

Sec. 30-7. - Compliance.

- (a) *Compliance.* No building, premises, or structure shall be constructed, erected, modified, converted, occupied, placed, maintained or moved, and no land use shall be commenced, maintained, or modified, except as authorized by this chapter.
  - (b) *Voluntary compliance.* Nothing in this section shall be deemed to preclude voluntary compliance with the provisions of this chapter for development approved prior to the effective date of the ordinance from which this article is derived.
  - (c) *Conformance with requirements.* Except as herein provided, no applicable permit shall be issued or granted that does not conform to the requirements of this chapter. If a permit applicant submits a permit application for any type of development and a rule or ordinance changes between the time the permit application was submitted and a permit decision is made, the permit applicant may choose which version of the rule or ordinance will apply to the permit. Developments which have received ~~technical review committee~~ Planning and Zoning Board approval or, staff approval, or enforcement officer approval, or a building permit prior to the effective date of the ordinance from which this article is derived, may proceed in accordance with such approval or permit while such approval or permit remains in effect.
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Sec. 30-9. - Definitions.

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*Planning department.* The planning ~~and development~~ department of the ~~county~~ town.

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*Residentially zoned property.* The following shall be considered residential zoning districts: AG agricultural, any RS single-family residential district, ~~and any RM residential multifamily residential district~~, TC-R town core residential district, RPD rural preservation district, and the portions of a PD-R or PD-M zone which are designated solely for residential use.

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*Site-specific development plan.* A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one of the following zoning or land use permits or approvals pursuant to G.S. ~~154A-334.1~~ 160A-385.1:

- a. A special use permit;
- b. A conditional use zoning sketch or site plan;
- c. A planned development, residential or planned development, mixed unified development plan;
- d. A preliminary plat for a major subdivision;
- e. A major site plan prepared in accordance with section 30-300, but not including a master or common sign plan, a watershed development plan, or a landscaping plan;
- f. A preliminary plat for a minor subdivision;
- g. A plot plan;
- h. A minor site plan in accordance with section 30-300;
- i. A master or common sign plan prepared in accordance with section 30-930;

- j. A watershed development plan prepared in accordance with section 30-1219; or
- k. A landscaping plan prepared in accordance with appendix B to this Code.

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*Temporary family health care structure.* A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that is primarily assembled at a location other than its site of installation.

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Sec. 30-60. - General duties of enforcement officer.

The enforcement officer shall:

- (1) Establish and publish application procedures for permits, appeals, and actions pursuant to this chapter and forms implementing the same;
- (2) Issue permits and certificates pursuant to this chapter;
- (3) Review, ~~and~~ recommend, or approve pursuant to the authority granted in this chapter, all development plans and permits to assure that the permit requirements of this chapter have been satisfied;
- (4) Interpret the applicability of the provisions of this chapter in matters where the text does not clearly provide guidance;
- (5) Maintain all records pertaining to the provisions of this chapter in his office and make said records open for public inspection;
- (6) Periodically inspect properties and activities for which permits have been issued to determine whether the use is being conducted in accordance with the provisions of this chapter;
- (7) Cause to be investigated violations of this chapter;
- (8) Enforce the provisions of this chapter;
- (9) Issue notice of corrective action when required;
- (10) Use the remedies provided in this chapter to gain compliance;
- (11) Be authorized to gather evidence in support of said activities;
- (12) Receive appeals and forward cases to the appropriate body; and
- (13) Perform other duties as may be assigned by the town council.

(Ord. of 1-6-2000, § 9-5.2)

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DIVISION 2. - PLANNING AND ZONING BOARD

Sec. 30-166. - Authority.

There is hereby created a planning agency, pursuant to G.S. 160A-361, to be known as the planning and zoning board.

(Ord. of 1-6-2000, § 9-2.1)

Sec. 30-167. - Membership.

The planning and zoning board shall consist of seven members and may have alternates as appointed by the city council. Two members residing in the extraterritorial jurisdiction areas shall be appointed as outside representatives in accordance with the provisions of G.S. 160A, art. 19; provided, that one outside representative shall reside in the extraterritorial jurisdiction areas lying north of Haw River Road, and one outside representative shall reside in the extraterritorial jurisdiction areas lying south of Haw River Road. The outside representatives shall have equal rights, privileges and duties with the other members of the planning and zoning board.

(Ord. of 1-6-2000, § 9-2.2; Ord. of 8-6-2009, § 2)

Sec. 30-168. - Powers and duties.

The planning and zoning board shall have the following powers and duties:

- (1) To hear and recommend to the town council matters in accordance with the terms of this chapter; to wit: zoning map amendments and zoning vested rights;
- (2) To hear and recommend to the town council matters on appeal from the enforcement officer for soil erosion; to wit: subdivisions, site plans, and soil erosion plans;
- (3) To hear and recommend to the town council matters pertaining to road name changes, road closings, right-of-way vacations, easement removals, right-of-way encroachments, and watershed matters as assigned;
- (4) To provide recommendations to the town council with regard to any of the above matters which may be appealed; as well as those matters which remain with the town council as original jurisdiction such as text amendments and minor watershed modifications;
- (5) To develop a comprehensive plan for the territory under its jurisdiction, subject to specific direction from the town council;
- (6) To make such other studies and plans and review such other related matters as directed by the town council;
- (7) To review and approve, and/or recommend to the town council new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, and any other proposals for development specified by this chapter and waivers authorized in division 8 of article VIII;
- (8) To make recommendations to the town council on all minor and major watershed modification requests;
- (9) To serve as the town's tree board, and to hear and recommend to town council matters relating to trees including landscape plans and tree preservation plans, and to advise staff, other boards, and town council on maintaining and enhancing the town's tree resources; and
- (10) To exercise any other power and authority provided to it by the town council, this chapter and state law.

(Ord. of 1-6-2000, § 9-2.3; Ord. of 6-2-2016(1))

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Sec. 30-300. - Site plan and plot plan procedures.

(a) *Applicability* .

- (1) *Health drawing/plot plan required*. No building permit for a single-family or two-family dwelling and their accessory on a single lot shall be issued until an authorization to construct, if required; and a plot plan, prepared in accordance with appendix B to this Code, has been approved.
- (2) *Site plan required* . No other building permit shall be issued on a lot until a site plan, prepared in accordance with appendix B to this Code, has been approved for the development. Except that no new or amended site plan shall be required if an adequate site plan is already on file, no change in the parking requirements is required, and no increase in built-upon area is proposed or required.

(b) *Submission of site plans* .

- (1) *Timing* . Site plans for review by the planning and zoning board shall be submitted to the planning department at least 14 days prior to the next scheduled meeting.
- (2) *Site plan compliance* . Site plans shall contain all applicable information listed in appendix B to this Code. The site plan shall consist of five sheets: a site layout, a lighting plan, a water and sewer utility plan, landscaping plan showing planting yard areas, types of plantings (i.e., canopy trees, understory trees, shrubs), and number of plantings, and a grading, erosion control and watershed development plan, if required. Depending on the scale or complexity of the development, any or all of the sheets may be combined. A site layout meeting the requirements of article VIII of this chapter may also serve as the preliminary subdivision plat.
- (3) *Fees* . All fees shall be due and payable when the site plan is submitted according to the schedule of fees.

(c) *Site plan and plot plan approval*.

- (1) *Approval of site/plot plan* . The site plan or plot plan shall be approved when it meets all requirements of this chapter or proper waivers and/or variances are obtained.
- (2) *Approval authority* .
  - a. Plot plans for single-family detached and two-family dwellings and their accessory structures and buildings may be approved by the enforcement officer.
  - b. Site plans for additions to existing developments of 600 square feet of building or built-upon area or less may be approved by the enforcement officer.
  - c. Site plans submitted for all other developments, not defined in this section, or additions to existing developments may be approved by the planning and zoning board after receiving a unanimous by a majority favorable vote. Any action receiving less than a unanimous majority favorable vote will be forwarded to town council with a recommendation as described in subsection (c)(3) of this section.
- (3) *Action by planning and zoning board*. Once that site plan is submitted, it shall be scheduled, subject to filing deadlines, to be reviewed at the next regularly scheduled meeting.
  - a. If the planning and zoning board recommends denial of the site plan reasons plan, reasons for the denial shall be stated in writing and the site plan may be revised and resubmitted or forwarded to the town council.
  - b. If the site plan is recommended for approval or conditional approval, the site plan will be scheduled for the next meeting of the town council. The recommended conditions for approval shall be stated in writing.

- c. If no action is taken within 30 days by the planning and zoning board, the site plan will be forwarded to the town council.
- (4) *Action by town council.* If the site plan is forwarded or recommended to the town council it shall be scheduled, subject to filing deadlines, to be reviewed at the next regularly scheduled meeting. Conditions for approval or reasons for denial shall be stated in writing.
  - a. If the site plan is approved, the applicant may proceed with other requirements necessary to obtain a building permit.
  - b. If the site plan is granted conditional approval, the applicant shall revise and resubmit the site plan. The planning department shall review the revised site plan and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plan the change from conditional approval to approval. If the site plan is not revised within 60 days to meet the approval conditions, or the applicant notifies the planning department that he is unwilling to revise the site plan, it shall be deemed denied.
  - c. If the site plan is denied, the applicant may revise and resubmit the plan to the planning and zoning board.
- (5) *Expiration of site plan or plot plan approval .* If construction or development does not begin within two years following site plan or plot plan approval; or is begun within two years and then discontinued for a period greater than 180 days; such approval shall expire, and a new site plan or plot plan must be submitted in accordance with the procedures in this section.
- (d) *Street and utility construction .*
  - (1) *Plans .* When required street and utility construction plans for all public or private streets, and water, sanitary sewer, and storm sewer facilities shall be submitted to the jurisdiction following conditional approval or approval of the site plan. For each phase of the site plan, street and utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section.
  - (2) *No construction without plan approval .* None of the improvements listed in this section shall be constructed until the street and utility construction plans for such improvements have been reviewed and approved by the appropriate authority.
  - (3) *Inspections .* Work performed pursuant to approved street and utility construction plans shall be inspected and approved by the appropriate authority.
- (e) *Runoff control structures and soil erosion and sedimentation control devices installation .* Any approved permanent runoff control structure and soil erosion and sedimentation control device may be installed prior to approval of street and utility construction plans.
- (f) *Permits .* Upon approval of the site plan, the developer shall be eligible to apply for building and any other permits and authorizations as required by this chapter or other laws, unless otherwise provided in this chapter.

(Ord. of 1-6-2000, § 3-11)

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	<b>ZONING DISTRICTS</b>																
<b>USE TYPE</b>	Ref. SIC	A G	RS4 0	RS3 0	L O	TC -R	GO M	NB *	LB *	GB *	HB *	SC *	CP *	LI *	H I	P I	LU C

ACCESSORY USES AND STRUCTURES																	
Accessory dwelling unit (manufactured dwelling)	000 0	S	S	S	S	S	S										
Accessory dwelling unit (modular or meeting N.C. Residential Building Code)	000 0	D	D	D	D	D	D										
Accessory uses and structures (customary)-see div. 2 of this article	000 0	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Caretaker dwelling	000 0	D			D	D	D	D	D	D	D	D	D	D	D	D	D
Emergency shelter	000 0	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupation (including renting of rooms)	000 0	D	D	D		D	D	D									
Flying field, private	000 0	D														D	D
Junked motor vehicle	000 0	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Migrant labor housing	000 0	D															
Recycling collection point	000 0	P			P		P	P	P	P	P	P	P	P	P	P	P

Rural family occupation	0000	S																
Satellite dish/communication tower	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
Swimming pool	0000	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D		
Temporary family health care structure	0000	D	D	D	D	D		D										
Yard sale (no more than three per year)	0000	P	P	P	P	P	P	P										

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Sec. 30-446. - Principal buildings per lot.

Every building hereafter erected or moved shall be located on a zone lot; and in no case shall there be more than one principal residential building and its accessory buildings on a zone lot except as provided in this section.

- (1) *Nonresidential group development.* Two or more principal nonresidential buildings are permitted on a zone lot pursuant to a site plan approved by the town council pursuant to Section 30-300, provided that an access driveway is maintained to each building in passable condition for service and emergency vehicle.
- (2) *Residential group development.* Two or more principal buildings are permitted in a multifamily development pursuant to a site plan approved by the town council pursuant to Section 30-300, provided that an access driveways is maintained to each building in passable condition for service and emergency vehicle.

(Ord. of 1-6-2000, § 4-7.1)

Sec. 30-447. - Street access requirements.

- (a) *Access to public street required.* Every zone lot shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided in this section. No building or structure shall be constructed, erected, or placed on a zone lot that does not abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, except as provided in this section. The zone lot shall have an open and passable access from the street, where

the legally assigned address is located, to the principal building or structure. For corner lots, the access may be from the side street if the access is clearly visible from the street where the address is assigned.

