developing/installing the portion of the plan that is encompassed in that development.

ARTICLE 15 SPECIAL EVENTS AND TEMPORARY STRUCTURES

15.3 SPECIAL EVENTS AND TEMPORARY STRUCTURES ALLOWED.

The special events and temporary structures may be established in the districts designated in Table 15.1 in accordance with the requirements in Section 15.2 and the additional standards included and/or referenced in Table 15.1 of this Ordinance.

Special Event and/or Temporary Structure(s)	Maximum Duration See note 5.	Maximum Frequency See note 5.	Districts	Permit Required	Additional Standards
Construction containers	During active building permit	During active building permit	All districts	No	See note A1 appearing below this table
Market , Tailgate - Fresh Foods	Seasonal	During active season 5 per calendar year	MU 1&2 , MS, CIV, C-70, SFR, AG, IND	No Yes	Not permitted within public right-of-way
Model home or real estate sales office	1 year - 1 year or duration of project	N/A	"AG", SFR , "RMST", MMU 1&2 , RMU	Yes Zoning	See note C appearing below this table
Outdoor bazaars and retail sales, with temporary structure(s)	7 days	2 per calendar year	"AG", "MU", "MS", "CIV", "C-70", "CP"	Yes	Not permitted within public right-of-way

Outdoor sidewalk and retail sales, without temporary structure(s)	unlimited	unlimited	"AG", "MU 1&2", "MS", "CIV", "C-70", "CP"	No	Sidewalks must have a minimum 5'-0" travel-way clear of obstructions at all times All products and advertising shall be limited to the area directly in front of the sponsoring vendor during business hours
Temporary portable office	1 year <u>or</u> <u>duration of project</u>	N/A	All districts	Yes	See note <u>D.4</u> appearing below this table
Storage container, portable on demand (POD)	90 days	2 per calendar year	All districts	<u>Yes</u> <u>No</u>	See note <u>A.4</u> appearing below this table
Yard sales	3 days	3 per calendar year	All districts	No	See Article 17 of this Ordinance for Sign Regulations

ARTICLE 16 SUBDIVISIONS

16.1.8 Dedication and acceptance of public areas

~~8~~ **Open space.** Land designated as public open space or a public park on a plat, in accordance with Article 21 – Open Space of this Ordinance, shall be considered to be offered for dedication, but not accepted until the Wilson’s Mills Town Council has by express action done so. Until such dedication has been accepted, such areas may be used for

open space purposes by its owner or by an association representing owners of lots within the subdivision. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the Wilson's Mills Town Council.

16.2.11 Storm-water management

- a Facilities constructed for the detention and/or retention of stormwater shall be secured by chain link fence with ~~lockable access gate(s) and/or suitable substitute to provide equal or better safety protocols from unauthorized entry:~~

THIS HAS BEEN CHANGED IN ALL APPROPRIATE AREAS IN THE DUO

ARTICLE 17 SIGN REGULATIONS

17.5 PROHIBITED SIGNS

~~2 Snipe signs.~~

- A. Signs attached to light fixtures, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees.
- B. ~~Windblown signs not specifically permitted in this Article such as pennants, streamers, spinners, balloons, inflatable figures, and similar signs, except as specifically permitted in this article:~~

17.6 EXEMPT SIGNS

- H. ~~Non-illuminated real estate signs/banners, i.e. for sale, rent, lease, as long as site triangle is maintained and not exceeding 12 SF. Only one (1) per occupancy.~~
- V. ~~Windblown signs are permitted; no blocking sidewalks, walkways, and sight triangles.~~
- W. ~~Murals are allowed with no permit in high visibility non-residential areas with Town design approval.~~

17.7 REQUIREMENTS FOR POLITICAL SIGNS

- ~~1. Maximum sign area; nine (9) SF~~
- ~~2. Maximum number: one (1) sign per candidate per zoning lot~~
- ~~3. Signs shall display only information on candidate for an upcoming election~~

- 4. Signs shall be mounted on a temporary stake or pole only
- 5. Signs shall be located on private property with owner's permission
- 6. Signs shall be erected no more than 30 days before the election date
- 7. Signs shall be removed within seven (7) days after the election

Added Snipe signs to Allowed with the following parameters:

Snipe Signs	3 SF	12"	N/A	2"	One per owner's parcel	Out of ROW	Maximum of 14 days
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17.7.17.8 TEMPORARY SIGNS REQUIRING A PERMIT

17.7.17.8.1 Requirements for temporary signs that require a permit.

SEE NEXT PAGE FOR CHART WITH CHANGES.

Sandwich board signs	"AG", "MS", "CIV", "MU 1&2", "C-70", "CP", "VSR", & "IND"	One sign per occupancy having direct access onto any public or private sidewalk where sign is placed. "Direct access" shall mean an occupancy having a public entrance immediately from the sidewalk where the sign is placed. <u>Display time limit: 90 days with permit renewal prior to expiration.</u> - See additional sandwich board sign requirements in section 17.82 (below) of this Article.
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<p>Banners and, Flags, and wind blown banners</p>	<p>“MS”, “MU-1&2”, & “C-70”</p>	<p>Up to 60 square feet of banner/flag materials per occupancy. Banners shall remain tethered and/or anchored to resist movement. Display time limit: 3090 days, with permit renewal required prior to expiration. No more than one (1) electric windblown sign per occupancy four times per calendar year with a 60 day separation between permits and/or installations.</p>
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ARTICLE 18

SEE INSERT

ARTICLE 19

SEE INSERT FROM ENGINEER-STILL A WORK IN PROGRESS-WILL BE COMPLETED PRIOR TO ADOPTION

ARTICLE 20

NONE

ARTICLE 21

Delete 21.2.2, 21.2.3, 21.2.5

21.3 FEE-IN-LIEU.

~~For open space and/or park requirements of 500 square feet or less in area and not involving property designated as a greenway on any official plan adopted by the Town of Wilson’s Mills, a property owner may elect to pay a fee-in-lieu of open space instead of providing the open space provided that the Administrator deems that there is reasonable existing or future open space proximate to the subject parcel. For other required open space areas, a~~ A property owner may pay a fee-in-lieu of open space designation for all or a portion of the open space requirement if such fee-in-lieu is acceptable to the ~~Town Council~~ Planning Director. For developments and subdivisions containing more than 30 residential units, the fee-in-lieu option may only be used for up to 50 percent of the open space requirements in order to ensure that these larger projects provide on-site open space for their residents.

This fee shall be ~~calculated by using the pro-rata value of the designated property relative to the value of the entire site to be developed using current property tax appraisal data; for properties covered by agricultural or other exemptions, the Town may utilize a separate appraisal method in its sole discretion.~~ calculated by the Town of Wilson;s Mills Fee Schedule. Funds collected in this manner shall be maintained in a separate fund and shall be used to purchase or to enhance recreational use of property provided such features are reasonably proximate to the site(s) from which the funds are collected. Where practical, the collected fees for each project shall be designated for specific parks and recreation acquisitions and/or enhancements by the Town.

Article 22 NONCONFORMITIES

NONE

ARTICLE 23 ADMINISTRATION AND ENFORCEMENT

NONE

TECHNICAL STANDARDS AND SPECIFICATIONS MANUAL

NO CHANGES

ARTICLE 18
FLOOD DAMAGE PREVENTION ORDINANCE

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ARTICLE 18
FLOOD DAMAGE PREVENTION ORDINANCE

Wilson's Mills, NC Community ID Number 370262 Required for Eligibility in the National
Flood Insurance Program

Non Coastal Regular Phase

18.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Town Council of Wilson's Mills, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of Wilson's Mills are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) Protect human life, safety, and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business losses and interruptions;
- (5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

18.2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like

qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Design Flood” See “Regulatory Flood Protection Elevation.”

