

**AN ORDINANCE AMENDMENT TO THE TOWN OF COATS
ZONING ORDINANCE
ADDING A NEW ARTICLE ENTITLED:
REVISED ARTICLE X-AI
WATERSHED PROTECTION REGULATIONS**

ARTICLE 100: AUTHORITY AND GENERAL REGULATIONS

Section 101. Authority and Enactment.

The Legislature of the State of North Carolina has, in Chapter 160 A, Article 8, Section 381, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Governing Board of Coats does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of the Town of Coats. The provisions of this Article shall apply within the Town and its extraterritorial jurisdictional area designated a Cape Fear River Basin WS-IV watershed area, protected area (WS-IV-PA) by the North Carolina Environmental Management Commission. It is defined and established on that map entitled “Watershed Protection Overlay District Town of Coats” which is adopted simultaneously herewith. The watershed map and all explanatory matter contained thereon accompanies and is hereby made a part of this Article (Appendix A). The Town Manager is designated the Zoning Administrator and shall administer this ordinance and its articles.

Section 102. Jurisdiction.

The provisions of this Ordinance shall apply within the areas of the Town and its extraterritorial jurisdiction (ETJ) designated as Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, “Watershed Protection Map of Harnett County, North Carolina” (“the Watershed Map”), 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 offices of the Town Clerk.

Section 103. Exceptions to Applicability.

- (A) Nothing contained herein shall repeal, modify, or amend any Federal or State law 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 Coats; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the Town of
- (B) Coats 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.
- (C) 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.
- (D) Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. 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 density calculations.

- (E) If a preexisting nonconforming 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. 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. 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.

104. Repeal of Existing Watershed Ordinance.

This ordinance in part carries forward by re-enactment, some of the Watershed Ordinance of the Town of Coats, North Carolina (adopted by the Town Board of Commissioners on 28th September 1993 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 that 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 for Counties, this ordinance will apply to watershed areas outside of the municipal units of the Town of Coats and enforced within all or part of the town's jurisdiction. As adopted under zoning and/or subdivision authority, the town will enforce this ordinance within its ETJ and prosecute to their finality the same as if this ordinance had not been adopted. 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.

Section 105. 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.

Section 106. Remedies.

- (F) If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Town of Coats' Governing Board of Commissioners may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount up to \$500.00 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.

- (G) If the Zoning 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 Zoning

Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Town Board of Adjustment.

Section 107. 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.

Section 108. Effective Date.

This Ordinance Revision shall take effect and be in force on November 18th 2000.

ARTICLE 200: SUBDIVISION REGULATIONS.

Note: Provisions in this Article are derived in part from statutory authority Chapter 160A, Article 19, Part 2.

Section 201. General Provisions.

- (A) No subdivision plat of land within the Water Supply Watershed shall be filed or recorded by the Harnett County 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 be in conflict with this Article.
- (B) The approval of a plat does not constitute or effect the acceptance by the Town of Coats 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 to the mapping requirements contained in G.S. 47-30 and the Town of Coats Zoning Ordinances and Subdivision Regulations.
- (D) All subdivisions of land within the jurisdiction of Coats after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to this ordinance.

Section 202. Subdivision Application and Review Procedures.

- (A) All proposed subdivisions shall be reviewed prior to recording with the Harnett county Register of Deeds by submitting a vicinity map to the Zoning Administrator to determine whether or not the property is located within the designated Public 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 Zoning Administrator initials the vicinity map. In addition, 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. 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 Zoning Administrator. The application shall include a completed application form, two (2) copies of the plat and supporting documentation deemed necessary by the Zoning Administrator or the Town Planning Board (see Appendix B).

(C) The Zoning Administrator shall review the completed application and shall either approve, approve conditionally or disapprove of each application. The Zoning Administrator shall take final action within forty-five (45) days of submission of the application. The Town Manager or the Town 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 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 Quality with regard to proposed sewer systems normally approved by the Division, engineered storm water controls or storm watershed legislation as part of separate subdivision and zoning ordinances water management in general.
- (4) Any other agency or official designated by the Zoning Administrator or Zoning Board.

(D) If the Planning Board approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the Zoning Administrator:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Town of Coats for recording in the Register of Deeds office.

Date **Zoning Administrator**

NOTICE: This property is located within a Public Water Supply Watershed – development restrictions may apply.

- (E) If the Zoning Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and 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) All subdivision plats shall comply with the requirements for recording of the County Register of Deeds.
- (G) The plat shall be recorded within thirty (30) days of approval. The Subdivider shall provide the Zoning Administrator with evidence the plat has been recorded with the County Register of Deeds within five (5) working days.

Section 203. Subdivision Standards and Required Improvements.

(A) All lots shall provide adequate building space in accordance with the development standards contained in Article 300. Lots which are smaller than the minimum required for residential lots may be developed using built-upon area criteria in accordance with Article 300.