- (b) *Dead-end streets.* For purposes of this section the terminus of a dead-end street does not provide the required access to a publicly maintained street unless that terminus is a circular turnaround or other turnaround approved and constructed in conformance with article VIII.
- (c) *Single-family detached cluster development.* Private streets may be used to meet access requirements for lots in single-family detached cluster developments and for single-family or twin home lots in planned unit developments, provided the developments as a whole abuts and has direct access to a publicly maintained street.
- (d) *Private lanes.* Subdivision lots that abut and have access to private lanes platted in accordance with section 30-860(h).
- (e) *Townhouse developments.* Individual parcels shall have right of access through common areas containing private streets and/or private drives at least 24 feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with ~~town council~~ Planning and Zoning Board approval.
- (f) *Unified development.* Individual parcels, whether leased or sold, in a unified development shall have shared rights of access along private streets and/or along private drives at least 24 feet in width leading to a publicly maintained street. Maintenance of all private streets and private drives shall be a mandatory responsibility, running with the land, exercised by a single entity which shall be composed of one landowner, an owner's association, or all owners acting collectively pursuant to a binding agreement.
- (g) *Exceptions.* Special-purpose lots may provide access via easement in accordance with ~~section~~ division 7 of this article; and lots served by exclusive access easements in accordance with section 30-859(7)b.
- (h) *Access from public street prohibited.* Access from a commercial, office, industrial, or institutional zoning district shall be prohibited through an RS district, unless it is the sole access.
- (i) *Access through districts permitted.* Any use located in a zoning district which is also a permitted use in a neighboring zoning district may have access through the neighboring zoning district without additional requirements.

(Ord. of 1-6-2000, § 4-7.2)

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#### DIVISION 7. - SPECIAL-PURPOSE LOTS

##### Sec. 30-503. - Requirements.

Requirements of this division with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for family or church cemeteries, sewer lift stations, radio, television, and communication towers, and similar utility uses. Such lots shall comply with the requirements of this division.

(Ord. of 1-6-2000, § 4-9)

##### Sec. 30-504. - Minimum size.

The special-purpose lot shall be permitted only after the ~~Planning and Zoning Board~~ ~~town council~~ has determined that the proposed lot has sufficient dimensions to accommodate the intended use and, where required by this chapter, planting yards.

(Ord. of 1-6-2000, § 4-9.1)

Sec. 30-505. - Access easement.

If the special-purpose lot does not have direct access to a public street, an easement for ingress and egress with a minimum width of ten feet shall be platted.

(Ord. of 1-6-2000, § 4-9.2)

Sec. 30-506. - Platting.

The subdivision to create the lot shall be approved in accordance with article VIII. The final plat shall label the lot as a "Special-Purpose Lot for use as \_\_\_\_\_."

(Ord. of 1-6-2000, § 4-9.3)

Secs. 30-507—30-535. - Reserved.

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Sec. 30-678. - Submission.

The planning department shall present minor ~~subdivisions of three or more lots~~, major subdivisions, and ~~appealed minor subdivisions of two or fewer lots~~ to the planning and zoning board at its next meeting. The planning and zoning board shall review the preliminary plat for compliance with existing regulations.

(Ord. of 1-6-2000, § 5-6.3)

Sec. 30-679. - Preliminary plat approvals.

~~Plats shall meeting all requirements of a minor or major subdivision shall be reviewed by the planning and zoning board before being approved. Approval may be granted to minor subdivisions of two or fewer lots by the planning department, or on appeal by the planning and zoning board. Minor subdivisions of three or more lots and major subdivisions must be reviewed and may be granted approval by the planning and zoning board by a simple majority vote, as provided for in Section 30-680. The action taken by the planning and zoning board, under section 30-680, following a unanimous vote shall be deemed final. Plats receiving less than a unanimous vote shall be forwarded along with the planning and zoning board's recommendation to the town council for review. Any decision by the planning department may be appealed by the applicant to the planning and zoning board for recommendation to the town council within 30 days of the decision.~~

(Ord. of 1-6-2000, § 5-6.4)

Sec. 30-680. - Action by planning and zoning board.

- (a) *Timing.* The planning and zoning board shall take action within 30 days of reviewing the preliminary plat.
- (b) *Approval.* If the preliminary plat is approved, the applicant may proceed toward final plat approval. ~~recommended for approval, the applicant may proceed for town council approval.~~
- (c) *Conditional approval.* If the preliminary plat is granted conditional approval, the applicant shall cause the plat to be revised, based upon the conditions of the approval and resubmitted. The planning department shall review the revised plat and, if it meets all the approval conditions and is otherwise substantially unaltered, shall signify on the plat the change from conditional approval to approval. If the plat is not revised within 60 days to meet the approval conditions or the applicant notifies the planning department that he is unwilling to revise the plat, it shall be deemed denied.
- (d) *Denials.* If the preliminary plat is denied the reasons shall be stated in writing. The applicant may revise and resubmit a plat which has been denied. Decisions of the planning and zoning board may be appealed to the Town Council within 30 days of the planning and zoning board decision.

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Sec. 30-860. - Streets.

- (a) *Conformance with thoroughfare and collector street plans.* The location and design of streets shall be in conformance with applicable thoroughfare and collector street plans. Where conditions warrant, right-of-way widths and pavement widths in excess of the minimum street standards may be required.
  - (b) *Conformance with adjoining street systems.* The planned street layout of a proposed subdivision shall be compatible with existing or proposed streets and their classifications on adjoining or nearby tracts.
  - (c) *Access to adjoining property.* Where in the opinion of the town council, it is desirable to provide for street access to adjoining property, proposed streets shall be extended to the boundary of such property.
  - (d) *Reserve strips.* Reserve strips adjoining street rights-of-way for the purposes of preventing access to adjacent property shall not be permitted under any condition.
  - (e) *Street classification.* The final determination of the classification of streets in a proposed subdivision shall be made by the jurisdiction. Street classifications are defined in article I.
  - (f) *Public street design criteria.* The minimum street design standards for the street classifications are attached herewith as the Minimum Public Street Design Standards, Urban Area table and the Minimum Public Street Design Standards, Urban Area table below. Right-of-way dedication and paving of streets in and adjacent to the subdivision shall be in conformance with the right-of-way and pavement width requirements of the Minimum Public Street Design Standards, Urban Area table and the Minimum Public Street Design Standards, Urban Area table below; and shall be designed in accordance with the jurisdiction's street design manual, or the state department of transportation (NCDOT) Subdivision Roads Minimum Construction Standards subdivision roads. Minimum construction standards, whichever is applicable. ~~No single entrance to a residential subdivision shall serve more than 50 lots or 500 vehicle trips per day.~~
  - (g) *Connectivity.* No single entrance to a residential subdivision shall serve more than 50 lots or 500 vehicle trips per day. The single entrance is defined as the point where the local street network of a major subdivision or multiple subdivisions intersects the road network outside of the major subdivision or multiple subdivisions.
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- (j) *Cul-de-sac maximum length.* The maximum distance from an intersecting through street to the end of a cul-de-sac shall be ~~800~~ 1200 feet, except that a distance up to 1,600 feet may be approved in the watershed critical area.

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Sec. 30-1088. –Temporary family health care structures

- (a) Where required: AG, RS-40, RS-30, LO, TC-R, and NB districts
- (b) Accessory to a single-family detached dwelling: One temporary family health care structure shall be permitted as an accessory to an existing principal single-family detached dwelling on the lot. The caregiver shall obtain a permit, which shall be valid for one year and renewed annually as long as the structure remains on the lot, and shall provide necessary documentation to show compliance with this section.
- (c) The temporary family health care structure shall:
  - a. Contain no more than 300 gross square feet;
  - b. Not be installed on a permanent foundation;
  - c. Be connected to water, sewer, or electric utilities serving the lot.
  - d. Be occupied by one mentally or physically impaired person
  - e. Comply with setback requirements applicable to the principal dwelling;
  - f. Comply with applicable State Building Code and GS 140-139.1(b).
- (d) Caregiver: The caregiver shall reside in the principal single-family detached dwelling and must be a first or second degree relative of the mentally or physically impaired person.
- (e) Signage: No exterior signage advertising or otherwise promoting the temporary health care structure is allowed on any structure or the property.
- (f) Removal of structure:
  - a. The temporary family health care structure shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or in need of the assistance as provided for in this section
  - b. If the temporary family health care structure is needed for another mentally or physically impaired person, it may continue to be used or may be reinstated on the lot within 60 days of removal.

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Sec. 30-1222. - Stream buffer required.

Riparian buffer protection for lands within the planning jurisdiction of the Town of Oak Ridge:

- (1) *Authority:* Section 30-1222 is adopted pursuant to the authority vested in the Town of Oak Ridge by the Session Laws and the General Statutes of North Carolina, particularly Session Law 2009-216 (House Bill 239), Session Law 2009-484 (Senate Bill 838), G.S. 153A-121, G.S. 153A-140, G.S. 153A-18, G.S. § 160A-174, G.S. 160A-193, G.S. 160A-193, G.S. 160A-19, and any special legislation enacted by the General Assembly for The Town of Oak Ridge.
- (2) *Purpose and intent:* The purposes of the town in adopting section 30-1222 is to protect and preserve existing riparian buffers throughout the town and the Jordan Watershed as generally described in Rule 15A NCAC 02B .0262 (Jordan Water Supply Nutrient Strategy: Purpose and Scope), in order to maintain their nutrient removal and stream protection functions. Additionally this section will help protect the water supply uses of Jordan Reservoir and of designated water supplies throughout the Jordan Watershed.

Buffers adjacent to streams provide multiple environmental protection and resource management benefits. Forested buffers enhance and protect the natural ecology of stream systems, as well as water quality through bank stabilization, shading, and nutrient removal. They also help to minimize flood damage in flood-prone areas. Well-vegetated streamside riparian areas help to remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorous from reaching the streams.

- (3) *Jurisdiction:* Section 30-1222 shall be applied to all land ~~in the planning jurisdiction of the town~~ within the Jordan Watershed, as depicted on the Jordan Lake Watershed Stormwater Map of the Town of Oak Ridge, North Carolina.
- (4) *Applicability:* Section 30-1222 applies to all landowners and other persons conducting activities in the area described in subsection 30-1222(3), with the exception of activities conducted within the Jordan Reservoir Watershed under the authority of the state, the United States, multiple jurisdictions, or local units of government, and forest harvesting and agricultural activities. The N.C. Division of Water Quality Resources shall administer the requirements of Rule 15A NCAC 02B .0267 and ~~.0268~~ .0295 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers and Mitigation of Existing Riparian Buffers, respectively) for these activities in the Jordan Reservoir Watershed.
- (5) *Riparian area protection:*
- a. *Buffers protected.* The following minimum criteria shall be used for identifying regulated buffers:
    1. Section 30-1222 shall apply to activities conducted within, or outside of with hydrologic impacts in violation of the diffuse flow requirements set out in subsection 30-1222(5)e. upon, 50-foot wide riparian buffers directly adjacent to surface waters (intermittent streams, perennial streams, lakes, reservoirs and ponds), excluding wetlands.
    2. Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.
    3. For the purpose of this section, only one of the following types of maps shall be used for purposes of identifying a waterbody subject to the requirements of this section:
      - i. The most recent ~~published~~ version of the Soil Survey Map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.
      - ii. The most recent version of the 1:24,000 scale (7.5 minute) Quadrangle Topographic Maps prepared by the United States Geologic Survey (USGS).
      - iii. A map approved by the Geographic Information Coordinating Council and by the N.C. Environmental Management Commission. Prior to approving a map under this item, the commission shall provide a 30-day public notice and opportunity for comment. Alternative maps approved by the commission shall not be used for buffer delineation on projects that are existing and ongoing within the meaning of subsection 30-1222(5)c. of this section.
    4. Where the specific origination point of a stream regulated under this item is in question, upon request of the N.C. Division of Water Resources or another party, the town shall make an on-site determination. A town representative who has successfully completed the division's surface water identification training certification course, its successor, or other equivalent training curriculum approved by the division, shall establish that point using the latest version of the division publication, "Identification Methods for the Origins of Intermittent and Perennial Streams", available at [http://h2o.enr.state.nc.us/ncwetlands/documents/NC\\_Stream\\_ID\\_Manual.pdf](http://h2o.enr.state.nc.us/ncwetlands/documents/NC_Stream_ID_Manual.pdf) or from the N.C. Division of Water Resources - 401 Oversight Express Permitting Unit, or its successor. The town may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this item shall be referred to the director of the Division of Water Resources c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. The director's determination is subject to review as provided in G.S. 150B. arts. 3 and 4.
    5. Riparian buffers protected by this section shall be measured pursuant to subsection 30-1222(5)d. of this section.

NOTE: All stream buffers shall be identified on a recorded plat as "Drainage and Stream Buffer Easement" or dedicated as public open space when development or any portion of the development is required to be platted and recorded pursuant to other applicable sections of this section.