“Development” means 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.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations adopted by a community, dated November 29, 2004.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community., dated November 29, 2004.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”. The freeboard for Wilson’s Mills is 2 feet.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) 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;
- (b) 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;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the

- special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (d) **Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

“Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“New Construction” means structures for which the “start of construction” commenced on or after the

effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed. (*OPTIONAL*)

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after November 20, 2000, the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before November 20, 2000, the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (e) Is fully licensed and ready for highway use.

(OPTIONAL For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

“Reference Level” is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus two (2) feet freeboard*. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with state and

community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

- 1.) Floodrelated damage sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.
- 2.) “Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1) year period for which the cost equals or exceeds 30 percent of the market value of the structure before the “start of construction” of the improvement.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or

other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

[CRS communities are eligible for up to 20 CRS points for adopting OPTIONAL Text for Substantial Improvement that could include one or more of the following higher standards:

- 1.) *By choosing a timeframe that includes cumulative damages sustained over a period of time exceeding one-year period. (5 or 10-year period recommended)*
- 2.) *By choosing a percent improved that is less than 50% of the market value of the structure (CRS recommends 30 %.)*

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. (*OPTIONAL*)

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over

which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

18.3 GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of Wilson's Mills.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated June 20, 2018 for Johnston County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Town of Wilson's Mills or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. . Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Town of Wilson's Mills from taking such other lawful action as is necessary to prevent or remedy any violation.

18.4 ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Planning Director, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood

- map as determined in 18.3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
- (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 18.3, Section B;
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in 18.3, Section B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in 18.3, Section B; 18.4, Section C; or 18.5, Section D;
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) *The certification of the plot plan by a registered land surveyor or professional engineer.*
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
- (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with 18.5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
- (e) Usage details of any enclosed areas below the lowest floor.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas,

electrical, and water systems to be located and constructed to minimize flood damage.

- (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of 18.5, Section B, subsections (6) and (7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in 18.3, Section B.
- (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of 18.5, Section F have been met.
- (g) The flood openings requirements.
- (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) **Certification Requirements.**

(a) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain

Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- (ii) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (iii) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance

plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of 18.5, Section B(3)(b).

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(i) Recreational Vehicles meeting requirements of 18.5, Section B(6)(a);

(ii) Temporary Structures meeting requirements of 18.5, Section B(7); and

(iii) Accessory Structures that are 150 square feet or less or \$3,000 or less and meeting requirements of 18.5, Section B(8).

(4) **Determinations for Existing Buildings and Structures.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of 18.5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of 18.4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of 18.4, Section

B(3).

- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of 18.4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of 18.4, Section B(3) and 18.5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When BFE data has not been provided in accordance with the provisions of 18.3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to 18.5, Section D(2)(c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of 18.3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State

or local law may also be revoked.

- (17) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (18) Follow through with corrective procedures of 18.4, Section D.
- (19) Review, provide input, and make recommendations for variance requests.
- (20) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of 18.3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- (22) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) That the building or property is in violation of the floodplain management regulations;
 - (b) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than least one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by Town of Wilson's Mills, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of 18.4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) Any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;

- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the

variance would result in any increase in flood levels during the base flood discharge.

- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable federal, state and local laws.
 - (e) The Town of Wilson's Mills has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

18.5 PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas, the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that

minimize flood damages.

- (4) All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.
 - (a) Replacements part of a substantial improvement must also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in 18.4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of 18.4, Section B(3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided

to reduce exposure to flood hazards.

- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
- (16) Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.
- (17) Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in 18.3, Section B, or 18.5, Section D, the following provisions, in addition to the provisions of 18.5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with 18.5, Section G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in 18.4, Section B(3), along with the operational plan and the inspection and maintenance plan.
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist

flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

- (c) All enclosures or skirting below the lowest floor shall meet the requirements of 18.5, Section B(4).
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - (b) Shall not be temperature-controlled or conditioned;
 - (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 - (d) Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices,

provided they permit the automatic flow of floodwaters in both directions; and

(vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(f) Fill/Grading Fill is prohibited in the SFHA

(g) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space Town of Wilson's Mills will have the right to inspect the enclosed area. Town of Wilson's Mills will conduct annual inspections. This agreement shall be recorded with the Johnston County Register of Deeds and shall transfer with the property in perpetuity.

(h) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.

(5) Additions/Improvements.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and *must not be any more non-conforming than the existing structure.*

(ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

(b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

(i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

(ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 2 (two) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 2 (two) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

(ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(6) Recreational Vehicles. Recreational vehicles shall either:

(a) Temporary Placement

(i) Be on site for fewer than 180 consecutive days; or

(ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)

(b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with the entity responsible for physical

removal of the structure; and

- (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$3,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of 18.5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with 18.4, Section B(3).

(9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
- (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of 18.5, Section B (2) of this ordinance shall be permitted in flood hazard areas

provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

- (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
- (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of 18.5, Section F of this ordinance.
- (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of 18.5, Section F of this ordinance.
- (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of 18.5, Section F of this ordinance.
- (d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in 18.3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of 18.5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result

in any increase in flood levels during the occurrence of the base flood discharge.

- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in 18.5, Sections A and B.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of 18.5, Sections B and F.
 - (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with 18.3, Section B and utilized in implementing this ordinance.
 - (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of 18.5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and

potential projectiles. The following provisions, in addition to standards outlined in 18.5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (2) If 18.5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
 - (a) The anchoring and the elevation standards of 18.5, Section B(3); and
 - (b) The encroachment standards of 18.5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to 18.5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 2 (two) feet, above the highest adjacent grade; or at least 4 (four) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in 18.5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with 18.4, Section B(3) and 18.5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted November 29, 2004 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Wilson's Mills enacted on November 29, 2004, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Johnston County is September 30, 1983.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective the same date as the adoption of the revised ordinance.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Town Council of Wilson's Mills, North Carolina, on the _____ day of _____, 2026.

WITNESS my hand and the official seal of _____, this the _____ day of _____, 2026.

(Seal)

Article 19

~~DRAFT MODEL WATER SUPPLY WATERSHED PROTECTION ORDINANCE~~

~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

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Watershed Review Board = Planning Board

~~SUMMARY OF CHANGES FROM 1995 TO 2020 ORDINANCE~~

~~Organizational Changes~~

~~Definitions section moved from the end to the beginning of the document
Footnotes moved to the end of the document~~

~~Content Changes~~

~~Some definitions changed to improve clarity and SCM added as definition
Articles 200 and 300 some minor changes to improve clarity
Article 400~~

- ~~- Allowed Not Allowed Use table improvement over existing regulations and ordinance~~
- ~~- Density and Built Upon area table taken almost directly from regs, some changes is much easier to read/understand than previous presentation of this info~~
- ~~- Density Averaging section added to incorporate 2012 NCGS change~~

~~Articles 500 and 600 some minor changes to improve clarity~~

~~Section 1~~
~~ARTICLE 100: DEFINITIONS~~

~~Section 101. General Definitions.~~

~~**Agricultural Use.** The use of water for stock watering, irrigation, and other farm purposes.~~

~~**Balance of Watershed (BW).** The area adjoining and upstream of the critical area in a WS-II and WS-III water supply watershed. The "balance of watershed" is comprised of the entire land area contributing surface drainage to the stream, river, or reservoir where a water supply intake is located.~~

~~**Best Management Practices (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.~~

~~**Buffer.** An area of natural or planted vegetation 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 is measured landward from the normal pool elevation of impounded structures~~

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~~Note: Citations shown in [] indicate references for counties followed by those for towns. [county][town]~~

and from the bank of each side of streams or rivers.

Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Built-upon area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious (does not allow water to infiltrate from surface to subsurface) cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Cluster Development. Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this ordinance, planned unit developments and mixed use development are considered as cluster development.