- (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 storm water runoff away from surface waters and incorporates best management practices to minimize water quality impacts.
- (D) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by Harnett County as the local agency administering a Sedimentation and Erosion Control Ordinance with initial approval by the N.C. Division of Land Quality.
- (E) Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed to minimize their impact on water quality.
- (F) Where possible design principles in model development guidance document shall be adhered to.

Section 204. 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 of 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 Town Manager to provide for adequate inspection.

Section 205. 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 Coats, hereafter 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 county 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 Coats 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.

ARTICLE 300: DEVELOPMENT REGULATIONS

Section 301. Establishment of Watershed Area.

For purposes of this Ordinance the Town of Coats and its one mile extraterritorial jurisdiction (ETJ) are hereby designated the following area: WS-IV-PA (Protected Area) (see also NCAC, Chapter 4: currently only land disturbing activities of one acre or more require a sedimentation/erosion control plan).

Section 302. Watershed Area Described.

WS-IV Watershed Areas - Protected Area (WS-IV-PA). Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this ordinance when located in a WS-IV watershed. In order to accommodate moderate to high land use intensity, single family residential uses shall develop at a maximum of two (2) dwelling units per acre (2 du/ac). All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area. A maximum of three (3) dwelling units per acre (3 du/ac) or thirty-six (36%) percent built-upon area is allowed for projects without a curb and gutter street system.

(1) *Uses Allowed:*

- (a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- (b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).
- (c) Residential Development
- (d) Non-residential Development.

(2) *Density and Built-upon Limits (WS-IV):*

- (a) Single Family Residential development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. All residential lots shall be less than one-half (1/2) acre (or 20,000 square feet excluding roadway right-of-way) without a curb and gutter street system, except within an approved cluster home development.
- (b) All Other Residential and *Non-Residential* - development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include all disturbed acreage in the tract on which the project is to be developed.

Section 304. High Density Development Standards.

- (A) The Watershed Review Board may approve high density development proposals consistent with the following standards:

WS-IV Watershed Areas - Protected Area (WS-IV-PA). Where new development requires a Sedimentation/Erosion Control Plan and exceeds either 2 dwelling units per acre, 24% built-upon area or 3 dwelling units per acre or 36% built-upon area for projects without curb and gutter street system, engineered storm water controls shall be used to control runoff from the first inch of rainfall and development shall not exceed 70% built-upon area.

High Density Development shall meet the requirements of this Ordinance.

- (B) The following types of high density development shall be permitted consistent with the conditions described in Section 305, (E) and the requirements of this Ordinance:

- example 1- Industrial parks.
- example 2- Retail shopping plazas.

Section 305. High Density Development Permit Application.

- (A) A High Density Zone Permit shall be required for new development exceeding the requirements of the low density.
- (B) Application for a High Density Development Permit shall be addressed and submitted to the Watershed Review Board through the Watershed Administrator. Application for a High Density Development Permit shall be made on the proper form and shall include the following information:
 - (1) A completed permit application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization;
 - (2) Two reproducible copies of the development plan within the drainage basin including the applicable information listed in Coats Subdivision Regulations: Application Forms, Subdivision Plat Checklist and detailed information concerning built-upon area;
 - (3) Two reproducible copies of the plans and specifications of the storm water control structure consistent with Coats Subdivision regulations;
 - (4) When required by law, written verification that a soil erosion and sedimentation control plan has been approved by the appropriate state or local agency;
 - (5) Permit Application Fees consistent with Coats Schedule of Fees.
- (C) Prior to taking final action on any application, the Board or the Town Manager may provide an opportunity to public agencies affected by the development proposal to review and make recommendations on the application. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit.
- (D) Public Hearing. Upon receipt of a completed application, the Watershed Review Board shall hold a public hearing in accordance with the Coats Procedures.
- (E) The Planning Board shall issue a High Density Development Zone Permit within sixty-five (65) days of its first consideration upon finding that the proposal is consistent with the applicable standards set forth in the Watershed Protection Ordinance and the following conditions are met:

Example 1 - The use will not endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Example 2 - The use minimizes impacts to water quality through the use of best management practices, cluster development and/or maximum setbacks from perennial waters;

Example 3 - The use is vital to the continued growth and economic development of the Town of Coats. The Board shall find a development as vital if one or more of the following are met:

- (a) The development when completed and fully occupied will increase the tax base of Coats by at least __million dollars (\$X,000,000.), or;
- (b) the development will create at least (25) full-time permanent employment positions not including construction and development of the use, or;
- (c) the development is an expansion or affiliate of an existing development located within the watershed and requires a location in close proximity to the existing facility;

Example 4 - Consistent with the Coats industrial site survey, the industrial use cannot be alternatively located on another site outside of the designated water supply watershed;

Example 5 - The use is consistent with the officially adopted land use plan for the Town of Coats.