6. Parties subject to this section shall abide by all state rules and laws regarding waters of the state, including but not limited to, Rules 15A NCAC 2B.0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H.1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.
  7. No new clearing, grading, or development shall take place, nor shall any new building permits be issued in violation of this section.
- b. *Exemption based on on-site determination.* When a landowner or other affected party including the division believes that the maps have inaccurately depicted surface waters, he or she shall consult the town. Upon request, a town representative who has successfully completed the Division of Water Resources's surface water identification training certification course, its successor, or other equivalent training curriculum approved by the division, shall make an on-site determination. The town may also accept the results of site assessments made by other parties who have successfully completed such training. Any disputes over on-site determinations shall be referred to the director of the Division of Water Resources c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. A determination of the director as to the accuracy or application of the maps is subject to review as provided in G.S. 150B. arts. 3 and 4. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:
1. Manmade ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC 2B .0100, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. (A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.)
  2. Ephemeral streams.
  3. The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir or pond.
  4. Ditches or other manmade water conveyances, other than modified natural streams.
  5. Freshwater ponds to which riparian buffer rules would otherwise apply if all of the following conditions are met:
    - a. The property on which the pond is located is used for agriculture as that term is defined in G.S. 106-581.1
    - b. Except for the riparian buffer rules and any similar rule adopted for the protection and maintenance of riparian buffers, the use of the property is in compliance with all other water quality and water quantity statutes and rules applicable to the property before the adoption of the riparian buffer rules for the river basin or watershed in which the property is located.
    - c. The pond is not a component of an animal waste management system as defined in G.S. 143-215.10B(3).
- c. *Exemption when existing uses are present and ongoing.* This section shall not apply to uses that are existing and ongoing; however, this section shall apply at the time an existing, ongoing use is changed to another use. Change of use shall involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:
1. It was present within the riparian buffer as of the effective date of the ordinance from which this section derives, and has continued to exist since that time. Existing uses

shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from this section. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within 50 feet of the surface water where it did not previously exist as of the effective date of this section, and existing diffuse flow is maintained. Grading and revegetating Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised, the ground is stabilized and existing diffuse flow is maintained.

2. Projects or proposed development that are determined by the town to meet at least one of the following criteria:
  - i. Project requires a 401 Certification/404 Permit and these were issued prior to the effective date this section;
  - ii. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to the effective date of this section;
  - iii. Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the U.S. Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and that have reached agreement with DENR on avoidance and minimization by the effective date of the ordinance; or
  - iv. Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the U.S. Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a finding of no significant impact has been issued for the project and the project has written approval of the town prior to the effective date of this section.
- d. *Zones of the riparian buffer.* The protected riparian buffer shall have two zones as follows:
  1. Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in the Table of Uses, subsection 30-1222(6)b. of this section. The location of Zone One shall be as follows:
    - i. For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.
    - ii. For ponds, lakes and reservoirs located within a natural drainage way, Zone One shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.
  2. Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the Table of Uses, subsection 30-1222(6)b. of this section. Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised. Zone Two shall begin at the outer edge of Zone One and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones One and Two shall be 50 feet on all sides of the surface water.

- e. *Diffuse flow requirements.* Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation as follows:
1. Concentrated runoff from new ditches or manmade conveyances shall be converted to diffuse flow at nonerosive velocities before the runoff enters Zone Two of the riparian buffer;
  2. Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies; and
  3. As set out in subsections 30-1222(5)d. and 30-1222(6)b. of this section, the zones of the riparian buffer and Table of Uses respectively, no new stormwater conveyances are allowed through the buffers except for those specified in the Table of Uses, subsection 30-1222(6)b. of this section, addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

(6) *Potential uses and associated requirements.*

- a. *Approval for new development.* The Town of Oak Ridge shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in subsection 30-1222(5)a. of this section, or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:
1. Determined the activity is exempt from requirements of this section;
  2. Received an authorization certificate from the town pursuant to subsection 30-1222(7)a. of this section;
  3. For uses designated as "allowable with mitigation" in the Table of Uses in subsection 30-1222(6)b., received approval of mitigation plan pursuant to subsection 30-1222(7)c. of this section; and
  4. Received a variance pursuant to subsection 30-1222(7)b.
- b. *Table of Uses.* The following chart sets out potential new uses within the buffer, or outside the buffer with impacts on the buffer, and categorizes them as "exempt", "allowable", or "allowable with mitigation". All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the riparian buffer or outside the buffer if the use would impact the buffer, unless a variance is granted pursuant to subsection 30-1222(7)b. of this section, Variances. The requirements for each category are given in subsection 30-1222(6)c. of this section following the Table of Uses.

Use	Exempt*	Allowable*	Allowable with Mitigation*
<b>Access trails:</b> Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water-dependent activities:			
<ul style="list-style-type: none"> <li>• Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not</li> </ul>	X		

result in removal of trees as defined in this section and no impervious surface is added to the riparian buffer			
<ul style="list-style-type: none"> <li>• Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this section or impervious surface is added to the riparian buffer</li> </ul>		X	
<b>Airport facilities:</b>			
<ul style="list-style-type: none"> <li>• Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>		X	
<ul style="list-style-type: none"> <li>• Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>			X
<ul style="list-style-type: none"> <li>• Activities necessary to comply with FAA requirements (e.g., radar uses or landing strips)<sup>1</sup></li> </ul>		X	
Archaeological activities	X		
Bridges		X	
Canoe access provided that installation and use does not result in removal of trees as defined in this section and no impervious surface is added to the buffer	X		
<b>Dam maintenance activities:</b>			
<ul style="list-style-type: none"> <li>• Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3</li> </ul>	X		
<ul style="list-style-type: none"> <li>• Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3</li> </ul>		X	

<b>Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers:</b>			
<ul style="list-style-type: none"> <li>New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies</li> </ul>	X		
<ul style="list-style-type: none"> <li>Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations</li> </ul>		X	
<ul style="list-style-type: none"> <li>New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer</li> </ul>		X	
<ul style="list-style-type: none"> <li>New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topography constraints provided that other practicable BMPs are employed</li> </ul>			X
<ul style="list-style-type: none"> <li>Draining a pond in a natural drainageway where a riparian protection area is established adjacent to the new channel</li> </ul>	X		
<b>Driveway crossings of streams and other surface waters subject to this section:</b>			
<ul style="list-style-type: none"> <li>Driveway crossings on single-family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer</li> </ul>	X		
<ul style="list-style-type: none"> <li>Driveway crossings on single-family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer</li> </ul>		X	
<ul style="list-style-type: none"> <li>In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>		X	

<ul style="list-style-type: none"> <li>In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>			X
Driveway impacts other than crossing of a stream or other surface waters subject to this section			X
<b>Fences:</b>			
<ul style="list-style-type: none"> <li>Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this section</li> </ul>	X		
<ul style="list-style-type: none"> <li>Fences provided that disturbance is minimized and installation results in removal of trees as defined in this section</li> </ul>		X	
Fertilizer application: One-time application to establish vegetation	X		
Grading and revegetation in Zone Two, provided that diffuse flow and the health of existing vegetation in Zone One is not compromised and disturbed areas are stabilized until they are revegetated	X		
Greenway/hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical		X	
<b>Historic preservation</b>	X		
Maintenance access on modified natural streams: A grassed travel way on one side of the waterbody when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading		X	
<b>Mining activities:</b>			
<ul style="list-style-type: none"> <li>Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of</li> </ul>		X	

subsections 30-1222(5)d. and 30-1222(5)e. of this section are established adjacent to the relocated channels			
<ul style="list-style-type: none"> <li>Mining activities that are not covered by the Mining Act or where new riparian buffers that meet the requirements of subsections 30-1222(5)d. and 30-1222(5)e. of this section are not established adjacent to the relocated channels</li> </ul>			X
<ul style="list-style-type: none"> <li>Wastewater or mining dewatering wells with approved NPDES permit</li> </ul>	X		
<b>Piping of a stream allowed under a permit issued by the United States Army Corps of Engineers</b>		X	
<b>Playground equipment:</b>			
<ul style="list-style-type: none"> <li>Playground equipment installed on lands other than single-family lots or that requires removal of vegetation</li> </ul>		X	
<b>Ponds created by impounding streams and not used as stormwater BMPs:</b>			
<ul style="list-style-type: none"> <li>New ponds provided that a riparian buffer that meets the requirements of subsections 30-1222(5)d. and 30-1222(5)e. of this section is established adjacent to the pond</li> </ul>		X	
<ul style="list-style-type: none"> <li>New ponds where a riparian buffer that meets the requirements of subsections 30-1222(5)d. and 30-1222(5)e. of this section is not established adjacent to the pond</li> </ul>			X
Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters subject to this section			X
<b>Railroad crossings of streams and other surface waters subject to this section:</b>			

<ul style="list-style-type: none"> <li>Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer</li> </ul>	X		
<ul style="list-style-type: none"> <li>Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>		X	
<ul style="list-style-type: none"> <li>Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>			X
<b>Recreational and accessory structures in Zone Two:</b>			
<ul style="list-style-type: none"> <li>Sheds and gazebos in Zone Two, provided they are not prohibited under local water supply ordinance:</li> </ul>			
<ul style="list-style-type: none"> <li>o Total footprint less than or equal to 150 square feet per lot</li> </ul>		X	
<ul style="list-style-type: none"> <li>o Total footprint greater than 150 square feet per lot</li> </ul>			X
<ul style="list-style-type: none"> <li>Wooden slatted decks and associated steps, provided the use meets the requirements of subsections 30-1222(5)d. and 30-1222(5)e. of this section:</li> </ul>			
<ul style="list-style-type: none"> <li>o Deck at least eight feet in height and no vegetation removed from Zone One</li> </ul>		X	
<ul style="list-style-type: none"> <li>o Deck less than eight feet in height or vegetation removed from Zone One</li> </ul>			X
Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored	X		
Road impacts other than crossings of streams and other surface waters subject to this section			X
<b>Road crossings of streams and other surface waters subject to this section:</b>			
<ul style="list-style-type: none"> <li>Road crossings that impact equal to or less than 40 linear feet of riparian buffer</li> </ul>	X		

<ul style="list-style-type: none"> <li>Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>		X	
<ul style="list-style-type: none"> <li>Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer</li> </ul>			X
<p><b>Road relocation:</b> Relocation of existing private access roads associated with public road projects where necessary for public safety:</p>			
<ul style="list-style-type: none"> <li>Less than or equal to 2,500 square feet of buffer impact</li> </ul>		X	
<ul style="list-style-type: none"> <li>Greater than 2,500 square feet of buffer impact</li> </ul>			X
<p><b>Stormwater BMPs:</b></p>			
<ul style="list-style-type: none"> <li>Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One</li> </ul>		X	
<ul style="list-style-type: none"> <li>Wet detention, bioretention, and constructed wetlands in Zone One</li> </ul>			X
<p>Scientific studies and stream gauging</p>	X		
<p>Streambank or shoreline stabilization</p>		X	
<p><b>Temporary roads,</b> provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years the restored buffer shall comply with the restoration criteria in subsection 30-1222(7)c.7. of this section:</p>			
<ul style="list-style-type: none"> <li>Less than or equal to 2,500 square feet of buffer disturbance</li> </ul>	X		
<ul style="list-style-type: none"> <li>Greater than 2,500 square feet of buffer disturbance</li> </ul>		X	

<ul style="list-style-type: none"> <li>Associated with culvert installation or bridge construction or replacement</li> </ul>		X	
<p><b>Temporary sediment and erosion control devices</b>, provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria in subsection 30-1222(7)c.7. of this section:</p>			
<ul style="list-style-type: none"> <li>In Zone Two provided groundcover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone One is not compromised, and runoff is released as diffuse flow in accordance with subsection 30-1222(5)e. of this section</li> </ul>	X		
<ul style="list-style-type: none"> <li>In Zones One and Two to control impacts associated with uses approved by Oak Ridge or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer</li> </ul>		X	
<ul style="list-style-type: none"> <li>In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act</li> </ul>	X		
<ul style="list-style-type: none"> <li>In-stream temporary erosion and sediment control measures for work within a stream channel</li> </ul>		X	
<p><b>Utility, electric, aerial, perpendicular crossings of stream and other surface waters</b> subject to this section<sup>2, 3, 5</sup>:</p>			
<ul style="list-style-type: none"> <li>Disturb equal to or less than 150 linear feet of riparian buffer</li> </ul>	X		
<ul style="list-style-type: none"> <li>Disturb greater than 150 linear feet of riparian buffer</li> </ul>		X	
<p><b>Utility, electric, aerial, other than perpendicular crossings</b><sup>5</sup>:</p>			
<ul style="list-style-type: none"> <li>Impacts in Zone Two</li> </ul>		X	

• Impacts in Zone One <sup>2,3</sup>			X
<b>Utility, electric, underground, perpendicular crossings</b> <sup>3,4,5</sup> :			
• Disturb less than or equal to 40 linear feet of riparian buffer	X		
• Disturb greater than 40 linear feet of riparian buffer		X	
<b>Utility, electric, underground, other than perpendicular crossings</b> <sup>4</sup> :			
• Impacts in Zone Two	X		
• Impacts in Zone One <sup>1</sup>	X		
<b>Utility, nonelectric, perpendicular crossings of streams and other surface waters</b> subject to this section <sup>3,5</sup> :			
• Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width	X		
• Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width		X	
• Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width		X	
• Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width			X
• Disturb greater than 150 linear feet of riparian buffer			X
<b>Utility, nonelectric, other than perpendicular crossings</b> <sup>4,5</sup> :			
• Impacts in Zone Two	X	X	
• Impacts in Zone One <sup>1</sup>			X