Common Plan of Development – site where multiple separate and distinct development activities may be taking place at different times or different schedules but governed by a single development plan regardless of ownership of parcels.

Critical Area. The area adjacent to a water supply intake or reservoir where risks associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Customary Home Occupations. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over twenty-five percent (25%) of the total floor space of any structure is used for the occupation. ~~No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.~~

Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Dwelling Unit. A building, or portion thereof, providing complete and permanent living facilities for one or more persons.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (1) substantial expenditures 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 an outstanding valid building permit as authorized by the General Statutes (160D-102), or

~~DRAFT MODEL WATER SUPPLY WATERSHED PROTECTION ORDINANCE~~

~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160D-102).

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Family. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Family Subdivision. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

Industrial Development. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Major Variance. A variance that is not a Minor Variance as defined in this ordinance.

Minor 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.

Nonconforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

Non-residential Development. All development other than residential development, agriculture, and silviculture.

Plat. A map or plan of a parcel of land which is to be or has been subdivided.

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.

Qualified Individual. A person certified to perform stream determinations by completing and

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passing the Surface Water Identification Training and Certification (SWITC) course offered by the N.C. Div. of Water Resources at N.C. State University. ~~(spacing/lines are off – these need to be fixed)~~

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Residuals. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

Single Family Residential. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Stormwater Control Measure (SCM). Means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater or a combination thereof.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider. Any person, firm corporation, or official who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where 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 10 acres where 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;
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the this ordinance;
- (5) The division of a tract into plots or lots used as a cemetery;
- (6) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes;

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~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

Surface Waters: All waters of the State as defined in NCGS 143-212 except underground waters.

Toxic Substance. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Variance. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance. PB.

Vested Right – The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan. Refer to the North Carolina General Statutes Section 160D- 108 for more information.

Water Dependent Structure. Any structure for which the use requires access to or proximity to or citing 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.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake) or alternatively, the geographic region within which water drains to a particular river, stream or body of water.

Watershed Administrator. An official or designated person of the Town of Wilson's Mills, Johnston County, North Carolina, responsible for administration and enforcement of this ordinance.

~~Section 102.~~ ^{1.1.} Word Interpretation.

For the purpose of this ordinance, certain words shall be interpreted as follows:

Words in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "person" includes a firm, association, corporation, trust, and company as well as an individual.

The word "structure" shall include the word "building."

The word "lot" shall include the words, "plot," "parcel," or "tract."

The word "shall" is always mandatory and not merely directory.

The word "will" is always mandatory and not merely directory.

~~DRAFT MODEL WATER SUPPLY WATERSHED PROTECTION ORDINANCE~~

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~~Section 2~~
ARTICLE 200: AUTHORITY AND GENERAL REGULATIONS

~~Section 201~~^{2.1}: Authority and Enactment.

The Legislature of the State of North Carolina has, in Chapter [153A][160A], Article [6][8], Section [121][174], General Ordinance Making Power; and in Chapter 143, Article 21, Water and Air Resources, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. In addition, GS 160D-926 refers specifically to water supply watershed management. The Governing Board of the Town of Wilson's Mills, Johnston County, North Carolina, hereby ordains and enacts into law the following articles as the Water Supply Watershed Protection Ordinance of the Town of Wilson's Mills, Johnston County, North Carolina..¹

~~Section 202~~^{2.2}: ~~Jurisdiction~~.

The provisions of this Ordinance shall apply within the areas designated as a Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on a water supply watershed protection map of the Town of Wilson's Mills, Johnston County, North Carolina which is adopted simultaneously herewith. The watershed map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the of the Town of Wilson's Mills, Johnston County, North Carolina..²

~~Section 203~~^{2.3}: ~~Exceptions to Applicability~~.

(A) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the Town of Wilson's Mills, Johnston County, North Carolina; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the Town of Wilson's Mills, Johnston County, North Carolina, at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

(B) It is not intended that these regulations interfere with any easement, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

(C) Existing Development, as defined in this ordinance, is not subject to the requirements of this ordinance.

(D) Expansions to existing development must meet the requirements of this ordinance, except single family residential development unless expansion is part of common plan of development. In an expansion, the built-upon area of the existing development is not required to be included in the density calculations. Where there is a net increase of built upon area, only the area of net increase is subject to this ordinance. Where existing development is being replaced with new built upon area, and there is net increase of built upon area, only areas of net increase shall be subject to this ordinance.

(E) If a Non-Conforming Lot of Record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is developed for single-family residential purposes. Local governments may require the combination of contiguous nonconforming lots of record owned by same party to establish a lot or lots that meet requirements in Article 300 of this ordinance.

(F) Any lot or parcel created as part of a family subdivision after the effective date of these rules shall be exempt from these rules if it is developed for one single-family detached residence and if it is exempt from local subdivision regulation. If a local government does not enforce subdivision regulations, then that local

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government may or may not allow the exemption for family subdivisions.

(G) Any lot or parcel created as part of any other type of subdivision that is exempt from a local subdivision ordinance shall be subject to the land use requirements (including impervious surface requirements) of these rules, except that such a lot or parcel must meet the minimum buffer requirements to the maximum extent practicable.³

2.4

~~Section 204:~~ Repeal of Existing Watershed Ordinance. (Optional)

This ordinance in part carries forward by re-enactment, some of the Watershed Ordinance of the Town of Wilson's Mills, Johnston County,, North Carolina (adopted by the [Town Council] on [date] as amended), and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Watershed Ordinance which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any ordinance provisions heretofore in effect, which are now pending in any court of this state or of the United States, shall not be abated or abandoned by reason of the adoption of this ordinance, but shall be prosecuted to their finality the same as if this ordinance had not been adopted; and any and all violations of the existing Watershed Protection Ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

-DB

2.5

~~Section 205:~~ Criminal Penalties.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

2.6

~~Section 206:~~ Remedies.

(A) If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Town of Wilson's Mills, Johnston County, North Carolina, Governing Board may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$1,000 action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

(B) If the Watershed Administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

PB

2.7

~~Section 207:~~ Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

2.8

~~Section 208:~~ Effective Date.

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This Ordinance shall take effect and be in force on (month, day and year).⁴

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~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

~~ARTICLE 300~~ ^{Section 3} SUBDIVISION REGULATIONS.

~~Section 301~~ ^{3.1} General Provisions.

(A) No subdivision plat of land within the Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would conflict with this Article.

(B) The approval of a plat does not constitute or effect the acceptance by the Town of Wilson's Mills, Johnston County, North Carolina, or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.

(C) All subdivisions shall conform with the mapping requirements contained in G.S.47-30.

(D) All subdivisions of land within the jurisdiction of the Town of Wilson's Mills, Johnston County, North Carolina, after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to this ordinance.⁵

~~Section 302~~ ^{3.2} Subdivision Application and Review Procedures.

(A) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Watershed Administrator to determine whether or not the property is located within the designated Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this ordinance and may be recorded provided the Watershed Administrator initials the vicinity map. Subdivisions within a WS-IV watershed are subject to the provisions of this ordinance only when an erosion and sedimentation plan is required under the provisions of State law or approved local program, unless another stormwater program applies. Local government should always be aware that other post construction requirements may apply even when water supply watershed protection requirements do not. Subdivisions within the designated watershed area shall comply with the provisions of this Article and all other state and local requirements that may apply.

(B) Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, two (2) copies of the plat, a description of the proposed method of providing storm water drainage, and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board (see appendix A).

(C) The Watershed Administrator shall review the completed application and shall either approve, approve conditionally, or disapprove each application. The Watershed Administrator shall take final action within forty-five (45) days of submission of the application. The Watershed Administrator or the Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

- (1) The NCDOT district highway engineer with regard to proposed streets and highways.
- (2) The director of the Health Department with regard to proposed private water system or sewer systems normally approved by the Health Department.
- (3) The state Division of Water Resources with regard to proposed sewer systems normally approved by the Division.