If the Planning Board finds that any one of the above conditions is not met, the Board shall deny the application.

- (F) In addition to any other requirements provided by this Ordinance, the Board may designate additional permit conditions and requirements to assure that the use will be harmonious with the area in which it is proposed to be located and with the spirit of this Ordinance. All additional conditions shall be entered in the minutes of the meeting at which the permit is granted, on all plans and on the permit certificate. All conditions so imposed shall run with the Land and shall be binding upon the applicant and the applicant's heirs, successors or assigns during the continuation of the permitted use.
- (G) The Board shall issue a written ruling and make copies available at the office of the Town Manager and the Town Clerk.
 - (1) If the Board approves the application based on its findings, such approval shall be indicated on the permit and both copies of the site plan and both copies of the plans and specifications of the storm water control structure(s). A High Density Development Permit shall be issued after the applicant posts improvement guarantees such as a performance bond or other acceptable security as required in *Section 307.2 of the Coats Subdivision Regulations* and executes an Operation and Maintenance Agreement as required in this Article 300 Section 305(H). A copy of the permit and one copy of each set of plans shall be kept on file at the Zoning Administrator's office. The original permit and one copy of each set of plans shall be delivered to the applicant either by personal service or registered mail, return receipt requested.
- (H) Consistent with *Section 307.2 of the Coats Subdivision Regulations*, the permit applicant shall enter into a binding Operation and Maintenance Agreement between the Town Board and all interests in the development. Said Agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the storm water control structure in accordance with the operation and management plan or manual provided by the developer. The Operation and Maintenance Agreement shall be filed with the Harnett County Register of Deeds by the Planning Board.
- (I) Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the storm water control structure as spelled out in the performance bond or other security, the Board may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board shall return any funds not spent in completing the improvements to the owning entity.

Section 304. Cluster Development.

Cluster development is allowed in all Watershed Areas 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 302. Density or built-upon area for the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.
- (B) All built-upon area shall be designed and located to minimize storm water runoff impact to the receiving waters and minimize concentrated storm water flow.
- (C) 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 homeowners 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.

Section 305. Buffer Areas Required.

- (A) A minimum one hundred (100) foot undisturbed vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum fifty (50) foot undisturbed vegetative buffer for development activities is required along all 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.
- (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 storm water Best Management Practices.

Note: A buffer area is measured from the Top of the Bank back 50'/100' in a horizontal/straight line (as on a map), and not along the slope of the terrain (topographically).

Section 306. 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 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.¹⁰
- (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 Zoning Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Town Board.

Section 307. Application of Regulations.

- (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) 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.

Section 308. Existing Development.

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.

- (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 storm water control that equals or exceeds the previous development is provided.

Section 309. Watershed Protection Permit.

The Scope of watershed protection is found within the Zoning/Land Use Ordinances and Subdivision Regulations. Therefore for the purposes of this Ordinance the watershed permit is issued as part of a Local Zone permit.

- (A) Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, 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 Zoning Permit has been issued by the Zoning Administrator. No Zone Permit shall be issued except in conformity with the provisions of this ordinance.
- (A) Permit applications shall be filed with the Zoning Administrator. The application shall include a completed application form (see Appendix A) and supporting documentation deemed necessary by the Town Manager.
- (B) Prior to issuance of a Zone Permit, the Zoning Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.
- (C) A Zone Permit shall expire if a Conditional Use Permit or Compliance Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

Section 310. Building Permit Required.

No permit required under the North Carolina State Building Code shall be issued for any activity for which a Zone Permit is required until that permit has been issued.

Section 311. Watershed Protection Occupancy Permit.

For the purposes of this ordinance a Zoning Compliance permit is the same as a Watershed Protection Occupancy Permit.

- (A) The Zoning Administrator shall issue a Compliance 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 Compliance Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Zone Permit and shall be issued or denied within ten (10) days after the erection or structural alterations of the building.
- (C) When only a change in use of land or existing building occurs, the Zoning Administrator may issue a Zoning Compliance Permit certifying that all requirements of this ordinance have been met coincident with the Zone Permit.
- (D) If the Zone Permit is denied, the Zoning 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 Zoning Administrator has approved and issued a Zone Permit. Any exception to this only as directed by the Mayor and Town Board of Commissioners.

ARTICLE 400: PUBLIC HEALTH REGULATIONS

Section 401. Public Health and Welfare.

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. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash, excrement or other refuse within a buffer area; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.

Section 402. Abatement

- (A) The Town Manager shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.
- (D) The Town Manager shall report all findings to the Mayor and Town Board of Commissioners. The Town Manager may consult with any public agency or official and request recommendations.
- (C) Where the Mayor and Town 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.