<b>Vegetation management:</b>			
• Emergency fire control measures provided that topography is restored	X		
• Mowing or harvesting of plant products in Zone Two	X		
• Planting vegetation to enhance the riparian buffer	X		
• Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	X		
• Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank	X		
• Removal of individual trees which are dead, diseased or damaged	X		
• Removal of poison ivy	X		
• Removal of invasive exotic vegetation as defined in: Smith, Cherri L. 1998, Exotic Plant Guidelines, Dept. of Environment and Natural Resources, Division of Parks and Recreation, Raleigh, NC. Guideline #30	X		
• Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten feet		X	
• Water-dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers		X	
<b>Water supply reservoirs:</b>			
• New reservoirs where a riparian buffer that meets the requirements of subsections 30-1222(5)d. and 30-1222(5)e. of this section is established adjacent to the reservoir		X	

<ul style="list-style-type: none"> <li>New reservoirs where a riparian buffer that meets the requirements of subsections 30-1222(5)d. and 30-1222(5)e. of this section is not established adjacent to the reservoir</li> </ul>			X
<b>Water wells:</b>			
<ul style="list-style-type: none"> <li>Single-family residential water wells</li> </ul>	X		
<ul style="list-style-type: none"> <li>All other water wells</li> </ul>		X	
<b>Wetland, stream and buffer restoration that results in impacts to the riparian buffers:</b>			
<ul style="list-style-type: none"> <li>Wetland, stream and buffer restoration that requires N.C. Division of Water Resources approval for the use of a 401 Water Quality Certification</li> </ul>	X		
<ul style="list-style-type: none"> <li>Wetland, stream and buffer restoration that does not require Division of Water Resources approval for the use of a 401 Water Quality Certification</li> </ul>		X	
Wildlife passage structures		X	

Notes:

\* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the requirements established in subsection 30-1222(6)c. of this section.

<sup>1</sup> Provided that:

- No heavy equipment is used in Zone One.
- Vegetation in undisturbed portions of the buffer is not compromised.
- Felled trees are removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps are removed only by grinding.
- At the completion of the project the disturbed area is stabilized with native vegetation.
- Zones One and Two meet the requirements of subsections 30-1222(5)d. and 30-1222(5)e.

2 Provided that, in Zone One, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the town, as defined in subsection 30-1222(7)a.

- A minimum zone of ten feet wide immediately adjacent to the waterbody shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
  - Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
  - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
  - Riprap shall not be used unless it is necessary to stabilize a tower.
  - No fertilizer shall be used other than a one-time application to re-establish vegetation.
  - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
  - Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
  - In wetlands, mats shall be utilized to minimize soil disturbance.
- 3 Provided that poles or aerial infrastructure shall not be installed within ten feet of a waterbody unless Oak Ridge completes a no practical alternative evaluation as defined in subsection 30-1222(7)a.
- 4 Provided that, in Zone One, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by Oak Ridge, as defined in subsection 30-1222(7)a.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
  - Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench where trees are cut.
  - Underground cables shall be installed by vibratory plow or trenching.
  - The trench shall be backfilled with the excavated soil material immediately following cable installation.
  - No fertilizer shall be used other than a one-time application to re-establish vegetation.
  - Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
  - Measures shall be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
  - In wetlands, mats shall be utilized to minimize soil disturbance.
- 5 Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.
- c. *Requirements for categories of uses.* Uses designated in subsection 30-1222(6)b. of this section as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:
1. *Exempt.* Uses designated as exempt are permissible without authorization by Oak Ridge provided that they adhere to the limitations of the activity as defined in subsection 30-1222(6)b. of this section, the Table of Uses. In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.
  2. *Allowable.* Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to subsection 30-1222(7)a. of this

section. This includes construction, monitoring, and maintenance activities. These uses require written authorization from the town.

3. *Allowable with mitigation.* Uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to subsection 30-1222(7)a. of this section and an appropriate mitigation strategy has been approved pursuant to subsection 30-1222(7)a. These uses require written authorization from the town.

(7) *Permits, procedures, requirements and approvals.*

a. *Determination of no practical alternatives/request for authorization certificate.*

1. Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a "no practical alternatives" determination to the town. The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives":
  - i. The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
  - ii. The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
  - iii. Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.
2. The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives":
  - i. The name, address and phone number of the applicant;
  - ii. The nature of the activity to be conducted by the applicant;
  - iii. The location of the activity, including the jurisdiction;
  - iv. A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
  - v. An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
  - vi. Plans for any best management practices proposed to be used to control the impacts associated with the activity.
3. Within 60 days of a submission that addresses subsection 30-1222(7)a.2., the town shall review the entire project and make a finding of fact as to whether the criteria in subsection 30-1222(7)a.1. of this section have been met. A finding of "no practical alternatives" shall result in issuance of an authorization certificate. Failure to act within 60 days shall be construed as a finding of "no practical alternatives" and an authorization certificate shall be issued to the applicant unless one of the following occurs:
  - i. The applicant agrees, in writing, to a longer period;
  - ii. The town determines that the applicant has failed to furnish requested information necessary to the town decision;
  - iii. The final decision is to be made pursuant to a public hearing; or

- iv. The applicant refuses access to its records or premises for the purpose of gathering information necessary to the town's decision.
  - 4. The town may attach conditions to the authorization certificate that support the purpose, spirit and intent of this section.
  - 5. Any appeals of determinations regarding authorization certificates shall be referred to the director of the Division of Water Resources, c/o the 401 Oversight Express Permitting Unit, or its successor. The director's decision is subject to review as provided in G.S. 150B arts. 3 and 4.
- b. *Variances.*
- 1. *Requirements for variances.* Persons who wish to undertake prohibited uses may pursue a variance. The town may grant minor variances. For major variances, the town shall prepare preliminary findings and submit them to the Division of Water Resources, 401 Oversight Express Permitting Unit, or its successor for approval by the environmental management commission. The variance request procedure shall be as follows:
    - i. For any variance request, the town shall make a finding of fact as to whether there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements. A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:
      - (A) If the applicant complies with the provisions of this section, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the town shall consider whether the variance is the minimum possible deviation from the terms of this section that shall make reasonable use of the property possible;
      - (B) The hardship results from application of this section to the property rather than from other factors such as deed restrictions or other hardship;
      - (C) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this section would not allow reasonable use of the property;
      - (D) The applicant did not cause the hardship by knowingly or unknowingly violating this section;
      - (E) The applicant did not purchase the property after the effective date of this section, and then request a variance; and
      - (F) The hardship is rare or unique to the applicant's property.
    - ii. The variance is in harmony with the general purpose and intent of the state's riparian buffer protection requirements and this section and preserves its spirit; and
    - iii. In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.
  - 2. *Minor variances.* A minor variance request pertains to activities that will impact only Zone Two of the riparian buffer. Minor variance requests shall be reviewed and approved based on the criteria in subsection 30-1222(7)a.1. through subsection 30-1222(7)a.3., by the town pursuant to G.S. 153A art. 18, or G.S. 160A art. 19. The town may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program. Request for appeals to decisions made by the town shall be made in writing to the director of the Division of Water Resources c/o the 401 Oversight Express Permitting Unit, or its successor. The director's decision

is subject to review as provided in G.S. 150B arts. 3 and 4. All areas outside of the Jordan Lake Watershed will be evaluated solely under the minor variance procedure except appeals 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.

3. *Major variances.* A major variance request pertains to activities that will impact any portion of Zone One or any portion of both Zones One and Two of the riparian buffer. If Oak Ridge has determined that a major variance request meets the requirements in subsection 30-1222(7)b.1., then it shall prepare a preliminary finding and submit it to the N.C. Environmental Management Commission c/o the Division of Water Resources, 401 Oversight Express Permitting Unit, or its successor, for approval. Within 90 days after receipt by Oak Ridge, the commission shall review preliminary findings on major variance requests and take one of the following actions: Approve, approve with conditions and stipulations, or deny the request. Appeals from a commission decision on a major variance request are made on judicial review to superior court.

c. *Mitigation.*

1. *This item shall apply to persons who wish to impact a riparian buffer in the Jordan Watershed when one of the following applies:*
  - i. A person has received an authorization certificate pursuant to subsection 30-1222(7)a. of this section for a proposed use that is designated as "allowable with mitigation"; or
  - ii. A person has received a variance pursuant to subsection 30-1222(7)b. of this section and is required to perform mitigation as a condition of a variance approval.

Mitigation is not required outside of the Jordan Watershed, still a finding of no practical alternatives and written authorization is required.

2. *Issuance of the mitigation approval.* Oak Ridge shall issue a mitigation approval upon determining that a proposal meets the requirements set out in ~~this section~~ Consolidated Buffer Mitigation Rule 15A NCAC 02B .0295. The approval shall identify at a minimum the option chosen, the required and proposed areas, and either the mitigation location or the offset payment amount as applicable.

- ~~3. *Options for meeting the mitigation requirement.* The mitigation requirement may be met through one of the following options:~~

- ~~i. Payment of a compensatory mitigation fee to the riparian buffer restoration fund pursuant to 15A NCAC 02B .0269 (Jordan Water Supply Nutrient Strategy: Riparian Buffer Mitigation Fees to the N.C. Ecosystem Enhancement Program) contingent upon acceptance of payments by the N.C. Ecosystem Enhancement Program, or to a private mitigation bank that complies with banking requirements of the U.S. Army Corps of Engineers, currently set out at <http://www.saw.usace.army.mil/WETLANDS/Mitigation/mitbanks.html> or from the U.S. Army Corps of Engineers, P.O. Box 1890, Wilmington, NC, 28402-1890, and the applicable trading criteria in Rule 15A NCAC 02B .0273;~~
- ~~ii. Donation of real property or of an interest in real property pursuant to subsection 30-1222(7)c.6 of this section; or~~
- ~~iii. Restoration or enhancement of a nonforested riparian buffer pursuant to the requirements of subsection 30-1222(7)c.7 of this section.~~

- ~~4. *The area of mitigation.* Oak Ridge shall determine the required area of mitigation, which shall apply to all mitigation options identified in subsection 30-1222(7)c.3 of this section and as further specified in the requirements for each option set out in this section, according to the following:~~

- ~~i. The impacts in square feet to each zone of the riparian buffer shall be determined by Oak Ridge by adding the following:
    - ~~(A) The area of the footprint of the use causing the impact to the riparian buffer;~~
    - ~~(B) The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and~~
    - ~~(C) The area of any ongoing maintenance corridors within the riparian buffer associated with the use.~~~~
  - ~~ii. The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in subsection 30-1222(7)c.4.i. of this section to each zone of the riparian buffer:
    - ~~(A) Impacts to Zone One of the riparian buffer shall be multiplied by three;~~
    - ~~(B) Impacts to Zone Two of the riparian buffer shall be multiplied by 1½; and~~
    - ~~(C) Impacts to wetlands within Zones One and Two of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.~~~~
- ~~5. *The location of mitigation.* For any option chosen, the mitigation effort shall be located within the same subwatershed of the Jordan Watershed, as defined in 15A NCAC 02B.0262, and the same distance from the Jordan Reservoir as the proposed impact, or closer to the reservoir than the impact, and as close to the location of the impact as feasible. Alternatively, the applicant may propose mitigation anywhere within the same subwatershed of the Jordan Watershed, as defined in 15A NCAC 02B.0262, provided that the mitigation proposal accounts for differences in delivery of nutrients to the affected arm of Jordan Reservoir resulting from differences between the locations of the buffer impact and mitigation. Additional location requirements for the property donation option are enumerated in subsection 30-1222(7)c.6.iii.(A) of this section.~~
- ~~6. *Donation of property.* Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:
  - ~~i. The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the riparian buffer restoration fund pursuant to 15A NCAC 02B.0269. The value of the property interest shall be determined by an appraisal performed in accordance with subsection 30-1222(7)c.6.iv.(D) of this section. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A NCAC 02B.0269, the applicant shall pay the remaining balance due.~~
  - ~~ii. The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.~~
  - ~~iii. Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:
    - ~~(A) In addition to the location requirements of subsection 30-1222(7)c.5. of this section, the property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals of, the Basinwide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin developed by N.C. Division of Water Resources pursuant to G.S. 143-214.10;~~~~~~

- ~~(B) The property shall contain riparian buffers not currently protected by the state's riparian buffer protection program that are in need of restoration as defined in subsection 30-1222(7)c.7.iv. of this section;~~
  - ~~(C) The restorable riparian buffer on the property shall have a minimum length of 1,000 linear feet along the surface water and a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water;~~
  - ~~(D) The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to subsection 30-1222(7)c.4. of this section;~~
  - ~~(E) Restoration shall not require removal of manmade structures or infrastructure;~~
  - ~~(F) The property shall be suitable to be successfully restored, based on existing hydrology, soils and vegetation;~~
  - ~~(G) The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;~~
  - ~~(H) The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;~~
  - ~~(I) The property shall not contain any hazardous substance or solid waste;~~
  - ~~(J) The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at the owner's expense in accordance with state and local health and safety regulations;~~
  - ~~(K) The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort; and~~
  - ~~(L) The property shall not have any encumbrances or conditions on the transfer of the property interests.~~
- ~~iv. At the expense of the applicant or donor, the following information shall be submitted to the town with any proposal for donations or dedications of interest in real property:~~
- ~~(A) Documentation that the property meets the requirements laid out in subsection 30-1222(7)c.6.iii. of this section;~~
  - ~~(B) U.S. Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements;~~
  - ~~(C) A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, 3620 Six Forks Road, Suite 300, Raleigh, North Carolina 27609;~~
  - ~~(D) A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the appraisal board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained~~

from the Appraisal Foundation, Publications Department, P.O. Box 96734, Washington, D.C. 20090-6734; and

(E) A title certificate.