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(4) The state Division of Energy, Mineral and Land Resources with regard to engineered storm water controls or storm water management in general.

(5) The county for subdivisions located in Extraterritorial Jurisdiction (ETJ) of a municipality.

(6) Local government entities responsible for proposed sewer and/or water systems.

(7) Any other agency or official designated by the Watershed Administrator or Watershed Review Board.

(D) If the Watershed Administrator approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Watershed Administrator:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Watershed Review Board for recording in the Register of Deeds office.
Watershed Administrator

Date

Watershed Administrator

NOTICE: This property is located within a Water Supply Watershed - development restrictions may apply.

(E) If the Watershed Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and may be entered in the minutes. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review.

(F) As a condition for approval, all subdivision plats shall comply with the requirements for recording of the County Register of Deeds.

(G) The plat shall be recorded within 30 days of approval. The Subdivider shall provide the Watershed Administrator with evidence the plat has been recorded with the Register of Deeds within five (5) working days.

3.3
~~Section 303. Subdivision Standards and Required Improvements.~~

(A) All lots shall provide adequate building space in accordance with the development standards contained in Article 400. ~~Lots smaller than the minimum required for residential lots may be developed using built-upon area criteria in accordance with Article 400.~~
Section 4

(B) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(C) Storm Water Drainage Facilities: The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters, incorporates Storm water Control Measures to minimize water quality impacts, and meets any local requirements.

(D) Erosion and Sedimentation Control: The application shall, where required, be accompanied by the

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Johnston County Planning Dept

Sedimentation and Erosion Control Plan approval by the [local agency administering a Sedimentation and Erosion Control Ordinance approved by the N.C. Division of Land Quality] [N.C. Division of Land Quality].

(E) Roads constructed in critical areas and watershed vegetated conveyance areas: Where possible, roads should be located outside of critical areas and watershed vegetated conveyance areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.

~~Section 304. Construction Procedures.~~

(A) No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved.

(B) No building or other permits shall be issued for erection of a structure on any lot not on record at the time of adoption of this Ordinance until all requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Watershed Administrator to provide for adequate inspection.

~~Section 305. Penalties for Transferring Lots in Unapproved Subdivisions.~~

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town of Wilson's Mills, Johnston County, North Carolina, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the register of deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Wilson's Mills, Johnston County, North Carolina, may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

Section 4
~~ARTICLE 400: DEVELOPMENT REGULATIONS~~

~~Section 401. Establishment of Watershed Areas.~~

~~The purpose of this Article is to list and describe the watershed areas herein adopted.~~

For purposes of this ordinance the [county is] [town is] [town and its one-mile extraterritorial jurisdiction are] hereby divided into the following area[s], as appropriate:

- WS-I
- WS-II-CA (Critical Area)
- WS-II-BW (Balance of Watershed)
- WS-III-CA (Critical Area)
- WS-III-BW (Balance of Watershed)
- WS-IV-CA (Critical Area)
- WS-IV-PA (Protected Area)

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~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

4.2

~~Section 402. Watershed Areas - Allowed and Not Allowed Uses~~

Activity/Use	Water Supply Watershed Classification ¹							
	WS-I	WS-II CA	WS-II BW	WS-III CA	WS-III BW	WS-IV CA	WS-IV PA	WS-V
New landfills	No	No	Yes	No	Yes	No	Yes	Yes
New permitted residual land application	No	No	Yes	No	Yes	No	Yes	Yes
New permitted petroleum contaminated soils sites	No	No	Yes	No	Yes	No	Yes	Yes
NPDES General or Individual Stormwater discharges	Yes ^a	Yes						
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes ^a	Yes						
NPDES Individual Permit trout farm discharges	Yes ^a	Yes						
New NPDES Individual Permit domestic treated wastewater discharge	No	No	No	No	Yes	Yes	Yes	Yes
New NPDES Individual Permit industrial treated wastewater discharge	No	No	No	No ^b	No ^b	Yes	Yes	Yes
Non-process industrial waste	No	No	No	Yes	Yes	Yes	Yes	Yes
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	No	No	No	No	No	Yes	Yes	Yes
Sewage	No	No ^c	Yes ^d					
Industrial Waste	No	No ^c	Yes ^d					
Other wastes	No	No ^c	Yes ^d					
Groundwater remediation project discharges ^e	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agriculture ^f	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Silviculture ^g	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Residential Development ^h	No ⁱ	Yes						
Non-residential Development ^h	No ⁱ	Yes						
Nonpoint Source Pollution ^k	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Animal Operations ^l	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

^a Permitted pursuant to 15A NCAC 02B .0104

^b Except non-process industrial discharges are allowed

^c Only allowed if specified in 15A NCAC 02B .0104

^d Not allowed if activity(ies) has/have adverse impact on human health

^e Where no other practical alternative exists

^f In WS-I watersheds and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10 foot vegetated setback or equivalent control as determined by SWCC along all perennial waters indicated on most recent version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies

^g Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209) Effective 4/1/2018

^h See density requirements in 15A NCAC 02B .0624

ⁱ See different allowed and not allowed in this table

^j See following WS-I note

^k NPS pollution shall not have adverse impact, as defined in 15A NCAC 02H .1002, on use as water supply or any other designated use

^l Deemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217

Include??

4.3

~~Section 403. Watershed Areas – Density and Built-Upon Limits.~~

(A) PROJECT DENSITY. The following maximum allowable project densities and minimum lot sizes shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development:

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Water Supply Classification	Location in the Watershed	Maximum Allowable Project Density or Minimum Lot Size		
		Low Density Development		High Density Development
		Single-family detached residential	Non-residential and all other residential	All types
WS-I	Not Applicable: Watershed shall remain undeveloped except for the following uses when they cannot be avoided: power transmission lines, restricted access roads, and structures associated with water withdrawal, treatment, and distribution of the WS-I water. Built-upon area shall be designed and located to minimize stormwater runoff impact to receiving waters.			
WS-II	Critical Area	1 dwelling unit (du) per 2 acres or 1 du per 80,000 square foot lot excluding roadway right-of-way or 6% built-upon area	6% built-upon area	6 to 24% built-upon area
	Balance of Watershed	1 du per 1 acre or 1 du per 40,000 square foot lot excluding roadway right-of-way or 12% built-upon area	12% built-upon area	12 to 30% built-upon area
WS-III	Critical Area	1 du per 1 acre or 1 du per 40,000 square foot lot excluding roadway right-of-way or 12% built-upon area	12% built-upon area	12 to 30% built-upon area
	Balance of Watershed	1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area	24% built-upon area	24 to 50% built-upon area
WS-IV	Critical Area	1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area	24% built-upon area	24 to 50% built-upon area
	Protected Area	1 du per one-half acre or 1 du per 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area	24% built-upon area; or 36% built-upon area without curb	24 to 70% built-upon area

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		upon; or 3 dus per acre or 36% built-upon area without curb and gutter street system	and gutter street system	
WS-V		Not Applicable		

(B) CALCULATION OF PROJECT DENSITY. The following requirements shall apply to the calculation of project density:

- (1) Project density shall be calculated as the total built-upon area divided by the total project area.
- (2) A project with "existing development," as that term is defined in 15A NCAC 02B .0621, may use the calculation method in Sub-Item (1) of this Item or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
- (3) Expansions to existing development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).
- (4) Where there is a net increase of built-upon area, only the area of net increase shall be subject to 15A NCAC 02B .0624.
- (5) Where existing development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to 15A NCAC 02B .0624;
- (6) Total project area shall exclude the following:
 - (a) areas below the Normal High Water Line (NHWL); and
 - (b) areas defined as "coastal wetlands" pursuant to 15A NCAC 07H .0205, herein incorporated by reference, including subsequent amendments and editions, and available at no cost at <http://reports.oah.state.nc.us/ncac.asp>, as measured landward from the NHWL; and
- (7) Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high and low density areas based on one or more of the following criteria:
 - (a) natural drainage area boundaries;
 - (b) variations in land use throughout the project; or
 - (c) construction phasing.

