

Taken from the Edgecombe County Unified Development Ordinance

12-3 STORMWATER MANAGEMENT

The general standards contained in this Section shall apply throughout the planning jurisdiction. However, developments located within watershed protection overlay districts shall comply with the applicable additional requirements of Section 12-1.

12-3.1 Natural Drainage System Utilized to Extent Feasible

- (A) To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (B) To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

12-3.2 Developments Must Drain Properly

- (A) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - (1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or
 - (2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
- (B) No surface water may be channeled or directed into a sanitary sewer.
- (C) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or roads.
- (D) All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - (1) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and

- (2) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

12-3.3 (1) Tar-Pamlico River Basin Riparian Buffer Requirements

(A) Applicability

- (1) The riparian buffer regulations of this subsection shall apply to all areas of the county outside of any municipal boundary or its extraterritorial jurisdiction.
- (2) Existing and ongoing uses within the riparian buffer, if existing as of January 1, 2000, may be exempt from the requirements of this subsection in accordance with the provisions of 15A NCAC 2B .0259.

(B) Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used throughout Section 12-3.3.

- (1) **Intermittent Stream.** A well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water.
- (2) **Perennial Stream.** A well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuance conveyance of water.
- (3) **Riparian Buffer.** The 50-foot wide area directly adjacent to surface waters in the Tar-Pamlico River Basin (intermittent streams, perennial streams, lakes, ponds, and estuaries), excluding wetlands. For purposes of this definition, a surface water shall be present if the feature is approximately shown on either the most recent version of the soil survey prepared by the Natural Resources Conservation Service of the United States Department of Agriculture or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS).

(C) General Requirements

The Tar-Pamlico Riparian Buffer Protection Rule (15A NCAC 2B .0259) requires that a 50-foot riparian buffer be maintained on all sides of intermittent and perennial streams, ponds, lakes and estuarine waters in the basin. This 50 foot buffer shall be measured beginning at the most landward limit of the top of the bank or the rooted herbaceous vegetation. Where obvious conflicts exist between actual field conditions and USGS and county soil survey maps, appeals may be made to the North Carolina Division of Water Quality (DWQ).

Edgecombe County shall disapprove any new development activity proposed within the 50-foot riparian buffer unless the applicant can show that the activity has been approved by the DWQ. DWQ approval may consist of the following:

- (1) An on-site determination that surface waters are not present.
- (2) An Authorization Certificate from DWQ for an allowable use such as a road crossing or utility line, or for a use that is allowable with mitigation along with a DWQ-approved mitigation plan.
- (3) A documented opinion from DWQ that vested rights have been established for the proposed development activity.
- (4) A letter from DWQ documenting that a variance has been approved for the proposed development activity.

(D) Description of Buffer Zones and Allowable Activities

The riparian buffer is divided into two zones, moving landward from the surface water, that are afforded different levels of protection. Zone 1, the first 30 feet, is to remain essentially undisturbed. Zone 2, the outer 20 feet, must be vegetated but may be managed in certain ways. Zones 1 and 2 of the riparian buffer are specifically described in 15 NCAC 2B .0259 (4)(a), Zones of the Riparian Buffer. Allowable uses within the riparian buffer are specifically described in 15 NCAC 2B .0259 (6), Table of Uses.

(E) Development Plan Requirements

Site plans and subdivision plats for property containing a riparian buffer shall include the location and width of the buffer.

Site plans shall demonstrate maintenance of diffuse flow to the buffer.

12-3.4 Nutrient Control Requirements

(A) Applicability

- (1) The nutrient control regulations of this Section shall apply to all areas of the county outside of any municipal boundary or its extraterritorial jurisdiction, with the following exclusions: federal, state, and local governments (including their agencies) unless intergovernmental agreements have been established giving Edgecombe County enforcement authority.
- (2) The regulations of this subsection are intended to comply with the requirements of the Tar-Pamlico Stormwater Rule (15A NCAC 2B .0258) and the Edgecombe County Stormwater Management Program for Nutrient Control.

(B) Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used throughout Sections 12-3.4 and 12-3.5.

- (1) Best Management Practices (BMPs). 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.
- (2) Disturbed Area. Any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation including but not limited to grubbing, stump removal, grading or removal of structures.
- (3) Illegal Connection. Means either of the following:
 - a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
 - b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- (4) Illegal Discharge. Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the waters of the State, or upon the land in such proximity to the same,

such that the substance is likely to reach a stormwater conveyance or the waters of the State.