ARTICLE 500: ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 501. Zoning Administrator and Duties Thereof.

For the sake of this watershed ordinance the Zoning Administrator is hereby designated as the Watershed Administrator. It is the duty of the Zoning Administrator to administer and enforce these watershed protection provisions as part of the Town's Ordinances governing Land Use, Zoning and Subdivisions Regulations to wit:

- (A) The Zoning Administrator shall issue Zoning Permits and Compliance 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 Zoning Administrator shall serve as clerk to the Town Board during the any meetings involving watershed protection or related issues.
- (C) The Zoning 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 Water Quality Section of the Division of Environmental Management.

- (D) The Zoning Administrator shall keep records for each watershed use which shall include the total acres of non-critical watershed area, total acres eligible to be developed under the established 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 storm water management plan (if applicable).
- (E) The Zoning Administrator is granted the provisional 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 Coats. The Zoning 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.
- (F) The Zoning 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.

Section 502. Appeal from the Zoning Administrator.

Any order, requirement, decision or determination made by the Zoning Administrator may be appealed to and decided by the Town Board of Adjustments. An appeal from a decision of the Zoning Administrator must be submitted to the Town Board of Adjustments within thirty (30) 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 Zoning Administrator shall transmit to the Town Board of Adjustments 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 Town Board of Adjustments after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, 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 Town 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 Town Board of Adjustments shall fix 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 Coats Governing Board of Commissioners 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 Planning Board for review and recommendations. If no recommendation has been received from the Planning Board within forty-five (45) days after submission of the proposal to the Chairman of the Planning Board, the Coats Governing Board may proceed as though a favorable report had been received.

(C) Under no circumstances shall the Town Board 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 Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

Section 504. Public Notice and Hearing Required.

Before adopting or amending this ordinance, the Mayor and Town Board in accordance the procedures within the Coats Zoning Ordinances and Subdivision Regulations.

Section 505. Establishment of Watershed Review Board.

For the purposes of this ordinance the Coats Planning Board is so designated as the Watershed Review Board and as so the seven (7) members are hereby appointed and will serve in accordance with the terms outlined in our Charter and Town Ordinances.

Section 506. Rules of Conduct for Members.

As set forth in the codified Town Code of Ordinances and in accordance with the town rules governing code of conduct and including violation(s) of the rules.

Section 507. Powers and Duties of the Planning Board.

For the purposes of this ordinance the powers and duties are those delegated to the Town Planning Board and Board of Adjustments with regard to the areas of (see Coats Subdivision Regulations: Board Powers):

- (A) Administrative Review.
- (B) Variances Application. Major and Minor variance issuance or denial.
- (C) Variance, with regards to the public health, safety and general welfare.

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 Mayor and Town 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 Mayor and Town Board. The Town Board shall prepare a final decision denying the variance as proposed.

(D) Subdivision Approval. See Article 200.

(E) Public Health. See Article 400.

Section 508. Appeals from the Town Board.

Appeals from the Town Board to the Environmental Management Commission 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.

ARTICLE 600: DEFINITIONS

Section 601. General Definitions.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

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 storm water 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 and from the bank of each side of streams or rivers. It is taken as a straight line distance not a terrain following or topographic measurement.

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 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, open space and provide for innovation in the design of the project including minimizing storm water runoff impacts. This term includes nonresidential development as well as single-family residential

and multi-family developments. For the purpose of this ordinance, planned residential developments and mixed use development are considered as cluster development.

Critical Area. The area adjacent to a water supply intake or reservoir where risk 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 family.

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 (G.S. 153A-344.1 and G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

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. 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 and from a common ancestor among tenants in common, all of whom inherited by intestacy or by will. (See also Division of Heirs: Town Zoning Ordinance)

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 from the minimum statewide watershed protection rules that results in any one or more of the following:

- (1) the relaxation, by a factor greater than ten (10) percent, of any management requirement under the low density option;
- (2) the relaxation, by a factor greater than five (5) percent, of any buffer, density or built-upon area requirement under the high density option;
- (3) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved storm water management system.

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.

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.

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.

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 or corporation 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.

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 offspring 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.

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).

Watershed Administrator. An official or designated person of the Town of Coats is responsible for administration and enforcement of this ordinance. For the purposes of this ordinance the Town Manager is the designated Watershed Administrator.

Watershed Review Board. The advisory board that reviews all planning with regards to Watershed related matters. For the purposes of this ordinance the watershed review/advisory board hereby designated as the Town of Coats Planning Board.

Section 602. 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.