(C) LOW DENSITY PROJECTS. In addition to complying with the project density requirements of Item (A) of this Rule, low density projects shall comply with the following:

- (1) VEGETATED CONVEYANCES. Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether this criteria has been met, the local government shall take into account site-specific factors such as topography and site layout as well as protection of water quality. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this Sub-Item:

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- (a) Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the local government that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
 - (b) The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.
- (2) CURB OUTLET SYSTEMS. In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:
 - (a) The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;
 - (b) The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
 - (c) The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
 - (d) The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
 - (e) The minimum length of the swale or vegetated area shall be 100 feet; and
 - (f) Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in Sub-Items (a) through (e) of this Sub-Item.
- (D) HIGH DENSITY PROJECTS. In addition to complying with the project density requirements of Item (A) of this Rule, high density projects shall comply with the following:
 - (1) Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621;
 - (2) For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment; ?
 - (3) Stormwater runoff from off-site areas and "existing development," as that term is defined in 15A NCAC 02B .0621, shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
 - (4) SCMs shall meet the relevant MDC set forth in 15A NCAC 02H .1050 through .1062; and
 - (5) Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.
- (E) OPTIONS FOR IMPLEMENTING PROJECT DENSITY. Local governments shall have the following options in place of or in addition to the requirements of Item (A) above, as appropriate:
 - (1) Local governments may allow only low-density development in their water supply watershed areas in accordance with this Section.
 - (2) Local governments may regulate low density single-family detached residential development using the minimum lot size requirements, dwelling unit per acre requirements, built-upon area percentages, or some combination of these.

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Note: Citations shown in [] indicate references for counties followed by those for towns [county][town].

- (3) 10/70 OPTION. Outside of WS-I watersheds and the critical areas of WS-II, WS-III, and WS-IV watersheds, local governments may regulate new development under the "10/70 option" in accordance with the following requirements:
- (a) A maximum of 10 percent of the land area of a water supply watershed outside of the critical area and within a local government's planning jurisdiction may be developed with new development projects and expansions of existing development of up to 70 percent built-upon area.
 - (b) In water supply watersheds classified on or before August 3, 1992, the beginning amount of acreage available under this option shall be based on a local government's jurisdiction as delineated on July 1, 1993. In water supply watersheds classified after August 3, 1992, the beginning amount of acreage available under this option shall be based on a local government's jurisdiction as delineated on the date the water supply watershed classification became effective. The acreage within the critical area shall not be counted towards the allowable 10/70 option acreage; 2008
 - (c) ~~Projects that are covered under the 10/70 option shall comply with the low density requirements set forth in Item (C) above unless the local government allows high density development, in which case the local government may require these projects to comply with the high density requirements set forth in Item (D);~~
 - (d) The maximum built-upon area allowed on any given new development project shall be 70 percent;
 - (e) A local government having jurisdiction within a designated water supply watershed may transfer, in whole or in part, its right to the 10/70 land area to another local government within the same water supply watershed upon submittal of a joint resolution and approval by the Commission; and
 - (f) When the water supply watershed is composed of public lands, such as National Forest land, local governments may count the public land acreage within the watershed outside of the critical area in calculating the acreage allowed under this provision.
- (4) New development shall meet the development requirements on a project-by-project basis except local governments may submit ordinances that use density or built-upon area criteria averaged throughout the local government's watershed jurisdiction instead of on a project-by-project basis within the watershed. Prior to approval of the ordinance, the local government shall demonstrate to the Commission that the provisions as averaged meet or exceed the statewide minimum requirements and that a mechanism exists to ensure the planned distribution of development potential throughout the local government's jurisdiction within the watershed.
- (5) Local governments may administer oversight of future development activities in single-family detached residential developments that exceed the applicable low density requirements by tracking dwelling units rather than percentage built-upon area, as long as the SCM is sized to capture and treat runoff from 1) all pervious and built-upon surfaces shown on the development plan and 2) any off-site drainage from pervious and built-upon surfaces, and when an additional safety factor of 15 percent of built-upon area of the project site is figured in.

4.4

~~Section 404. Density Averaging~~

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~~DRAFT MODEL WATER SUPPLY WATERSHED PROTECTION ORDINANCE~~

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(A) An applicant may average development density on up to two noncontiguous properties for purposes of achieving compliance with the water supply watershed development standards if all of the following circumstances exist:

- (1) The properties are within the same water supply watershed. If one of the properties is located in the critical area of the watershed, the critical area property shall not be developed beyond the applicable density requirements for its classification.
- (2) Overall project density meets applicable density or stormwater control requirements under 15A NCAC 2B .0200.
- (3) Vegetated setbacks on both properties meet the minimum statewide water supply watershed protection requirements.
- (4) Built upon areas are designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- (5) Areas of concentrated density development are located in upland areas and, to the maximum extent practicable, away from surface waters and drainageways.
- (6) The property or portions of the properties that are not being developed will remain in a vegetated or natural state and will be managed by a homeowners' association as common area, conveyed to a local government as a park or greenway, or placed under a permanent conservation or farmland preservation easement unless it can be demonstrated that the local government can ensure long-term compliance through deed restrictions and an electronic permitting mechanism. A metes and bounds description of the areas to remain vegetated and limits on use shall be recorded on the subdivision plat, in homeowners' covenants, and on individual deed and shall be irrevocable.
- (7) Development permitted under density averaging and meeting applicable low density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.
- (8) A special use permit or other such permit or certificate shall be obtained from the local ~~Watershed Review Board~~ or Board of Adjustment to ensure that both properties considered together meet the standards of the watershed ordinance and that potential owners have record of how the watershed regulations were applied to the properties.

non contiguous

Can we use Planning Board

~~Section 405. Cluster Development~~

~~Cluster development is allowed in all Watershed Areas [except WS-I] under the following conditions:~~

- (A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 303. Density or built-upon area for the project shall not exceed that allowed for the critical area, balance of watershed or protected area, whichever applies.
- (B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.
- (C) Areas of concentrated density development shall be located in an upland area and away, to the maximum extent practicable, from surface waters and drainageways.
- (D) The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowner's association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

No Cluster Development in Wm

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(E) Cluster developments that meet the applicable low-density requirements shall transport stormwater runoff by vegetated conveyances to the maximum extent practicable.

4.5

~~Section 406. Vegetated Setbacks Required~~

(A) A minimum one hundred (100) foot vegetative setback is required for all new development activities that exceed the low-density option; otherwise, a minimum thirty (30) foot vegetative setback for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.

(B) Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations. (C) 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 should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

4.6

~~Section 407. Application of Regulations. (*NOTE: Need to fix formatting below*)~~

(A) No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

(B) No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.

(C) Every residential building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified, except as permitted in Section 306

3.6

(D) If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

4.7

~~Section 408. Rules Governing the Interpretation of Watershed Area Boundaries~~

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

(A) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

(B) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the [county] [town] as evidence that one or more properties along these boundaries do not lie within the watershed area.

(C) Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map. The Environmental Management Commission adopted this provision with intention of locating built-upon surface area in the least environmentally sensitive area of the project.

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~~Note: Citations shown in {} indicate references for counties followed by those for towns [county][town]~~

(D) Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

(E) Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

~~Section 409. Existing Development~~ ^{4.8}

Existing development as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the built-upon area calculations. Please see Section ~~303~~ ^{3.3} (B) Calculation of Project Density. This section deals with all existing development as defined in the EMC rules. All existing development, whether or not it meets the statewide minimum standards, is exempt from the provisions of this ordinance.