7. ~~Riparian buffer restoration or enhancement. Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:~~

i. ~~The applicant may restore or enhance a nonforested riparian buffer if either of the following applies:~~

(A) ~~The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to subsection 30-1222(7)c.4. of this section;~~  
~~or~~

(B) ~~The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to subsection 30-1222(7)c.4. of this section.~~

ii. ~~The location of the riparian buffer restoration or enhancement shall comply with the requirements in subsection 30-1222(7)c.5. of this section;~~

iii. ~~The riparian buffer restoration or enhancement site shall have a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water;~~

iv. ~~Enhancement and restoration shall both have the objective of establishing a forested riparian buffer according to the requirements of this item. Enhancement shall be distinguished from restoration based on existing buffer conditions. Where existing trees are sparse, that is greater than or equal to 100 trees per acre but less than 200 trees per acre, a buffer may be enhanced. Where existing woody vegetation is absent, that is less than 100 trees per acre, a buffer may be restored;~~

v. ~~The applicant shall first receive an authorization certificate for the proposed use according to the requirements of subsection 30-1222(7)a. of this section. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the Town of Oak Ridge. The restoration or enhancement plan shall contain the following:~~

(A) ~~A map of the proposed restoration or enhancement site;~~

(B) ~~A vegetation plan. The vegetation plan shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acre at maturity;~~

(C) ~~A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer;~~

(D) ~~A fertilization plan; and~~

(E) ~~A schedule for implementation.~~

vi. ~~Within one year after the town has approved the restoration or enhancement plan, the applicant shall present proof to Oak Ridge that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of both the state's and the town's riparian buffer protection program;~~

vii. ~~The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions; and~~

viii. ~~The applicant shall submit annual reports for a period of five years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall~~

~~replace trees that do not survive and restore diffuse flow if needed during that five-year period.~~

(8) *Site inspections and enforcement.*

a. *Site inspections.*

1. Agents, officials, or other qualified persons authorized by the town may periodically inspect riparian buffers to ensure compliance with this section.
2. Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.
3. Authorized agents, officials or other qualified persons shall have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer. No person shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of Oak Ridge, while that person is inspecting or attempting to inspect a riparian buffer, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties. The town shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this section.
4. Any person engaged in new activities as defined by this section who fails to meet the requirements of this section shall be deemed in violation of this section and subject to enforcement actions under chapter 30, article V.

(9) *Definitions.* For the purpose of riparian area protection, these terms shall be defined as follows:

- a. "*Access trails*" means pedestrian trails constructed of pervious or impervious surfaces and related structures to access a surface water, including boardwalks, steps, rails, and signage.
- b. "*Airport facilities*" means all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases "air navigation facility", "airport", or "airport protection privileges" under G.S. 63-1; the definition of "aeronautical facilities" in G.S. 63-79(1); the phrase "airport facilities" as used in G.S. 159-48(b)(1); the phrase "aeronautical facilities" as defined in G.S. 159-81 and G.S. 159-97; and the phrase "airport facilities and improvements" as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: Airports, airport maintenance facilities, aeronautic industrial facilities that require direct access to the airfield, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities. Notwithstanding the foregoing, the following shall not be included in the definition of "airport facilities":
  1. Satellite parking facilities;
  2. Retail and commercial development outside of the terminal area, such as rental car facilities; and

3. Other secondary development, such as hotels, industrial facilities, freestanding offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of "airport facilities".
- c. "*Channel*" means a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.
  - d. "*DBH*" means diameter at breast height of a tree measured at 4.5 feet above ground surface level.
  - e. "*Development*" means the same as defined in Rule 15A NCAC 2B .0202(23).
  - f. "*Ditch*" or "*canal*" means a manmade channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial or intermittent streams.
  - g. "*Ephemeral stream*" means a feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent conveyance of water.
  - h. "*Greenway/hiking trail*" means pedestrian trails constructed of pervious or impervious surfaces and related structures including, but not limited to, boardwalks, steps, rails, and signage, and that generally run parallel to the shoreline.
  - i. "*High value tree*" means a tree that meets or exceeds the following standards: for pine species, 14-inch DBH or greater or 18-inch or greater stump diameter; or for hardwoods and wetland species, 16-inch DBH or greater or 24-inch or greater stump diameter.
  - j. "*Intermittent stream*" means 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 continuous conveyance of water.
  - k. "*Jordan Nutrient Strategy*" or "*Jordan Water Supply Nutrient Strategy*" means the set of Rules 15A NCAC 2B .0262 through .0273 and .0311(p).
  - l. "*Jordan Reservoir*" means the surface water impoundment operated by the U.S. Army Corps of Engineers and named B. Everett Jordan Reservoir, as further delineated for purposes of the Jordan nutrient strategy in Rule 15A NCAC 2B .0262(4).
  - m. "*Jordan Watershed*" means all lands and waters draining to B. Everett Jordan Reservoir.
  - n. "*Perennial stream*" means 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 continuous conveyance of water.
  - o. "*Perennial waterbody*" means a natural or manmade basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to preclude growth of rooted plants. For the purpose of the state's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).

- p. "*Shoreline stabilization*" is the in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads, or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete-lined channels, riprap, or gabions, while providing bank stabilization, shall not be considered stream restoration.
- q. "*Stream restoration*" is defined as the process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. "Referenced" or "referenced reach" means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.
- r. "*Stream*" means a body of concentrated flowing water in a natural low area or natural channel on the land surface.
- s. "*Stump diameter*" means the diameter of a tree measured at six inches above the ground surface level.
- t. "*Surface waters*" means all waters of the state as defined in G.S. 143-212 except underground waters.
- u. "*Tree*" means a woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.
- v. "*Temporary road*" means a road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.

(10) *Severability*. If any one or more sections or portions thereof of this chapter are held to be invalid or unenforceable, all other sections and portions thereof shall nevertheless continue in full force and effect.

(Ord. of 11-4-2010; Ord. of 8-2-2012)

Sec. 30-1223. - Stream channelization.

Perennial streams in [the] water supply district shall not be channelized without prior approval by the town council.

(Ord. of 11-4-2010)

Sec. 30-1224. - Activities regulated by other governmental agencies.

- (a) *Designated agencies*. The following are the designated agencies responsible for implementing the requirements of the water supply watershed protection rules as adopted by the state environmental management commission for the specified activity:
  - (1) *Agriculture*. Guilford Soil and Water Conservation District.
  - (2) *Silviculture*. North Carolina Division of Forest Resources.
- (b) *Transportation*. The state department of transportation shall comply with the practices outlined in its document entitled "Best Management Practices for the Protection of Surface Waters," which is incorporated by reference.

(c) *Hazardous materials.*

- (1) The county fire marshal and the county emergency management assistance agency are the designated management agencies responsible for implementing the provisions of this subsection pertaining to hazardous materials.
- (2) An inventory of all hazardous materials used and stored in the watershed shall be maintained. A spill/failure containment plan and appropriate safeguards against contamination are required. Waste minimization and appropriate recycling of materials is encouraged.
- (3) Properties in the GWA shall comply with the requirements of the following hazardous substances regulations if materials listed in the Superfund Amendments and Reauthorization Act (SARA) section 302 Extremely Hazardous Substances (42 USC 11000 et seq.), or section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) are stored or used on the site.

(Ord. of 11-4-2010)

Sec. 30-1225. - Variances.

(a) *General.*

- (1) Requests for stormwater management/watershed protection variances shall be submitted in writing on forms supplied by the governing jurisdiction and with a completed stormwater management/watershed development plan showing all pertinent information relative to the site in question. Information not shown on the stormwater management/watershed development plan or not presented in writing shall not be considered pertinent to the variance request.
- (2) For each request for a minor or major stormwater management/watershed variance, the stormwater administrator shall notify all other local governments having jurisdiction within the same water supply watershed or using the affected water supply for consumption. A comment period of at least 14 days shall be allowed before the town council hearing.
- (3) In granting variances the jurisdiction may require such conditions as will secure, insofar as practicable, the objectives of the requirements being modified.
- (4) The applicant must demonstrate hardship that the regulations impose on the property, not just apply for a waiver of the rules.
- (5) The applicant must submit a plan that demonstrates equal or better performance than the current regulations.
- (6) Before the governing body may grant a minor watershed variance or recommend approval to the state environmental management commission (EMC) for a major variance, it shall make the following three findings, 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 watershed requirements, and all of the following conditions exist:
    1. If the applicant complies with the provisions of this rule, the applicant can secure no reasonable return from, nor make reasonable use of the subject property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the EMC or stormwater administrator or designee shall consider whether the variance is the minimum possible deviation from the terms of the rule that shall make reasonable use of property possible.
    2. The hardship results from the application of the rule to the property rather than from other factors such as deed restrictions or other hardships.
    3. The hardship is due to the physical nature of the applicant's property, such as size, shape, or topography, which is different from that of neighboring properties.

4. The applicant did not cause the hardship by knowingly or unknowingly violating the rule.
  5. The applicant did not purchase the property after the effective date of the rule, and then request an appeal. The applicant is not precluded from a variance if a valid hardship is demonstrated.
  6. The hardship is unique 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 this article and preserves its spirit.
  - c. In the granting of the variance the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.
- (b) *Minor stormwater/watershed variances.* The town council is designated to approve minor stormwater management and watershed variances.
- (c) *Major stormwater/watershed variances.* The state environmental management commission (EMC) is designated to approve major stormwater management and watershed variances. The review process shall be the same as in subsection (b) above, except that the governing body shall make recommendations to the EMC. The variance application, hearing notices, and minutes from each committee and board review shall be forwarded to the EMC, which shall approve or deny the variance.

(Ord. of 11-4-2010)

Sec. 30-1226. - Watershed reporting.

- (a) *10/70 provision—Watershed reporting.* The watershed administrator shall keep records on the town's use of the provisions that a maximum of ten percent of the noncritical area of WS-III watersheds may be developed with new development at a maximum of 70 percent built-upon surface area. Records for each watershed shall include the total area of noncritical 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).
- (b) *Stormwater management/watershed variances.* The watershed administrator shall keep a record of all stormwater management/watershed variances. This record shall be submitted for each calendar year to the Division of Water Resources management on or before January 1st of the following year and shall provide a description of each project receiving a minor or major variance and the reasons for granting the variance.

(Ord. of 11-4-2010)

Secs. 30-1227—30-1255. - Reserved.

DIVISION 3. - NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM AND GENERAL WATERSHED AREAS<sup>51</sup>

Footnotes:

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**Editor's note**—An ordinance adopted Nov. 4, 2010, amended div. 3 in its entirety to read as herein set out. Former div. 3, §§ 30-1256 and 30-1257, pertained to similar subject matter and derived from: Ord. of Feb. 3, 2005, §§ 7-2.1, 7-2.2; and Ord. of Aug. 2, 2007, §§ 7-2.1, 7-2.2.

Sec. 30-1256. - National Pollutant Discharge Elimination System (NPDES).

- (a) *District boundaries.* The NPDES district covers all the territory encompassed in Oak Ridge, North Carolina.
- (b) *Maximum development density and minimum lot size.*
  - (1) All developments located in the NPDES nonwater supply district shall be limited to the maximum density and minimum lot size based upon the development's current zoning.
  - (2) All developments located in the NPDES water supply district shall follow the density and development requirements of the GWA Performance Tables.
- (c) *Performance standards.* The stormwater management/watershed development plan for any development covered by this section shall be prepared and submitted in accordance with the performance standards found in the NPDES Performance Standards Table below. The owner, developer, or person submitting the stormwater management/watershed development plan shall indicate which performance standard they have chosen for review and approval. Development that cumulatively disturbs less than one acre is exempt from the requirements of this section.