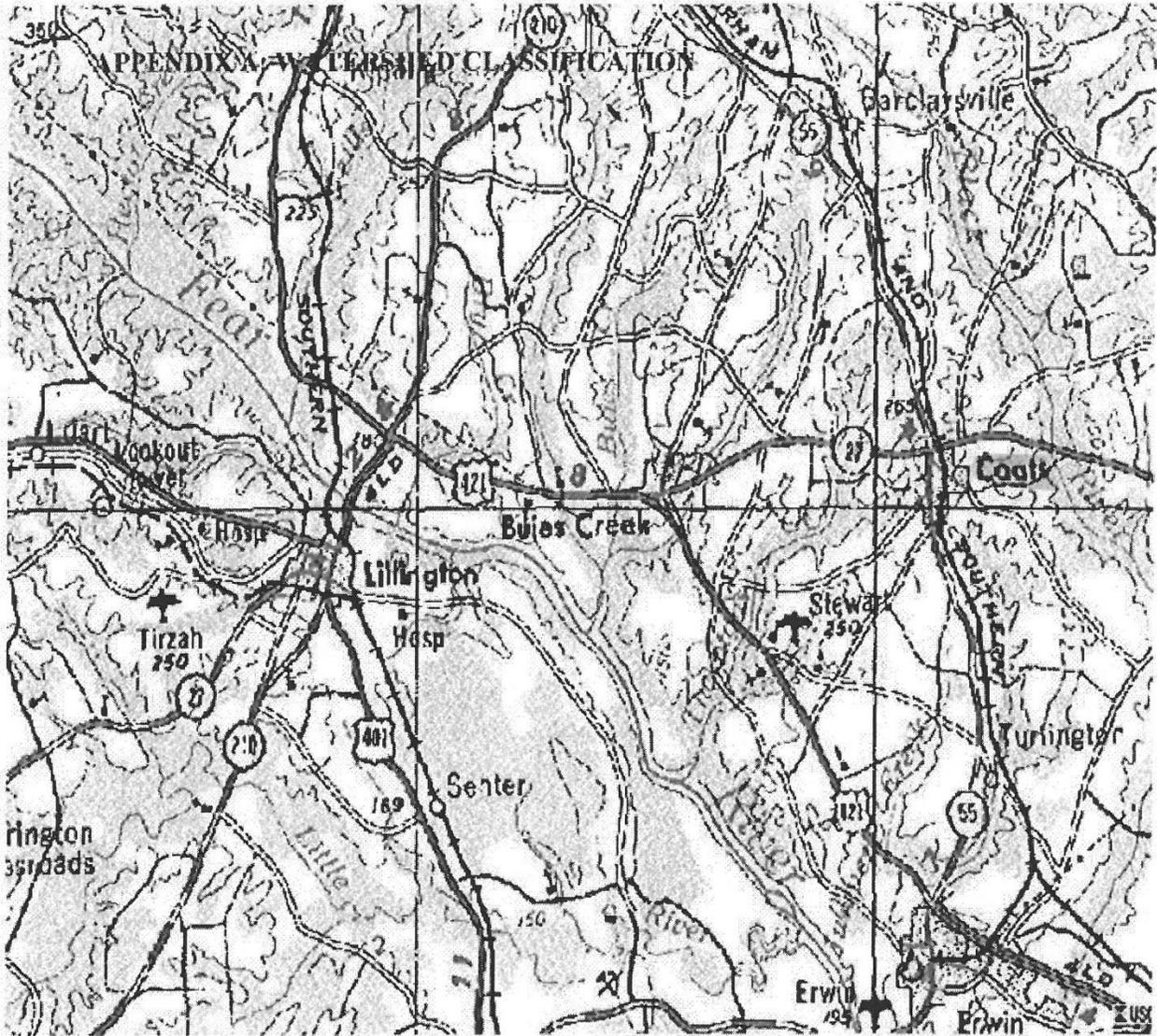
The word “structure” shall include the word “building.”

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

The word “shall” is always mandatory and not merely directory.

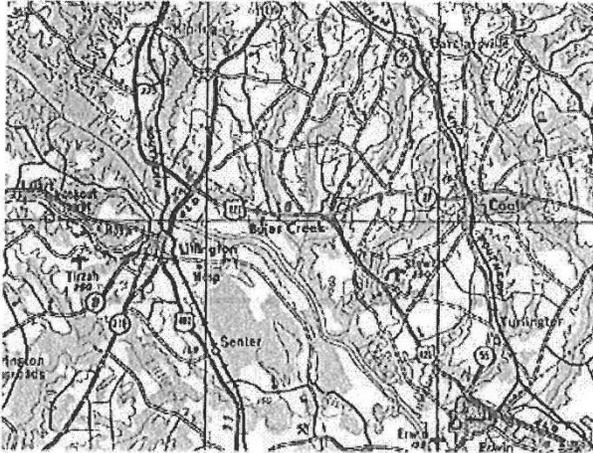
The word “will” is always mandatory and not merely directory.