(A) Uses of Land. This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

- (1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.
- (2) Such use of land shall be changed only to an allowed use.
- (3) When such use ceases for a period of at least one year, it shall not be reestablished.

(B) Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

- (1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.
- (2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

~~Section 410. Watershed Protection Permit~~ ^{4.9}

(A) Except for single family residential development, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of this ordinance.

(B) Watershed Protection Permit applications shall be filed with the Watershed Administrator. The application shall include a completed application form (see Appendix A) and supporting documentation deemed necessary by the Watershed Administrator.

(C) Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.

Devise
WSP Protection
Permit
for ALL Proper
in WSP
Area

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~~Note: Citations shown in [] indicate references for counties followed by those for towns. [county][town]~~

(D) A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

4.10

~~Section 411. Building Permit Required~~

No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

4.11

~~Section 412. Watershed Protection Occupancy Permit~~

(A) The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

(B) A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) business days after the erection or structural alterations of the building. The applicant should notify the Watershed Administrator and request the issued WSPOP when building is complete.

(C) When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met coincident with the Watershed Protection Permit.

(D) If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

(E) No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

Inspected
by WSA
Prior to
COC issued

Section 5

~~START HERE~~ ARTICLE 500: PUBLIC HEALTH REGULATIONS

5.1

~~Section 501. Public Health, in general.~~

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare.

5.2

~~Section 502. Abatement.~~

(A) The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

(B) The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.

(C) Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

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~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

Section 6

~~ARTICLE 600: ADMINISTRATION, ENFORCEMENT AND APPEALS⁷~~

~~This article outlines a suggested procedure for the administration and enforcement of the ordinance. It provides for the appointment of a Watershed Administrator and a Watershed Review Board. An individual already employed by the County or Municipality may also assume the duties of the Watershed Administrator, just as an existing board may assume the duties of the Watershed Review Board. A local government may use other procedures; however, such procedures should be of sufficient detail to ensure adequate enforcement of the ordinance.~~

6.1

~~Section 504: Watershed Administrator and Duties thereof.~~

The Town of Wilson's Mills, Johnston County, North Carolina, shall appoint a Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this ordinance as follows:

(A) The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

(B) The Watershed Administrator shall serve as clerk to the ~~Watershed Review Board~~.

(C) The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the Town of Wilson's Mills, Johnston County, North Carolina. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.

(D) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Stormwater Branch of the Division of Energy, Mineral, and Land Resources. For additional information, refer to commentary under ~~Article 300~~

Section 3

(E) The Watershed Administrator shall keep records of the jurisdiction's use of the provision that a maximum of ten percent (10%) of the non-critical area of WS-II, WS-III, and WS-IV watersheds may be developed with new development at a maximum of seventy percent (70%) built-upon surface area. Records for each watershed shall include the total acres 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).

(F) The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted for each calendar year to the Water Quality Section of the Division of Environmental Management on or before January 1st of the following year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

~~DRAFT MODEL WATER SUPPLY WATERSHED PROTECTION ORDINANCE~~

~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

(G) The Watershed Administrator is responsible for ensuring that Stormwater Control Measures are inspected at least once a year and shall keep a record of SCM inspections.

~~Section 502. Appeal from the Watershed Administrator~~

Any order, requirement, decision, or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty 30 calendar days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate of approval for recording, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

The Board shall set a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

~~Section 503. Changes and Amendments to the Watershed Protection Ordinance.~~

(A) The Town of Wilson's Mills, Johnston County, North Carolina, Governing Board may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

(B) No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty-five (45) days after submission of the proposal to the Chairman of the Watershed Review Board, the [county][town] Governing Board may proceed as though a favorable report had been received.

(C) Under no circumstances shall the Town of Wilson's Mills, Johnston County, North Carolina, Town Council adopt such amendments, supplements, or changes that would cause this ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filed with the N.C. Division of Energy, Mineral and Land Resources.

~~Section 504. Public Notice and Hearing Required.~~

Before adopting or amending this ordinance, the Town of Wilson's Mills, Johnston County, North Carolina, Governing Board shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date for the hearing.

~~Section 505. Establishment of Watershed Review Board.~~

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19-22

~~DRAFT MODEL WATER SUPPLY WATERSHED PROTECTION ORDINANCE~~

~~Note: Citations shown in {} indicate references for counties followed by those for towns [county][town]~~

(A) There shall be and hereby is created the Watershed Review Board (or equivalent quasi-judicial body) consisting of five (5) members appointed by the Town of Wilson's Mills, Johnston County, North Carolina, Governing Board.

{Option 1} [town] Three (3) residents of [town] shall be appointed for three year terms. Two (2) residents of [town] shall be appointed for two (2) year terms. Thereafter, all new terms shall be for three (3) years, and members may be reappointed.

Donald }
Marvin } 3
Benji } yr
Jim } 2
yr

{Option 2} [county] Three (3) residents of [county] shall be appointed for three year terms. Two (2) residents of [county] shall be appointed for two (2) year terms. Thereafter, all new terms shall be for three (3) years, and members may be reappointed.

{Option 3} [joint town and county] Three (3) members shall reside within the town. Two (2) of the town members shall be appointed for a two (2) year term and one (1) shall be appointed for a three (3) year term. Two (2) members shall reside within the county and shall be appointed for three (3) year terms. Thereafter, all new terms shall be for three (3) years, and members may be reappointed.

(B) Two (2) alternate members shall be appointed to serve on the Watershed Review Board in the absence of any regular member and shall be appointed for three (3) year terms. While attending in the capacity of a regular member, the alternate shall have and exercise all the powers and duties of the absent regular member.

{Option 1} [town] The town shall appoint two (2) alternate members.

Jay / Lloyd } 3 yrs

{Option 2} [county] The county shall appoint two (2) alternate members.

{Option 3} [joint town and county] The county shall appoint one (1) alternate member from the county and the town shall appoint one (1) alternate member from the town limits.

~~Section 506. Rules of Conduct for Watershed Review Board Members.~~

Members of the Board may be removed by the Town of Wilson's Mills, Johnston County, North Carolina, Governing Board for cause, including violation of the rules stated below:

(A) Faithful attendance at meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite to continuing membership on the Board.

(B) No Board member shall take part in the hearing, consideration, or determination of any case in which he is personally or financially interested. A Board member shall have a "financial interest" in a case when a decision in the case will: 1) cause him or his spouse to experience a direct financial benefit or loss, or 2) will cause a business in which he or his spouse owns a 10 per cent or greater interest, or is involved in a decision-making role, to experience a direct financial benefit or loss. A Board member shall have a "personal interest" in a case when it involves a member of his immediate family (i.e., parent, spouse, or child). The intent is to prohibit members of the Board from acting in situations where they have a conflict of interest in a manner similar to the prohibition in NCGS 14-234(c)(1).

~~DRAFT MODEL WATER SUPPLY WATERSHED PROTECTION ORDINANCE~~

~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

(C) No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from the Watershed Administrator or any other member of the Board, or its secretary prior to the hearing.

(D) Members of the Board shall not express individual opinions on the proper judgement of any case prior to its determination on that case.

(E) Members of the Board shall give notice to the chairman at least forty-eight (48) hours prior to the hearing of any potential conflict of interest which he has in a particular case before the Board.

(F) No Board member shall vote on any matter that decides an application or appeal unless he had attended the public hearing on that application or appeal.

^{6.7}
~~Section 507. Powers and Duties of the Watershed Review Board.~~

(A) Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

(B) Variances. This section outlines the procedures for local governments to use in approving minor variances. Major variances may be granted for certain projects; however, the major variance must be reviewed by and receive approval from the Environmental Management Commission prior to the local government issuing the watershed protection permit. Procedures for local government review of major variance requests and submission of a recommendation to the Commission are also included. The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the [county][town] shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

(1) Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

(a) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

(b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

(c) The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed and the entity using the water supply for consumption. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review

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~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

Board.