NPDES PERFORMANCE STANDARDS

District	Low-density Option	High-density Option <sup>a</sup>
NPDES, nonwater supply areas	2 DU/1 AC or; 0 - 24% BUA	Greater than 2 DU/1 AC; Greater than 24% BUA

<sup>a</sup> Development under the high-density option shall require an engineering statement by a registered professional engineer, with seal (subsection 30-1220(b)) certifying the control and treatment of the runoff from a one-inch rain and the discharge of the storage volume shall be equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

NOTES:

- (1) DU = dwelling unit(s); AC = acre; percentage (%) refers to built-upon area of the zone lot, parcel, or tract.
- (2) Single-family detached residential developments will be evaluated on the basis of dwelling units per acre.
- (3) All other residential and all nonresidential developments will be evaluated on the basis of built-upon area percentage.
- (d) *Runoff control.* When runoff control is required for development using the high-density option (see definition and the density and intensity limits for low-density and high-density options table in subsection 30-9(2)) the runoff control shall be by use of a best management practice meeting the performance standards of the following:
  - (1) Control and treat the runoff from the first one inch of rain.

- (2) Discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.
- (3) Remove an 85 percent average annual amount of total suspended solids and meet the guidelines in the latest edition of the County Water Quality Protection Manual.
- (4) Drawdown of treatment volume shall be no faster than 48 hours but no slower than 120 hours.

(Ord. of 11-4-2010)

Sec. 30-1257. - General watershed areas (GWA).

- (a) *GWA district boundaries.* The GWA district extends to the outer boundary of the watershed of a designated water supply reservoir or intake.
- (b) *Maximum development density and minimum lot size.* All developments in the GWA, not utilizing public sewer, shall be limited to the maximum density of 1 DU/1 acre and minimum lot size based upon the development's current zoning. The minimum required lot size shall not include the area in a special purpose lot used for off-site sewage treatment systems. Developments utilizing public sewer shall be limited to the maximum density shown in the GWA Performance Standards Table below and minimum lot size based upon the development's current zoning.
- (c) *Performance standards.* The watershed development plan for any development covered by this section shall be prepared and submitted in accordance with the performance standards found in the GWA Performance Standards Table below. The owner, developer, or person submitting the watershed development plan shall indicate which performance standard they have chosen for review and approval.

GWA PERFORMANCE STANDARDS

Watershed	Low-density Option	High-density Option <sup>a</sup> ;sup\sup;
WS - III Greensboro (Reedy Fork Creek)	2 DU/1 AC or 0 - 24% BUA	Greater than 2 DU/1 AC 24.01% - 50% BUA

<sup>a</sup> Development under the high-density option shall require engineering statement by a registered professional engineer, with seal (subsection 30-1220(b)) certifying the control and treatment of the runoff from a one-inch rain and the discharge of the storage volume shall be equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.

;sup\sup; Development cannot exceed 50 percent built-upon unless it is nonresidential development and has received an additional allocation option in compliance with subsection 30-1257(e)(2).

NOTES:

- (1) DU = dwelling unit(s); AC = acre; percentage (%) refers to built-upon area of the zone lot, parcel, or tract.
- (2) Single-family detached residential developments will be evaluated on the basis of dwelling units per acre.
- (3) All other residential and all nonresidential developments will be evaluated on the basis of built-upon area percentage.

- (d) *Runoff control.* When runoff control is required for development using the high-density option (see definition and the density and intensity limits for low-density and high-density options table in subsection 30-9(2)) the runoff control shall be by use of a best management practice meeting the performance standards of the following:
  - (1) Control and treat the runoff from the first one inch of rain.
  - (2) Discharge the storage volume at a rate equal to or less than the predevelopment discharge rate for the one-year, 24-hour storm.
  - (3) Remove an 85 percent average annual amount of total suspended solids and meet the guidelines in the latest edition of the County Water Quality Protection Manual.
  - (4) Drawdown of treatment volume shall be no faster than 48 hours but no slower than 120 hours.
- (e) *GWA—Watershed classification WS-III.*
  - (1) *Built-upon area limit.* Development shall not exceed 50 percent built-upon area.
  - (2) *10/70 option for nonresidential.*
    - a. Ten percent of the local jurisdiction's portion of a WS-III GWA, as delineated on July 1, 1993, may be developed with new nonresidential development at up to 70 percent built-upon area.
    - b. Allocation shall be made on a first come, first served basis. When a building permit for the site is issued or the subdivision plat for a development is recorded, an allocation shall be assigned. Expiration of a building permit shall terminate the allocation under this section.
    - c. Developments using this option shall provide an engineer's statement of runoff control for control of the runoff from a one-inch rainfall and for a one-year, 24-hour storm event.
  - (3) *Prohibited uses.* No new discharging landfills.

~~Sec. 30-1258. Jordan Lake Watershed area.~~

- ~~(a) *General.* Beginning with and subsequent to its effective date, this section shall be applicable to all development and redevelopment in the Jordan Lake Watershed, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to this section.~~
- ~~(b) *Exemptions.*~~
  - ~~(1) Development in Jordan Lake Watershed that cumulatively disturbs less than one acre for single-family, duplex residential property and recreational facilities and less than one-half acre for commercial, industrial, institutional, multifamily residential, or local government property and is not part of a larger common plan of development, redevelopment or sale is exempt from the nutrient loading requirements of the water quality control provisions of this section.~~
  - ~~(2) Development that cumulatively disturbs less than the thresholds mentioned above is not exempt if such activities are part of a larger common plan of development, redevelopment or sale, even though multiple, separate or distinct activities take place at different times on different schedules.~~
  - ~~(3) Development that is exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt.~~
- ~~(c) New development and redevelopment within the Jordan Lake Watershed Districts is subject to nutrient loading requirements. The load accounting tool approved by the Division of Water Resources shall be used to determine the predevelopment and postdevelopment nutrient-loading rates of the new development and the required engineered stormwater controls to achieve the loading requirements set within this section.~~
  - ~~(1) Nutrient loading contributed by new development shall not exceed 3.8 pounds per acre per year for nitrogen and 1.43 pounds per acre per year for phosphorus, except as provided below. In~~

cases where the postdevelopment loading targets estimated by the tool exceed the rate targets above, both of the following measures shall be taken:

a. ~~On site engineering stormwater controls.~~ On site stormwater controls shall achieve a loading rate for nitrogen that does not exceed six pounds per acre per year for single family detached and duplex residential development and ten pounds per acre per year for other development including multifamily residential, commercial and industrial.

b. ~~Off site management measures.~~ Off site measures include utilizing a private mitigation bank or other method approved by the Division of Water Resources. Off site management measures shall be used to offset the difference between the postdevelopment nitrogen and phosphorus loading rates, as determined by the tool, and the target rates of 3.8 pounds per acre per year for nitrogen and 1.43 pounds per acre per year for phosphorus.

(2) ~~Proposed new development that replaces or expands structures or improvements that legally existed after December 1, 2001, and results in a net increase in built-upon area shall meet one of the following requirements:~~

a. ~~The postdevelopment nutrient loading rates for nitrogen and phosphorous, as determined by the tool for the entire site, are eight percent less for nitrogen and five percent less for phosphorus than the predevelopment nutrient loading rates.~~

b. ~~The entire site meets the loading targets set in subsection (c)(1) above.~~

(Ord. of 8-2-2012)

Secs. 30-1259—30-1287. - Reserved.

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## APPENDIX A - STREET NAME AND ADDRESS ASSIGNMENT STANDARDS

### A-1. ~~Purpose and authority.~~

~~The purpose of the Oak Ridge Street Address Assignment Standards is to provide for the orderly assignment of street addresses to protect the safety of the general public by facilitating the finding of individual dwellings and businesses for the delivery of public and private goods and services. The planning department is the only agency with the authority to assign or modify street addresses within its jurisdiction.~~

### A-2. ~~Street address system.~~

#### ~~A-2-1. Establishment of grid system.~~

(1) ~~From Greensboro.~~ Elm Street and Market Street are the baselines used in numbering a street in a north/south or east/west direction. Streets running north and south from Market Street shall be numbered starting with the 100 block. Streets running east and west from Elm Street shall be numbered starting with the 100 block.

(2) ~~From High Point.~~ Main Street and the Southern Railroad tracks are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from the Southern Railroad tracks shall be numbered starting with the 100 block. Streets running east and west from Main Street shall be numbered starting with the 100 block.

#### ~~A-2-2. Odd-even numbers.~~

~~(1) From Greensboro. Going north and south from Elm Street and east and west from Market Street, even addresses will be on the right hand side of the street while odd addresses will be on the left hand side of the street.~~

~~(2) From High Point. Going north and south from Main Street and east and west from the Southern Railroad tracks, even addresses will be on the right hand side of the street while odd addresses will be on the left hand side of the street.~~

~~A-2-3. Vacant properties. Because there is no way of determining how many structures will eventually be built on vacant land within a block, any system which attempts to number structures consecutively does not provide the flexibility to accommodate change. A street number is assigned for each 100 feet of lot frontage.~~

~~A-2-4. Corner lot. Corner lots are assigned two numbers since the unit could face either street. The owner or developer shall be assigned the street address that accommodates the front entrance of the structure, at the time of permit application.~~

~~A-2-5. Street address assignment.~~

~~(1) Primary address. Each unit of property will be assigned a primary address. Primary addresses will consist of up to four numerals, and will be determined by the block in which the property is located. The determination of block length will be by each municipality. Single family structures (attached or detached) and townhouses are assigned individual street numbers for each unit.~~

~~(2) Secondary address.~~

~~a. Multifamily dwellings. Apartment, twin homes, duplexes, and condominiums are assigned secondary addresses. The secondary address will include the primary address followed by a dash and a number and/or letter. An example would be "1621-A Smith Street" with "1621" being the primary address and "A" being the secondary address. The first unit on the first floor would be addresses "1621-1A Smith Street; the second floor "1621-2A Smith Street"; etc.~~

~~b. Nonresidential buildings. Office, commercial and industrial buildings with more than one tenant are also assigned secondary addresses. The designation of the address will be according to the individual jurisdiction only when sufficient numbers are not available or common exterior drives are used. The secondary address will include the primary address followed by a suite number. The first unit on the first floor would be addressed "1621 Smith Street, Suite 101," the second floor "1621 Smith Street, Suite 201," etc.~~

~~(3) Timing. Addresses are assigned following preliminary plat or site plan approval for single family attached or cluster developments, townhouses and condominiums and nonresidential group development. Approval of a final plat is required for conventional single family developments before numbers are assigned and building permits issued. The enforcement officer is furnished with an approved plat or site plan on which to assign addresses. The plat or site plan will be kept on file in the planning department.~~

~~A-3. Posting of addresses.~~

~~Posting of addresses by the property owner shall be as per street address ordinance adopted April 16, 1984. Only digits to be used in the number as opposed to script.~~

~~A-4. Change of existing address.~~

~~In assigning new addresses, as few existing addresses as possible will be changed.~~

~~A-4-1. Reason for change. Existing addresses may be changed for just cause. Examples of just cause are:~~

~~(1) Area where no addresses were left for vacant lots.~~

~~(2) Street name change approved by planning and zoning board.~~

- ~~(3) Person unknowingly using the wrong address.~~
- ~~(4) Change from rural route and box number to urban street address number.~~
- ~~(5) Street address number series presently in use is incorrect and misleading.~~

~~A-4-2. Notification. The planning department will notify all necessary local government departments, utility service companies and the U.S. Postal Service of any new assignment or change in street address.~~

~~A-5. - Alphabet not used.~~

~~The letters "I" and "O" will not be used in street addresses.~~

~~A-6. - Street names.~~

~~The developer shall submit names for new streets contained within proposed developments. The planning department shall approve all street names with right of appeal to the planning and zoning board. Proposed streets obviously in alignment with existing streets shall be given the same name. In no other case shall the name of proposed streets duplicate existing street names. The proposed name shall not be phonetically similar to existing names irrespective of suffix.~~

~~A-7. - Street name prefix and suffix.~~

~~A-7-1. Prefixes.~~

- ~~(1) The prefix "North" shall be used for the northern portion of roadways having the same name. (According to each users grid system.)~~
- ~~(2) The prefix "South" shall be used for the southern portion of roadways having the same name. (According to each users grid system.)~~
- ~~(3) The prefix "East" shall be used for the eastern portion of roadways having the same name. (According to each users grid system.)~~
- ~~(4) The prefix "West" shall be used for the western portion of roadways having the same name. (According to each users grid system.)~~
- ~~(5) The prefix "N.C. Highway" shall be used for all State numbered routes or roadways.~~
- ~~(6) The prefix "U.S. Highway" shall be used for all Federal numbered routes or roadways (excluding those on Interstate System).~~
- ~~(7) The prefix "Interstate Highway" shall be used for all Federal numbered routes or roadways on the Interstate System.~~

~~A-7-2. Suffixes.~~

- ~~(1) The suffix "Street" shall be used for roadways running generally in a north-south direction or parallel to the base line for the grid system.~~
- ~~(2) The suffix "Avenue" shall be used for roadways running generally in a east-west direction or parallel to the base line for the grid system depending on the individual user policy.~~
- ~~(3) The suffix "Drive," "Trail," and "Trace" shall be used for roadways which follow a wandering alignment in different directions and/or intersect both street" and "avenue" and generally have scenic attractiveness.~~
- ~~(4) The suffix "Road" shall be used for roadways running generally in a diagonal direction and/or connecting urban areas.~~
- ~~(5) The suffix "Boulevard" and "Parkway" shall be used for divided roadways, the sides of which are separated by a park or open median strip for their main extent.~~

- ~~(6) The suffix "Terrace," "Point," "Cove," "Dale," or "Way" shall be used for short roadways with an exit from one end only (dead end) with no potential for extension.~~
- ~~(7) The suffix "Court" shall be used for cul-de-sacs.~~
- ~~(8) The suffix "Circle" shall be used for short roadways that are circular or semi-circular in form and intersect the roadways from which they emanate at two different places.~~
- ~~(9) The suffix "Place" or "Lane" shall be used for short roadways generally not over a block in length (exit from both ends) with no regard to predominant direction. (Guilford County uses "Lane" only for private lanes as defined by this chapter.)~~
- ~~(10) The suffix "Alley" shall be used for short roadways of substandard width as between buildings or at the rear of property, generally used for service.~~
- ~~(11) No suffix shall be used for roadways which bears a name which in actuality is a suffix designation (i.e., Parkway or Boulevard).~~

#### ~~A-8. - Street name signs.~~

~~For new public streets, private streets, and private lanes, street name signs and traffic control signs shall be installed to standards found in subsections (p) and (q) of section 30-860.~~

#### A-1. - PURPOSE

The purpose of the Oak Ridge Street Name and Address Assignment Standards is to provide for the orderly assignment of street addresses to protect the safety of the general public and to facilitate the finding of individual dwellings and businesses for the delivery of public and private goods and services, including but not limited to timely emergency response.