APPENDIX A: CAPE FEAR RIVER BASIN



Town of Coats Watershed Classification WS-IV-PA

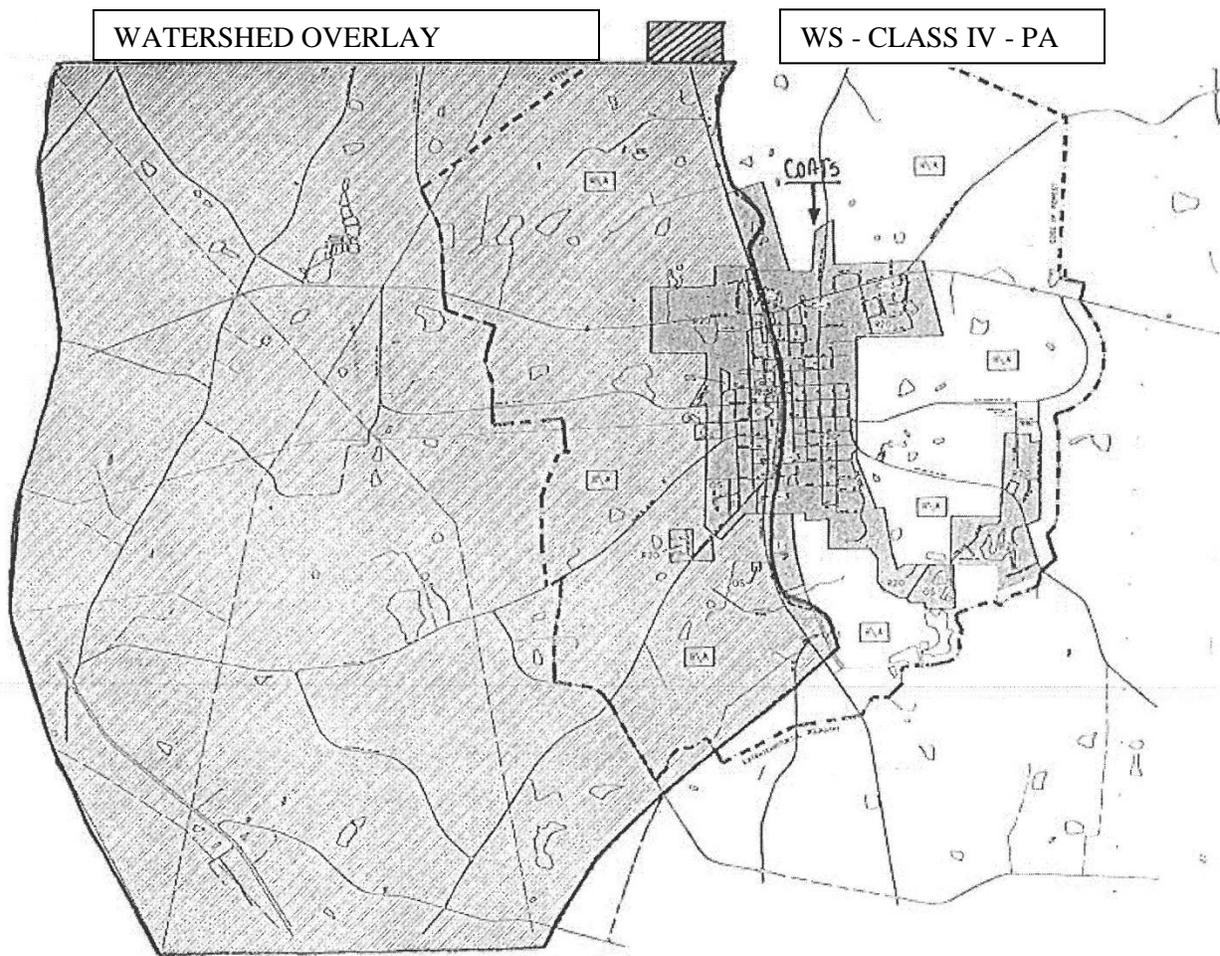
APPENDIX A: WATERSHED CLASSIFICATION: WS-IV PA (Protected Area)