(2) Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, 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 Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

(1) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting an variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.

(2) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

(4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.

(5) The hardship is peculiar 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 and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

(3) In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

(4) The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

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~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

(5) A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

(6) If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (a) The variance application;
- (b) The hearing notices;
- (c) The evidence presented;
- (d) Motions, offers of proof, objections to evidence, and rulings on them;
- (e) Proposed findings and exceptions;
- (f) The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

(a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

(b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

(C) Subdivision approval. See Article 200. *Section 2*

(D) Public Health. See Article 400. *Section 4*

(E) Approval of all development greater than the low density option. See Appendix C.

6.8
~~Section 508: Appeals from the Watershed Review Board.~~

Appeals from the Watershed Review Board must be filed with the Superior Court within 30 days from the date of the decision. Decisions by the Superior Court will be in the manner of certiorari.

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~~Note: Citations shown in [] indicate references for counties followed by those for towns [county][town]~~

FOOTNOTES PAGE

¹ House Bill 124, enacted in 1991, provides that watershed regulations may be adopted by a local government pursuant to its "general police power," to its power to adopt a land subdivision ordinance, to its zoning power, or to some combination of these powers. The model ordinance, since it has been established as a free-standing ordinance, cites the general police power statutes as its authority along with the watershed statutes. Local governments must choose which authority they wish to use and should not cite all legislative authorities because each authority has its own corresponding jurisdictional implications. Local governments should decide whether or not they intend to adopt a free-standing ordinance, or as an alternative, separate (or amendments to) zoning and subdivision ordinances. Whichever method is chosen, the appropriate authorities should be cited in this section and elsewhere in the ordinance whenever needed.

Coordination between the jurisdictions is very important. A county may enforce the watershed protection regulations for a municipality within that county if a resolution is passed by both the county and municipal governing boards.

² Statutory authority for this section is derived from N.C. General Statutes Chapter [153A][160A], Article [6][8], Section [121][174], Section [140][193] and Chapter 143-214.5.

³ This section states the watershed protection ordinance will not affect existing ordinances or agreements between parties unless those ordinances or agreements are less restrictive than the watershed protection ordinance. In those situations the watershed protection ordinance will take precedence.

⁴ The latest date on which an ordinance shall become effective is as follows:

- by July 1, 1993: Affected municipalities with a population of 5,000 or greater
- by October 1, 1993: Affected municipalities with a population less than 5,000
- by January 1, 1994: Affected counties.

⁵ Statutory authority for this section is derived from N.C. General Statutes Chapter [153A][160A], Article [6][8], Section [121][174], Section [140][193] and Chapter 143-214.5

⁶ Statutory authority for this section is derived from N.C. General Statutes Chapter [153A][160A], Article [6][8], Section [121][174], Section [140][193] and Chapter 143-214.5. This article contains development regulations for each of the watershed classifications. Watersheds designated WS-V require no local government regulatory program. Local governments will only need to include the regulations corresponding to the classifications assigned to watersheds in their jurisdiction. For WS-II, WS-III and WS-IV watershed areas, the EMC rules provide for single family residential development to be controlled either by limiting built-upon area or by limiting density (dwelling units per acre). Those involved in drafting the model ordinance felt that most local units of government would find it easier to enforce single family residential requirements through density controls rather than limiting built-upon area. All other residential and non-residential development is controlled by regulating the amount of built-upon area as required by the EMC rules.

15A NCAC 02B .0624 WATER SUPPLY WATERSHED PROTECTION PROGRAM: NONPOINT SOURCE AND STORMWATER POLLUTION CONTROL

This Rule sets forth requirements for projects that are subject to water supply watershed regulations.

- (1) **IMPLEMENTING AUTHORITY.** The requirements of this Rule shall be implemented by local governments with land use authority in one or more designated water supply watersheds. State agencies shall also comply with this Rule insofar as required by G.S. 143-214.5 and in accordance with Rule .0622 of this Section.
- (2) **APPLICABILITY.** This Rule shall apply to all new development projects, including state owned projects, that lie within a designated water supply watershed, except in a Class WS-IV watershed where this Rule applies only to new development projects that require an Erosion and Sedimentation Control Plan. Rule .0622 of this Section includes project types to which rules do not apply.
- (3) **PROJECT DENSITY.** The following maximum allowable project densities and minimum lot sizes shall apply to a project according to the classification of the water supply watershed where it is located, its relative location in the watershed, its project density, and the type of development:

Water Supply Classification	Location in the Watershed	Maximum Allowable Project Density or Minimum Lot Size		
		Low Density Development		High Density Development
		Single-family detached residential	Non-residential and all other residential	All types
WS-I	Not Applicable: Watershed shall remain undeveloped except for the following uses when they cannot be avoided: power transmission lines, restricted access roads, and structures associated with water withdrawal, treatment, and distribution of the WS-I water. Built-upon area shall be designed and located to minimize stormwater runoff impact to receiving waters.			
WS-II	Critical Area	1 dwelling unit per 2 acres or 80,000 square foot lot excluding roadway right-of-way or 6% built-upon area	6% built-upon area	6 to 24% built-upon area
	Balance of Watershed	1 dwelling unit per 1 acre or 40,000 square foot lot excluding roadway right-of-way or 12% built-upon area	12% built-upon area	12 to 30% built-upon area
WS-III	Critical Area	1 dwelling unit per 1 acre or 40,000 square foot lot excluding roadway right-of-way or 12% built-upon area	12% built-upon area	12 to 30% built-upon area
	Balance of Watershed	1 dwelling unit per one-half acre or 20,000 square foot lot excluding roadway right-of-way or 24% built-upon area	24% built-upon area	24 to 50% built-upon area
WS-IV	Critical Area	2 dwelling units per acre or 20,000	24% built-upon area	24 to 50% built-upon area

		square foot lot excluding roadway right-of-way or 24% built-upon area		
	Protected Area	2 dwelling units per acre or 20,000 square foot lot excluding roadway right-of-way or 24% built-upon; or 3 dwelling units per acre or 36% built-upon area without curb and gutter street system	24% built-upon area; or 36% built-upon area without curb and gutter street system	24 to 70% built-upon area
WS-V	Not Applicable			

- (4) **CALCULATION OF PROJECT DENSITY.** The following requirements shall apply to the calculation of project density:
- (a) Project density shall be calculated as the total built-upon area divided by the total project area;
 - (b) A project with "existing development," as that term is defined in Rule .0621 of this Section, may use the calculation method in Sub-Item (a) of this Item or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area. Expansions to existing development shall be subject to this Rule except as excluded in Rule .0622(1)(d) of this Section. Where there is a net increase of built-upon area, only the area of net increase shall be subject to this Rule. Where existing development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to this Rule;
 - (c) Total project area shall exclude the following:
 - (i) areas below the Normal High Water Line (NHWL); and
 - (ii) areas defined as "coastal wetlands" pursuant to 15A NCAC 07H .0205, herein incorporated by reference, including subsequent amendments and editions, and available at no cost at <http://reports.oah.state.nc.us/ncac.asp>, as measured landward from the NHWL; and
 - (d) Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high and low density areas based on one or more of the following criteria:
 - (i) natural drainage area boundaries;
 - (ii) variations in land use throughout the project; or
 - (iii) construction phasing.
- (5) **LOW DENSITY PROJECTS.** In addition to complying with the project density requirements of Item (3) of this Rule, low density projects shall comply with the following:
- (a) **VEGETATED CONVEYANCES.** Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. In determining whether this criteria has been met, the local government shall take into account site-specific factors such as topography and site layout as well as protection of water quality. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this Sub-Item:
 - (i) Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the local government that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and