#### A-2. - AUTHORITY

The Town Manager shall appoint a person to be the Address Ordinance Administrator. The Address Administrator shall have authority for administration and coordination of this ordinance including enforcement. The Address Administrator will have the overall responsibility to verify, modify or assign addresses and to enforce the requirements of this ordinance, and shall possess discretionary authority permitting minor variances from the provisions of this Ordinance when necessary to ensure public health, safety, and general welfare.

#### A-3. - STREET ADDRESS SYSTEM

##### A-3-1. - Establishment of Grid System.

From Greensboro: Elm Street and Market Street are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from Market Street shall be numbered starting with the 100 block. Streets running east and west from Elm Street shall be numbered starting with the 100 block.

##### A-3-2. - Odd-Even Numbers.

From Greensboro: Going north and south from Elm Street and east and west from Market Street, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.

##### A-3-3. - Numbering System.

- (A) Primary addresses will consist of up to four (4) numerals, and will be determined by the block in which the property is located. The determination of block length shall be made by the Address Administrator.
- (B) Addresses will be established as whole numbers and will not have fractions or decimals of a number.
- (C) The letters "I" and "O" will not be used in street addresses because of their close appearance to the numbers "1" and "0".
- (D) Only digits shall be used in the number as opposed to script.

#### A-4. - STREET ADDRESS ASSIGNMENT

##### A-4-1. - Residential.

Single-Family Dwellings including Townhouses: Each unit of property will be assigned a primary address. An accessory dwelling will be assigned a secondary address. The secondary address will include the primary followed by a dash and the letter "A". For example: "1621-A Smith Street" with "1621" being the primary and "A" being the secondary. Townhouses are assigned a primary address for each unit.

Multi-Family and Two-Family Dwellings: Apartments, twin homes, duplexes, and condominiums are assigned a primary address for each structure and a secondary address for each dwelling unit. The secondary address for a single-story structure will include the primary followed by a dash and a letter. An example would be "1621-A Smith Street" with "1621" being the primary address and "A" being the secondary address. The secondary address for a multi-story structure on the first floor would include the primary followed by a dash and a letter. An example would be "1621-A". The first unit on the second floor would include the primary followed by a dash, a number and a letter. An example would be "1621-2A"; etc. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Address Administrator approval.

Mobile Home Parks: Each mobile home within Mobile Home Parks shall be assigned a primary address. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Address Administrator approval.

##### A-4-2. - Commercial.

Office, commercial and industrial buildings are assigned a primary address for each building and a secondary for each tenant space. The secondary address for a single-story structure will include the primary followed by a dash and a letter. An example would be "1621-A Smith Street" with "1621" being the primary address and "A" being the secondary address. The secondary address for a multi-story structure on the first floor would include the primary followed by a dash and a letter. An example would be "1621-A". The first unit on the second floor would include the primary followed by a dash, a number and a letter. An example would be "1621-2A"; etc. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Address Administrator approval.

##### A-4-3. - Public and Institutional.

###### (A) Schools.

1. Elementary and Secondary schools generally are assigned one primary address.
2. College and Universities generally are assigned a primary address for each building. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Address Administrator approval.

###### (B) Hospitals.

1. Hospitals and large medical complexes generally are assigned a primary address for each building. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Address Administrator approval.

#### (C) Parks.

1. Parks generally are assigned a primary address for each principal activity cluster. Internal signage shall be used for directing traffic, including emergency personnel. Internal drives may be required to be named and recorded by plat map in the public registry. Addresses may be assigned from internal drives depending on the size of the complex and subject to Address Administrator approval.

#### A-4-4. - Corner Lot.

Corner lots are assigned two (2) numbers since the structure could face either street. The owner or developer generally shall be assigned the street address that coincides with the primary access to the property, at the time of permit application, unless the Address Administrator determines such assignment to be confusing or misleading based on structure location and orientation or property size and configuration. In such cases, the administrator can assign an address that accommodates the front entrance of the structure.

#### A-4-5. - Lots with Multiple Frontages.

The Address Administrator shall assign an address for lots with multiple frontages after considering access location(s), primary structure location, lot size, and lot configuration.

#### A-4-6. - Vacant Properties.

Because there is no way of determining how many structures will eventually be built on vacant land within a block, any system which attempts to number structures consecutively does not provide the flexibility to accommodate change. A street number generally is reserved for each one hundred (100) feet of lot frontage. Address assignment shall occur concurrent with issuance of a development permit.

#### A-4-7. - Timing.

Addresses are assigned following preliminary plat or site plan approval for single family attached or cluster developments, townhouses, condominiums and nonresidential group development. A final plat approval is required for conventional, detached, single family developments before official numbers are assigned and building permits issued. The Address Administrator shall be furnished with an approved plat or site plan on which to assign addresses. The plat or site plan will be kept on file in the Planning Department.

#### A-4-8. - Posting.

Posting of addresses by the property owner shall be as per A-9.

#### A-5. - CHANGE OF EXISTING ADDRESS

In re-assigning addresses, as few existing addresses as possible will be changed.

#### A-5-1. - Reason for Change.

Existing addresses may be changed for just cause. Examples of just cause are:

- (A) Area where no addresses were left for vacant lot(s) or new development.

- (B) Street name change approved by Town Council.
- (C) Person unknowingly using the wrong address.
- (D) Street address number series presently in use is incorrect and misleading.

A-5-2. - Notification.

The Address Administrator will notify the property owner, all necessary local government departments, utility service companies and the U.S. Postal Service of any change in existing street addresses.

A-6. - STREET NAMES

A-6-1. - Name Submittal and Approval.

The Address Administrator shall approve all street names with right of appeal to the Planning and Zoning Board.

- (A) The developer shall submit names on a sketch plan or preliminary plat for new streets contained within proposed developments. Proposed names shall be reserved once approved per Section A-6-2.
- (B) Property owners affected by a Change of Existing Street Name shall submit names according to Section A-8. Proposed names shall be reserved once approved per Section A-6-2.

A-6-2. - General Requirements.

- (A) The proposed name shall not duplicate or be phonetically similar to existing street names irrespective of the suffix. Refer to Section A-6-3 for exceptions.
- (B) The use of complicated words or unconventional spellings shall be prohibited.
- (C) No symbols can be included in a name (for example; "#", "&", hyphens, decimals, periods, apostrophes, etc.).
- (D) The word "and" is prohibited from use in order to avoid confusion.
- (E) Any names considered discriminatory, exclusionary in nature, or deemed inappropriate shall be prohibited.
- (F) Use of initials shall be prohibited.

A-6-3. - Street Naming.

- (A) It is acceptable for two streets to bear the same name provided the streets intersect and have different suffixes. A different block range shall be used for the intersecting streets when possible.
- (B) Proposed streets obviously in alignment with existing streets shall bear the same name and the suffix shall be in accordance with section A-6-5.
- (C) Proposed streets that may align in the future, but do not at the time of such development, shall not bear the same name. At such time the streets are connected, the street with the least amount of property owners will be renamed and affected properties readdressed so that the previously unconnected streets bear the same name. Notification concerning the potential for future readdressing shall be placed on the recorded plat when known.
- (D) Two opposing cul-de-sacs with lengths of less than 800 feet that are separated by a four-way intersection shall bear different street names and use the suffix "Court".

- (E) Two opposing cul-de-sacs or permanent dead-ends separated by a three-way intersection shall bear the same name with the suffix "Terrace", "Point", "Cove", "Dale", or "Way." The use of "Court" shall be prohibited per Section A-6-5.
- (F) A proposed street obviously in alignment with another proposed street shall bear the same name; the suffix shall be in accordance with section A-6-5.
- (G) A proposed street ending in a cul-de-sac that is greater than 800 feet in length shall bear the suffix in accordance with section A-6-5.
- (H) Offset Intersections and Split Routes or "dog-legs" shall be treated as separate streets with different names and numbering to preserve the integrity and continuity of the number system.

#### A-6-4. - Prefixes.

Prefixes shall not be used in the street name but may be used for directional purposes with the approval of the Address Administrator based on the following standards.

- (A) The prefix "North" shall be used for the northern portion of roadways having the same name. (According to each user's grid system.)
- (B) The prefix "South" shall be used for the southern portion of roadways having the same name. (According to each user's grid system.)
- (C) The prefix "East" shall be used for the eastern portion of roadways having the same name. (According to each user's grid system.)
- (D) The prefix "West" shall be used for the western portion of roadways having the same name. (According to each user's grid system.)
- (E) The prefix "N.C. Highway" shall be used for all State numbered routes or roadways.
- (F) The prefix "U.S. Highway" shall be used for all Federal numbered routes or roadways (excluding those on Interstate System).
- (G) The prefix "Interstate Highway" shall be used for all Federal numbered routes or roadways on the Interstate System.

#### A-6-5. - Suffixes.

Suffixes, including directional suffixes, shall not be used in the street name, (i.e. Ridge Lane Way). Suffixes shall be used based on the following standards.

- (A) The suffix "Street" shall be used for roadways running generally in a north-south direction or parallel to the base line for the grid system.
- (B) The suffix "Avenue" shall be used for roadways running generally in an east-west direction or parallel to the base line for the grid system depending on the individual user policy.
- (C) The suffix "Drive," "Trail," and "Trace" shall be used for roadways which follow a wandering alignment in different directions and/or intersect both street" and "avenue" and generally have scenic attractiveness.
- (D) The suffix "Road" shall be used for roadways running generally in a diagonal direction and/or connecting urban areas.
- (E) The suffix "Boulevard" and "Parkway" shall be used for divided roadways, the sides of which are separated by a park or open median strip for their main extent with limited direct access.
- (F) The suffix "Terrace", "Point", "Cove", "Dale", or "Way" shall be used for short roadways with an exit from one end only (dead end) with no potential for extension.
- (G) The suffix "Court" shall be used for a single cul-de-sac less than eight hundred (800) feet in length with no intersecting side streets and not intended to be extended in the future.

- (H) The suffix "Circle" shall be used for short roadways that are circular or semi-circular in form and intersect the roadways from which they emanate at two different places.
- (I) The suffix "Place" or "Lane" shall be used for short roadways generally not over a block in length with no regard to predominant direction. (Guilford County uses "Lane" only for Private Lanes as defined by this Ordinance.)
- (J) The suffix "Alley" shall be used for short roadways of substandard width as between buildings or at the rear of property, generally used for service.

**A-7. - STREET SIGNS**

For new public streets, private streets, and private lanes, street name signs and traffic control signs shall be installed to standards found in Section 30-860(q).

**A-8. - CHANGE OF EXISTING STREET NAME**

**A-8-1. - Reason for Change.**

Existing street names may be changed for just cause. Examples of just cause are:

(A) Voluntary Petition. Petitions for street name changes shall be submitted in writing for consideration by the Oak Ridge Planning and Zoning Board and Town Council. Valid petitions shall:

1. Be submitted on the proper form as furnished by the Town of Oak Ridge;
2. Include any required fees;
3. Be signed by a minimum of 51% of the property owners along said street; in cases where a property has multiple landowners and the property is being used to achieve the required percentage of owner signatures, each landowners signature is required but only counts as one signature on the petition;
4. Propose a new street name described in A-6 of this Section.

Following receipt of a petition for street name change, the Planning Department shall confer with County Emergency Service Agencies for comment on the proposed change.