APPENDIX A

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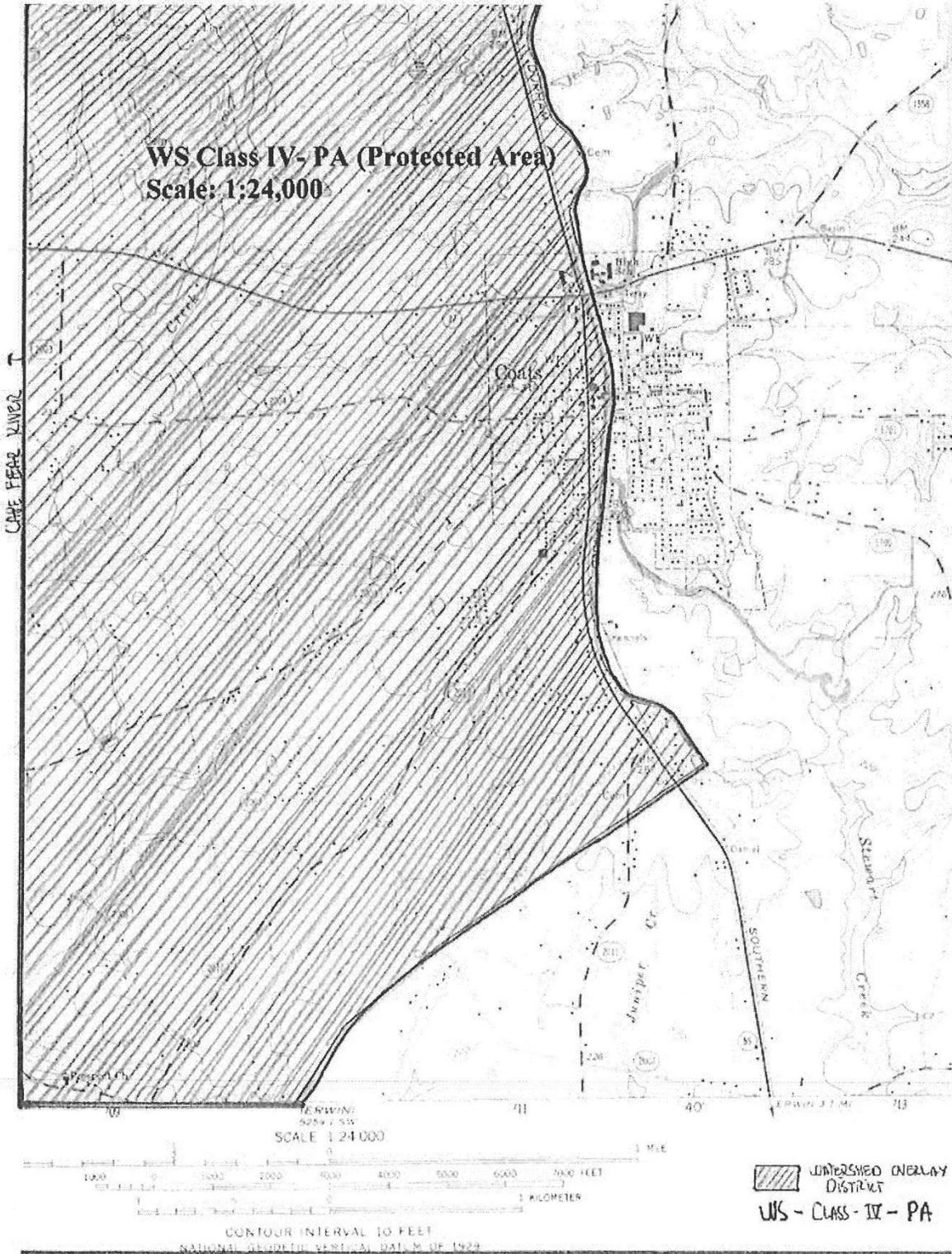
**WATERSHED OVERLAY DISTRICT:
MCKIM & CREED ENGINEER PROJECT 141-03.OR
DWG FILE # CZONE1A**



Zoning Map July 1993

NCE PROJECT: #141-03.OR
DWG File: #CZONE1A

McKim & Creed



APPENDIX B: High Density Development

Storm Water Control Structures.

- (A) All storm water control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architect, to the extent that the General Statutes, Chapter 89A allow and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89(C)-3(7).
- (B) All storm water controls shall use wet detention ponds as a primary treatment system *unless alternative storm water management measures as outlined in Appendix B Section (C) are used*. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the following design criteria:
- (1) Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one inch rainfall from the site above the permanent pool;
 - (2) The designed runoff storage volume shall be above the permanent pool;
 - (3) The discharge rate from these systems following the one inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two (2) days and that the pond is drawn down to the permanent pool level within at least five (5) days;
 - (4) The mean permanent pool depth shall be a minimum of three (3) feet;
 - (5) The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features;
 - (6) Vegetative filters shall be constructed for the overflow and discharge of all storm water wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics;
- (C) *Alternative storm water management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85 percent average annual removal of Total Suspended Solids. Also, the discharge rate shall meet one of the following Criteria:*
- (1) *the discharge rate following the 1-inch design storm shall be such that the run off draws down to the pre-storm design stage within five days, but not less than two days: or*

(2) the post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24 hour storm.