- (ii) The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.
 - (b) CURB OUTLET SYSTEMS. In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:
 - (i) The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;
 - (ii) The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
 - (iii) The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
 - (iv) The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
 - (v) The minimum length of the swale or vegetated area shall be 100 feet; and
 - (vi) Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in Sub-Items (i) through (v) of this Sub-Item.
- (6) HIGH DENSITY PROJECTS. In addition to complying with the project density requirements of Item (3) of this Rule, high density projects shall comply with the following:
 - (a) SCMs shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in Rule .0621 of this Section;
 - (b) For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;
 - (c) Stormwater runoff from off-site areas and "existing development," as that term is defined in Rule .0621 of this Section, shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
 - (d) SCMs shall meet the relevant MDC set forth in 15A NCAC 02H .1050 through .1062; and
 - (e) Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak flow from the 10-year storm event as shown by engineering calculations.
- (7) OPTIONS FOR IMPLEMENTING PROJECT DENSITY. Local governments shall have the following options when developing or revising their ordinances in place of or in addition to the requirements of Item (3) of this Rule, as appropriate:
 - (a) Local governments may allow only low density development in their water supply watershed areas in accordance with this Section.
 - (b) Local governments may regulate low density single-family detached residential development using the minimum lot size requirements, dwelling unit per acre requirements, built-upon area percentages, or some combination of these.
 - (c) 10/70 OPTION. Outside of WS-I watersheds and the critical areas of WS-II, WS-III, and WS-IV watersheds, local governments may regulate new development under the "10/70 option" in accordance with the following requirements:
 - (i) A maximum of 10 percent of the land area of a water supply watershed outside of the critical area and within a local government's planning jurisdiction may be developed with new development projects and expansions of existing development of up to 70 percent built-upon area.
 - (ii) In water supply watersheds classified on or before August 3, 1992, the beginning amount of acreage available under this option shall be based on a local government's jurisdiction as delineated on July 1, 1993. In water supply watersheds classified after August 3, 1992, the beginning amount of acreage available under this option shall be based on a local government's jurisdiction as

delineated on the date the water supply watershed classification became effective. The acreage within the critical area shall not be counted towards the allowable 10/70 option acreage;

- (iii) Projects that are covered under the 10/70 option shall comply with the low density requirements set forth in Item (5) of this Rule unless the local government allows high density development, in which case the local government may require these projects to comply with the high density requirements set forth in Item (6) of this Rule;
 - (iv) The maximum built-upon area allowed on any given new development project shall be 70 percent;
 - (v) A local government having jurisdiction within a designated water supply watershed may transfer, in whole or in part, its right to the 10/70 land area to another local government within the same water supply watershed upon submittal of a joint resolution and approval by the Commission; and
 - (vi) When the water supply watershed is composed of public lands, such as National Forest land, local governments may count the public land acreage within the watershed outside of the critical area in calculating the acreage allowed under this provision.
- (d) New development shall meet the development requirements on a project-by-project basis except local governments may submit ordinances that use density or built-upon area criteria averaged throughout the local government's watershed jurisdiction instead of on a project-by-project basis within the watershed. Prior to approval of the ordinance, the local government shall demonstrate to the Commission that the provisions as averaged meet or exceed the statewide minimum requirements and that a mechanism exists to ensure the planned distribution of development potential throughout the local government's jurisdiction within the watershed.
- (e) Local governments may administer oversight of future development activities in single-family detached residential developments that exceed the applicable low density requirements by tracking dwelling units rather than percentage built-upon area, as long as the SCM is sized to capture and treat runoff from all pervious and built-upon surfaces shown on the development plan and any off-site drainage from pervious and built-upon surfaces, and when an additional safety factor of 15 percent of built-upon area of the project site is figured in.
- (8) **CLUSTER DEVELOPMENT.** Cluster development shall be allowed on a project-by-project basis as follows:
- (a) Overall density of the project shall meet the requirements of Item (3) of this Rule;
 - (b) Vegetated setbacks shall meet the requirements of Item (11) of this Rule;
 - (c) Built-upon areas are designed and located to minimize stormwater runoff impact to receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas;
 - (d) Areas of concentrated development shall be located in upland areas and away, to the maximum extent practicable, from surface waters and drainageways. In determining whether these criteria have been met, the local government shall take into account site-specific factors such as topography and site layout as well as protection of water quality;
 - (e) The remainder of tract shall remain in a vegetated or natural state;
 - (f) The area in the vegetated or natural state may be conveyed to a property owners association, a local government for preservation as a park or greenway, a conservation organization, or placed in a permanent conservation or farmland preservation easement;
 - (g) A maintenance agreement for the vegetated or natural area shall be filed with the Register of Deeds; and
 - (h) Cluster development that meets the applicable low density requirements shall comply with Item (5) of this Rule.
- (9) **DENSITY AVERAGING OF NONCONTIGUOUS PARCELS.** Density averaging of two noncontiguous parcels for purposes of complying with this Rule shall be allowed in accordance with G.S. 143-214.5 (d2).

- (10) RESPONSIBILITY FOR SCM OPERATION & MAINTENANCE. Operation and maintenance agreements and plans are required for SCMs in accordance with 15A NCAC 02H .1050. Local governments that allow high density development shall assume responsibility for operation and maintenance of the SCMs that they approve.
- (11) VEGETATED SETBACKS. Vegetated setbacks shall be required along perennial waterbodies and perennial streams that are indicated on the most recent versions of the United States Geological Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps, which are herein incorporated by reference and are available at no cost at <http://www.usgs.gov/pubprod/>, or other maps developed by the Department or a local government and approved by the Commission. Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations. A qualified individual is one who has been certified to perform stream determinations by completing and passing the Surface Water Identification Training and Certification (SWITC) Course offered by the North Carolina Division of Water Resources and North Carolina State University. Vegetated setbacks shall also be in accordance with the following:
- (a) MINIMUM VEGETATION WIDTHS. The following minimum widths shall apply:
 - (i) low density projects – 30 feet;
 - (ii) high density projects – 100 feet;
 - (iii) projects covered under the 10/70 option – 100 feet; and
 - (iv) agricultural activities – 10 feet, or equivalent control as determined by the designated agency as set forth in Rule .0622 of this Section; and
 - (b) The width of a vegetated setback shall be measured horizontally from the normal pool elevation of impounded structures, from the top of bank of each side of streams or rivers, and from the mean high waterline of tidal waters, perpendicular to the shoreline;
 - (c) Vegetated setbacks may be cleared or graded, but shall be replanted and maintained in grass or other vegetation;
 - (d) No new built-upon area shall be allowed in the vegetated setback except for the following uses where it is not practical to locate the built-upon area elsewhere:
 - (i) publicly-funded linear projects such as roads, greenways, and sidewalks;
 - (ii) water dependent structures such as docks; and
 - (iii) minimal footprint uses such as poles, signs, utility appurtenances, and security lights.
- Built-upon area associated with these uses shall be minimized and the channelization of stormwater runoff shall be avoided; and
- (e) Artificial streambank and shoreline stabilization shall not be subject to the requirements of this Item.
 - (f) For minor variances to a vegetated setback requirement, the percent variation shall be calculated using the footprint of built upon area proposed to encroach within the vegetated setback divided by the total area of vegetated setback within the project.
 - (g) Non-family subdivisions that are exempt from local subdivision ordinances shall implement the requirements of this Item to the maximum extent practicable considering site-specific factors including technical and cost consideration as well as protection of water quality.
- (12) VARIANCES. Variances to this Rule may be considered in accordance with Rule .0623 of this Section.

History Note: Authority G.S. 143-214.1; 143-214.5; 143-215.3(a)(1); Eff. March 1, 2019 (Portions of this Rule were previously codified in 15A NCAC 02B .0104 and 02B .0212 through .0218); Amended Eff. September 1, 2019.