(B) Initiated by Government Action. In the event government sponsored or initiated action creates a situation that reasonably could be perceived to jeopardize the public's health, safety, or general welfare by impeding timely emergency response, a written request to change the street name shall be submitted for consideration by the Oak Ridge Planning and Zoning Board and Town Council. Such requests shall:

1. Be submitted on the proper form as furnished by the Town of Oak Ridge;
2. Include any required fees;
3. Propose a new street name consistent with standards set forth in A-6 of this Section. Reasonable effort shall be made to seek input concerning the new street name from affected residents and property owners prior to the requisite public hearing;
4. Include a letter of support outlining the perceived threats to the public's health, safety, or general welfare from a recognized public agency. It shall be the responsibility of the petitioner and/or the supporting public agency to provide ancillary documentation and testimony during the requisite public hearing.

Following receipt of a petition for street name change, the Planning Department shall confer with County Emergency Service agencies for comment on the proposed change.

(C) Government Initiated To Secure the Public's Health, Safety and General Welfare. In the event an existing street name has jeopardized the public's health, safety, or general welfare by impeding timely emergency response, or in the event an existing street name reasonably could be perceived to jeopardize the public's health, safety, or general welfare by impeding timely emergency response, a written request to change the street name shall be submitted for consideration by the Town of Oak Ridge Planning and Zoning Board and Town Council. Such requests shall:

1. Be submitted on the proper form as furnished by the Town of Oak Ridge;
2. Include any required fees;
3. Propose a new street name consistent with standards set forth in A-6 of this Section. Reasonable effort shall be made to seek input concerning the new street name from affected residents and property owners prior to the requisite public hearing;
4. Include a letter of support outlining the real or perceived threats to the public's health, safety, or general welfare from a recognized public safety agency. It shall be the responsibility of the petitioner and/or the supporting public agency to provide ancillary documentation and testimony during the requisite public hearing.

Following receipt of a petition for street name change, the Planning Department shall confer with County Emergency Service agencies for comment on the proposed change.

#### A-9. - POSTING STANDARDS.

##### A-9-1. - Assigned Address Number to be Posted; Standards.

(A) Timing. Immediately following the issuance of a building permit, the assigned address shall be posted on the property in a manner visible from the road. The building inspector shall not issue a final certificate of compliance or a final certification of occupancy until the assigned number is posted in accordance with this section. A temporary certificate of compliance or temporary certification of occupancy may be issued for a structure that does not post the proper size address number, as required in Section (B)2.b. below, provided that the structure is posted with address numbers/letters in a manner that clearly identifies the address. The temporary numbers/letters shall be acceptable to the building and fire inspector and shall be a minimum of six inches in height and in contrasting colors to the building. The temporary numbers/letters may be required to be posted in multiple locations to enhance visibility and shall not be posted for more than 60 days before replacement with permanent numbers/letters.

Within 90 days after written notice by the Planning Department, on behalf of the Planning and Zoning Board, of the change of address to a residential or non-residential structure, the owner or occupant of such property shall be required to post the address so assigned in an approved area on such property in accordance with the requirements of this section. Property previously assigned an address and in compliance with the regulations pertaining to address posting at the time of adoption of this Article shall not be required to comply with this Article unless the Planning Department provides written notification to the property owner that the address as posted has or may cause a delay in emergency service response. If so notified, the property owner shall have 90 days to comply with the provisions of this Article.

(B) Minimum height, placement, visibility of numbers.

1. Single-family residential, townhouses and mobile home parks.
  - a. The minimum height of the posted address shall not be less than three (3) inches high.
  - b. The posted address shall be maintained within a three (3) foot perimeter of the front entrance or on the structure in a manner that is visible and readable from the road on which the

address is assigned. If the structure is not visible from the road on which the address is assigned or the lot on which the building is located is landscaped such that the numbers cannot be seen from the public road, the assigned address shall also be posted on the property or near the property line at a driveway or access to the structure from the road on which the address is assigned.

c. In the event that two structures share a driveway and the structures are not visible from the road on which the address is assigned, the addresses shall also be posted where the driveway splits.

2. Multi-family, Two-family residential and all non-residential.

a. Structures and/or address markers located less than one hundred (100) feet from the road on which the address is assigned shall display the assigned address with numbers/letters no less than six (6) inches high for primary and secondary address numbers/letters.

b. Structures located more than one hundred (100) feet from the road on which the address is assigned shall display the assigned address with numbers/letters no less than twelve (12) inches high for primary and secondary address numbers/letters and shall also post the address no less than six (6) inches high on the property at the road on which the address is assigned.

c. Address postings on the structure shall be placed either in the approximate center of the structure or on the structure in a manner that makes it visible and readable from either the road or from the parking lot which serves the building.

d. Where multiple addresses are assigned to a single property, the address range for the property shall be depicted on a single post, development entrance sign, or other permitted sign.

(C) Color. The address number shall be in a contrasting color to the color scheme of the structure on which it is placed so that it is clearly visible and shall be maintained in a clearly visible manner.

(D) Maintenance. Following the posting of the assigned address, as required, the owner or occupant shall maintain the posted address at all times in compliance with this section. The posted address shall not be obstructed from view by shrubs or vegetation as viewed from the public road.

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EXISTING APPENDIX D TO BE REPLACED WITH THE FOLLOWING:

APPENDIX D - DECISION AND APPEALS CHART<sup>11</sup>

DECISION MAKERS

Decision On A...	Enforcement Officer	Historic Preservation Commission	Planning & Zoning Board	Board of Adjustment	Town Council
Minor Subdivision Plat (Two or fewer lots)	D	□□□□	D	□□□□	D

All Other Subdivision Plats			D	□□□□	D
Minor Site Plan (600 square feet or less)	D	□□□□	D	□□□□	D
All Other Site Plans			D	□□□□	D
Zoning Boundary (Rezoning)			R	■	D
Historic District Designation		R	R	■	D
Certificate of Appropriateness		D	□□□□	D	
Floodplain Boundary	D	□□□□	□□□□	D	
Floodplain Development Permit	D	□□□□	□□□□	D	
Building, Sign, Use/Location Permit	D	□□□□	□□□□	D	
Grading Permit	D	□□□□	D	□□□□	D
Special Use Permit					D
Erosion and Sedimentation Control Plan	D	□□□□	D	□□□□	D
Watershed Development Plan	D	□□□□	D	□□□□	D

Development Ordinance Text Amendment			R	█	D
Historic District Text Amendment		R	R	█	D
Street Address	D	□□□□	□□□□	D	
Street Name	D	□□□□	D	□□□□	D
Enforcement Officer Decision	D	□□□□	□□□□	D	
Enforcement Officer Interpretation	D	□□□□	□□□□	D	
Zoning Variance				D	
Subdivision Waiver			D	□□□□	D
Minor Watershed Variance			R	█	D
Major Watershed Variance			R	█	R#
Zoning Vested Right			R	█	D
Land Use Plans			R	█	D
Other Plans Not Specified			R	█	D

Legend:

R = Recommendation Made & Forwarded.

■■■■ = Route of Recommendation.

D = Final Decision Made.

□□□□ = Route of Appeal.

# Authority to grant major modifications rests with the North Carolina Environmental Management Commission (EMC). The recommendations of the local Boards and Committees shall be forwarded to the EMC for Review.

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Sec. 35-1. - Nuisances prohibited; enumeration.

The following enumerated and described conditions are found, deemed and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town of Oak Ridge and are found, deemed and declared to be public nuisances wherever the same may exist, and the creation, maintenance, or failure to abate any nuisance is hereby declared unlawful:

- (1) Any condition which constitutes or may become a breeding ground or harbor for rats, mosquitoes, harmful insects, or other pests.
- (2) A place of dense growth of weeds or other noxious vegetation over 12 inches in height within the boundaries of any lot or parcel with residential or commercial development except for:
  - a. Active farming or agricultural use; and
  - b. Those lands dedicated and accepted by the town as floodplain and open space which are established in order to preserve natural greenways and/or natural connecting networks along floodways, streams and creeks.
- (3) Any concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature, maintained other than for reasonable trash disposal or reasonable business purpose.
- (4) An open collection of garbage, food wastes, or any other rotten or putrescible matter of any kind.
- (5) Any furniture, appliances, or metal products of any kind or nature maintained in a manner unsecured against unauthorized use having sharp or jagged edges capable of cutting flesh, and/or having a closeable or sealable compartment.
- (6) Buildings occupied or vacant, or other nonresidential structures that constitute a health or safety hazard or both to the citizens of the Town of Oak Ridge as a result of:
  - a. Conditions which in the opinion of the fire marshal create a fire hazard; or
  - b. Conditions which in the opinion of the building inspector create a public safety hazard, including but not limited to, bad condition of walls, overloaded floors, defective construction, delayed or abandoned construction (defined as construction without substantial progress for any period of 90 consecutive calendar days), decay, unsafe wiring or heating system, inadequate means of egress, dangerous conditions creating a threat to children; or
  - c. Frequent use by vagrants, as living quarters or other purposes, as confirmed by any public safety officer; or
  - d. Conditions conducive to the attraction of insects or rodents, as confirmed by any public safety or law enforcement officer, or by the town manager, or his designee.
- (7) Motor vehicles abandoned, within the meaning G.S. 160A-303, on public streets or public or private property or found in violation of the Oak Ridge Development Ordinance.

- (8) Wind-blown trash collecting in or on properties or premises and/or leaving the boundaries of said property or premises.
- (9) Trash, refuse, garbage, broken glass, or other litter in, on, or around commercial parking lots.
- (10) Building materials, new or used, stored or placed in open areas visible from any public right-of-way or neighboring property for a period of 60 consecutive calendar days unless it can be shown the materials will be used in construction of a lawfully permitted building on the subject property in less than a total of 120 days.
- (11) Storage of any material, inventory, vehicle, equipment, or other commercial stock in trade, in areas visible from roadways or neighboring property, unless the subject property is properly zoned, licensed, and permitted, as required, for such a commercial activity.
- (12) Any condition reasonably deemed detrimental to the public health, which violates the rules and regulations of the county health department.

(Ord. of 11-1-2007)

Sec. 35-2. - Notice to abate; emergency abatement by town.

If any person shall violate the provisions of section 35-1, it shall be the duty of the enforcement officer or his properly designated representative to give notice to the owner and to any person in possession of the subject property, as provided by section 35-3, directing that all unlawful conditions existing thereupon be abated within ten days from the date of such notice; provided that if, in the opinion of the enforcement officer or his designee, the unlawful condition is such that it is of imminent danger or peril to the public, then any authorized representative of the Town of Oak Ridge may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property.

(Ord. of 11-1-2007)

Sec. 35-3. - Service of notice.

- (a) The owner of the subject property shall be notified of violation of section 35-1 by posting the notice in a conspicuous place on the subject property ~~and~~ or by ~~personal~~ delivery of said notice by certified mail, return receipt requested to the owner's address listed in the Guilford County Tax Department billing records. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected.
- (b) Any such notice may be served by an authorized representative of the Town of Oak Ridge or by any police officer of the town or by any sworn North Carolina Law Enforcement Officer when so authorized by the town council.
- (c) The Town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the city gave notice of violation at least three times under any provision of the public nuisance ordinance.

(Ord. of 11-1-2007)

Sec. 35-4. - Defect in notice not to effect lien.

Any defect in the method of giving the notice required by section 35-2, or in the form thereof or the giving of such notice to an improper person, shall not prevent the town, in any case where the work of abating an unlawful condition upon any property is caused by the town, from collecting the cost thereof from the owner of the property, nor shall it affect the validity of the lien on the property for such cost.

(Ord. of 11-1-2007)

Sec. 35-5. - Abatement by town where owner fails to abate.

- (a) Upon the failure of the owner to abate, any unlawful condition noticed under section 35-3 within the time prescribed by section 35-2, it shall be the duty of the enforcement officer to cause the removal and abatement of such unlawful condition therefrom.
- (b) Upon the completion of such removal and abatement, the enforcement officer or his designated representative shall deliver to the town clerk a statement showing the actual expense of the abatement of the unlawful condition including actual administrative costs. The clerk shall thereupon mail to the owner of the subject property a bill covering the expense of the abatement, if with reasonable diligence the name and address of such owner can be ascertained, and the amount of the bill shall become a lien upon the subject property, and if not paid within 30 days shall be collected as unpaid ad valorem taxes.

(Ord. of 11-1-2007)

**State Law reference**— Lien authorized, G.S. 160A-193.

Sec. 35-6. - Appeals.

The enforcement officer or designee may enter upon the premises involved for the purpose of abating the nuisance found to exist under this chapter. Within the ten-day period mentioned in section 35-2 hereof, the owner of the property where the nuisance exists may appeal the finding of the enforcement officer to the town council by giving written notice of appeal to the town clerk. An appeal stays the abatement of such nuisances by the enforcement officer until a final determination by the town council. In the event no appeal is taken, the enforcement officer may proceed to abate the nuisance.

(Ord. of 11-1-2007)

Sec. 35-7. - County health officer may exercise concurrent authority.

It is the intention of this chapter that any authorized representative of the enforcement officer shall be primarily responsible for the enforcement of the provisions of this chapter; but the county health officer and any charge made by the county health officer in accordance with the provisions of section 35-5 shall be as valid as if made by the enforcement officer.

(Ord. of 11-1-2007)