- (D) In addition to the vegetative filters required in Appendix B Section (B)(6), all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty (30) days after any land disturbance. Upon completion of the storm water control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Article 300 Section 305(H).
- (E) A description of the area containing the storm water control structure shall be prepared and filed consistent with Section 307.2 of the Coats Subdivision Regulations, as a separate deed with the Harnett County Register of Deeds along with any easements necessary for general access to the storm water control structure. The deeded area shall include the storm water control structure vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.
- (F) Qualifying areas of the storm water control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall be used to compute the built-upon area for any other site or area.

Maintenance and Upkeep.

- (A) An operation and maintenance plan or manual shall be provided by the developer for each storm water control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the Operation and Maintenance Agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a storm water control structure to design specifications if a failure occurs.
- (B) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the storm water control structure.
- (C) Except for general landscaping and grounds management, the owning entity shall notify the Watershed Administrator prior to any repair or reconstruction of the storm water control structure. All improvements shall be made consistent with the approved plans and specifications of the storm water control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Zoning Administrator shall inspect the completed improvements and shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements. The Zoning Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Planning Board.

(D) Amendments to the plans and specifications of the storm water control structure and/or the operation and maintenance plan or manual shall be approved by the Planning Board. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) and submitted to and reviewed by the Zoning Administrator prior to consideration by the Planning Board.

(1) If the Planning Board approves the proposed changes, the owning entity of the storm water control structure shall file sealed copies of the revisions with the Office of the Zoning Administrator.

(2) If the Planning Board disapproves the changes, the proposal may be revised and resubmitted to the Planning Board as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.

(E) If the Planning Board finds that the operation and maintenance plan or manual is inadequate for any reason, the Board shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Harnett County Register of Deeds, the Office of the Zoning Administrator and the owning entity.

Application and Inspection Fees

(A) Processing and inspection fees shall be submitted in the form of a check or money order made payable to the Town of Coats. Applications shall be returned if not accompanied by the required fee.

(B) A permit and inspection fee schedule, as approved by the Town Board of Commissioners, shall be posted in the Office of the Zoning Administrator.

Inspections and Release of the Performance Bond

(A) The storm water control structure shall be inspected by the Zoning Administrator, after the owning entity notifies the Zoning Administrator that all work has been completed. At this inspection, the owning entity shall provide:

(1) The signed deed, related easements and survey plat for the storm water control structure ready for filing with the Harnett County Register of Deeds;

(2) A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the storm water control structure is complete and consistent with the approved plans and specifications.

(B) The Zoning Administrator shall present the materials submitted by the developer and the inspection report and recommendations to the Planning Board at its next regularly scheduled meeting.

- (1) If the Board approves the inspection report and accepts the certification, deed and easements, the Board shall file the deed and easements with the Harnett County Register of Deeds, release up to seventy-five percent (75%) of the value of the performance bond or other security and issue a Occupancy Permit for the storm water control structure, consistent with Section 310.
 - (2) If deficiencies are found, the Planning Board shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the Board.
- (C) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Planning Board to release the remaining value of the performance bond or other security. Upon receipt of said petition, the Zoning Administrator shall inspect the storm water control structure to determine whether the controls are performing as designed and intended. The Zoning Administrator shall present the petition, inspection report and recommendations to the Planning Board.
- (1) If the Board approves the report and accepts the petition, the developer shall deposit with the Planning Board a cash amount equal to that described in Section 704(B)(2) after which, the Board shall release the performance bond or other security.
 - (2) If the Board does not accept the report and rejects the petition, the Board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.
- () A Watershed Protection Occupancy Permit shall not be issued for any building within the permitted development until the Watershed Review Board has approved the storm water control structure, as provided in this section (B).
- () All storm water control structures shall be inspected at least on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Environmental Management. Annual inspections shall begin within one year of filing date of the deed for the storm water control structure.
- () In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the storm water control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed improvements. The Watershed Administrator may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Planning Board.
- () Appeals of any order, requirement, decision or determination made by the Zoning Administrator may be made to and decided by the Town Board consistent with Article II Legal Provisions Section(s): 206, 207, 208 of Coats Subdivision Regulations.

Sanctions.

In addition to the remedies described in Article 100 of this Ordinance and consistent with G.S. 160A-175, the Planning Board may seek enforcement of this Ordinance through the Town Board of Commissioners by assessing a civil penalty to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty in a prescribed period of time after being cited for violation of the ordinance. Said violation may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. The court may issue an injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, the defendant may be cited for contempt and the town may execute the order of abatement. The Town of Coats shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge.

Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith. Enforcement of this ordinance may be by any one, all, or a combination of the remedies authorized in this ordinance. Each day's continuing violation shall be a separate and distinct offense.

Duly adopted by the Town of Coats Board of Commissioners in Regular Board meeting assembled this ___ day of November, 2000.

Darrel Smith, Mayor

Attest:

Elaine Keene, Town Clerk