- (5) New Development. Any activity that disturbs greater than one acre of land in order to establish, expand, replace or modify a single-family or duplex residential development or recreational facility and any activity that disturbs greater than one-half acre of land to establish, expand, replace or modify a multi-family residential development or a commercial, industrial, or institutional facility. For individual single family residential lots of record that are not part of a larger common plan of development or sale, the activity must also result in greater than ten percent built-upon area. For purposes of this Section, new development shall not include mining, agricultural (including Swine Farm operations and other intensive livestock operations) or forestry activities. Projects meeting the above criteria that replace or expand existing structures or improvements and that do *not* result in a net increase in built-upon area shall not be required to meet the basinwide average non-urban loading levels.
 - (6) Nutrients. Nitrogen and phosphorus, which if present in excessive amounts within a water body, can lead to large growths of algae, low dissolved oxygen concentrations, and other water quality problems.
 - (7) Qualified Professional. A professional licensed and/or registered in the State of North Carolina performing services only in their area(s) of competence.
 - (8) Stormwater Conveyance System or Structure. Any feature, natural or manmade, that collects and transports stormwater, including but not limited to roadways with collection systems, catch basins, manmade and natural channels, streams, pipes and culverts, and any other structure or system designed to transport runoff.
 - (9) Waters of the State. Surface waters within or flowing through the boundaries of the State including the following: any ephemeral, intermittent or perennial stream, river, creek, brook, swamp, lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof.
- (C) General Requirements
- (1) New Development. Applicants proposing new development shall submit a stormwater management plan, signed and sealed by a qualified professional that complies with the following criteria in accordance with Section 2 of the Edgecombe County Stormwater Management Program for Nutrient Control:
 - (a) The nitrogen load contributed by the new development shall not exceed 4.0 pounds per acre per year and the phosphorus load shall not exceed 0.4 pounds per acre per year.

- (b) The nitrogen and phosphorus exports must be calculated in accordance with Section 2-C and 2-D of the Edgecombe County Stormwater Management Program for Nutrient Control.
 - (c) If the computed export loads exceed those required in subsection (a) above, options exist for lowering the export loads through onsite or offsite measures or some combination thereof as described in Sections 2-D, 2-F, and 2-G of the Edgecombe County Stormwater Management Program for Nutrient Control.
 - (2) Erosion of Surface Water Conveyances.
 - (a) All new development must not cause erosion of surface water conveyances. At a minimum, post-development peak flows leaving the site may not exceed pre-development for the 1-year, 24-hour storm event. Peak runoff must be calculated in accordance with Section 2-E of the Edgecombe County Stormwater Management Program for Nutrient Control.
 - (b) Exceptions to peak flow attenuation requirements are described in Section 2-E of the Edgecombe County Stormwater Management Program for Nutrient Control.
- (D) Requirements of BMP Maintenance
 - (1) If Best Management Practices (BMPs) are used to achieve the nitrogen and phosphorus loading and flow attenuation requirements, they must be designed in accordance with the requirements of Section 2-D of the Edgecombe County Stormwater Management Program for Nutrient Control, and an operation and maintenance plan for the BMPs shall be submitted by the applicant and approved by the County in accordance with the requirements of Section 2-H of the Edgecombe County Stormwater Management Program for Nutrient Control. Owners' Associations created to ensure maintenance of BMPs shall be established in accordance with the requirements of Article X, Section 10-5 of the Edgecombe County Unified Development Ordinance. Financial Security for Stormwater Control Structures shall be established in accordance with the requirements of Article XII, Section 12-1.13 of the Edgecombe County Unified Development Ordinance.
 - (2) A legal stormwater maintenance agreement, as delineated in Appendix D, of the Edgecombe County Stormwater Management Program for Nutrient Control, shall be submitted to and approved by Edgecombe County. The agreement must be recorded in the Edgecombe County Register of Deeds prior to final approval or CO of the structure.
 - (3) Annual inspections of all BMPs shall be in accordance with the provisions of Section 2-H of the Edgecombe County Stormwater Management Program for Nutrient Control.

(E) Appeals and Variances

- (1) An appeal from any order of the Stormwater Administrator may be taken to the Board of Adjustment in accordance with the provisions of Article VII, Section 7-1.
- (2) An application for a variance from the provisions of the Stormwater Management Provisions may be filed with the Stormwater Administrator in accordance with the provisions of Article VII, Section 7-2.

(F) Enforcement

- (1) Violations of the provisions of this Section shall be subject to the enforcement remedies and penalties in accordance with Article V, of the Edgecombe County Unified Development Ordinance.

12-3.5 Illegal Discharges / Connections

- (A) No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in such proximity to the same (such that the substance is likely to reach a stormwater conveyance or the waters of the State), any fluid, solid, gas, or other substance which is defined as an illegal discharge in Section 3-B of the Edgecombe County Stormwater Management Program for Nutrient Control. No person shall cause or allow an illegal connection, as defined in Section 12-3.4 (B) (3) of this Ordinance.
 - (B) Procedures for identifying and removing illegal discharges / connections are delineated in Sections 3-D, 3-E, and 3-F of the Edgecombe County Stormwater Management Program for Nutrient Control.
 - (C) Violations of the provisions of this Section shall be subject to the enforcement remedies and penalties in accordance with Article V, of the Edgecombe County Unified Development Ordinance.
- Definitions