# ARTICLE 19

# Watershed Protection Ordinance

*[Amended November 20, 2018 per Ord. 2018-O-09, ZTA-2018-05]*
*[Amended June 1, 2021 per Ord. 2021-O-10, ZTA-2021-02]*
*[Amended June 7, 2022 per Ord. 2022-O-2, ZTA-2022-02]*
*[Amended June 4, 2024 per Ord. 2024-O-06, ZTA-2024-01]*
*[Amended November 18, 2025 per Ord. 2025-O-06, ZTA-2025-02]*

## SECTION 1: GENERAL PROVISIONS

### 19.1 Title

This Ordinance shall be officially known as "The Creedmoor Watershed Protection Ordinance", but it may also be referred to as "The Stormwater Ordinance" and may be referred to herein as "this Ordinance."

### 19.2 Purpose and Authority

The purpose of this Ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of issues related to increased stormwater runoff and nonpoint and point source pollution, buffer protection, and illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-Development stormwater runoff, illicit discharges, and buffer protection will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. This Ordinance also applies to all properties within the City of Creedmoor and its extraterritorial jurisdiction, regardless of whether the property is currently being 'developed' or not.

The City Board of Commissioners of the City of Creedmoor is authorized to adopt this Ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes §143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter §160A-174, §160A-185; and 15A NCAC 02B .0275 through 15A NCAC 02B .0235 and .0315. The City of Creedmoor has the authority to enact and enforce stormwater control, stormwater management, National Pollutant Discharge Elimination System (NPDES), illicit discharge and detection and elimination, construction related stormwater runoff controls, water supply watershed management and protection, and associated regulations related to the protection and control of water quality, per G.S. 160D-925 and G.S. 160D-926.

### 19.3 Findings

It is hereby determined that:

19.3-1 Development and Re-Development permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

19.3-2 These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and

19.3-3 These effects can be managed and minimized by applying appropriate design of Stormwater Control Measures (SCMs) and well-planned controls to manage stormwater runoff and associated nutrients from Development sites.

19.3-4 Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and Federal NPDES Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission (EMC) promulgated in response to Federal NPDES Phase II permit requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this Ordinance. Further, the EMC has identified Falls of Neuse reservoir, a water supply reservoir, as nutrient sensitive waters; has identified all or a portion of the reservoir as impaired waters under the Federal Clean Water Act due to exceedances of the chlorophyll-a standard; and has promulgated a nutrient management strategy (the "Falls

Rules") to reduce the average annual loads of nitrogen and phosphorus delivered to Falls Reservoir from all point and nonpoint sources of these nutrients located within its watershed, including stormwater from new and existing development in this jurisdiction;

19.3-5 Therefore, the City of Creedmoor Board of Commissioners establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

**19.4 Specific**

This Ordinance seeks to meet its general purpose through the following specific objectives and means:

19.4-1 Establishing decision-making processes for new development that protects the integrity of watersheds and preserves the health of water resources.

19.4-2 Requiring that new Development and Re-Development maintain the pre-Development hydrologic response in their post-Development state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution, and to maintain the integrity of stream channels and aquatic habitats;

19.4-3 Establishing minimum post-Development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

19.4-4 Establishing design and review criteria for the construction, function, and use of structural Stormwater Control Measures (SCMs) also known as Best Management Practices (BMPs) that may be used to meet the minimum post-Development stormwater management standards;

19.4-5 Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;

19.4-6 Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural Stormwater Control Measures (SCMs) to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

19.4-7 Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance.

19.4-8 Coordinating site design plans that include open space and natural areas with the City of Creedmoor Development Ordinance and the Comprehensive Land Development Plan, and any other plans as adopted by the City of Creedmoor.

19.4-9 Controlling illicit discharges into the municipal separate stormwater system (MS4).

19.4-10 Controlling erosion and sedimentation from construction activities.

19.4-11 Assigning responsibility and processes for approving the creation and maintenance of adequate drainage and flood damage prevention measures.

**19.5 Applicability and Jurisdiction**

19.5-1 GENERAL. Beginning with and subsequent to its effective date, this Ordinance shall be applicable to all properties in the City of Creedmoor and its extraterritorial jurisdiction, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection 19-5.2 of this Section, Exemptions. Properties need not be "under development" to be subject to the standards of this Ordinance. No subdivision of land shall be filed or recorded by the Register of Deeds until the plat has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such a plat would be in conflict with this Article.

19.5-2 EXEMPTIONS. The following are exempt from the requirements of this Article. The exemption shall not be construed to permit uses prohibited in the primary and/or overlay zoning district, or otherwise prohibited by this Ordinance.

A. Single family and duplex residential development and redevelopment that cumulatively disturbs

less than one half (1/2) acre and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.

B. Commercial, industrial, institutional, multifamily residential or local government development and redevelopment that cumulatively disturbs less than 12,000 square feet and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance.

C. Development and redevelopment that disturbs less than the above thresholds are not exempt if such activities are part of a larger common plan of development or sale and the larger common plan exceeds the relevant threshold, even though multiple, separate or distinct activities take place at different times on different schedules.

D. 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 from the provisions of this ordinance.

E. No lot or property shall be exempt from the buffer protection requirements of this Ordinance.

F. Existing Development (Refer to Article 3 for more information)

19.5-3 NO DEVELOPMENT OR RE-DEVELOPMENT UNTIL COMPLIANCE AND PERMIT. No Development or Re-Development shall occur except in compliance with the provisions of this Ordinance or unless exempted. No Development for which a permit is required pursuant to this Ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

19.5-4 MAP. The provisions of this Article shall apply within the areas designated on the map titled "Falls Lake Watershed Stormwater Map of the City of Creedmoor, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes in the land area covered by this Ordinance and the geographic location of all structural SCMs permitted under this Ordinance. In the event of a dispute, the applicability of this Ordinance to a particular area of land or SCM shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

19.5-5 DEFINITIONS. Definitions may be found in Article 3 “Definitions.”

19.5-6 ESTABLISHMENT OF WATERSHED AREAS. For purposes of this article, the City and its extraterritorial jurisdiction are hereby divided into the following areas, as appropriate:

| | |
|---|---|
| WS-II-C | (Critical Area) |
| WS-II-NSW | (Nutrient Sensitive Waters) |
| WS-IV-NSW | (Nutrient Sensitive Waters) |

19.5-7 WATERSHED AREAS DESCRIBED.

A. WS-II Watershed Areas – Critical Area (WS-II-C-NSW)

Low Density Option – In order to maintain a predominantly undeveloped land use intensity pattern, all residential and non-residential development shall be allowed at a maximum of six percent (6%) built-upon area.

High Density Option – All residential and non-residential development shall not exceed twenty-four percent (24%) built-upon area.

B. WS-II Watershed Areas – Balance of Watershed (WS-II-NSW)

Low Density Option – In order to maintain a predominantly undeveloped land use intensity pattern, all residential and non-residential development shall be allowed at a maximum of twelve percent (12%) built-upon area.

High Density Option – All residential and non-residential development shall not exceed thirty-six percent (36%) built-upon area.

C. WS-IV Watershed Areas – Balance of Watershed (WS-IV-NSW)

Low Density Option – In order to maintain a predominantly moderate to high land use intensity pattern, all residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area.

High Density Option – All residential and non-residential development shall not exceed seventy percent (70%) built-upon area.

19.5-8 CALCULATION OF PROJECT DENSITY. The following requirements shall apply to the calculation of

project density:

A. Project density for new development shall be calculated as the total built-upon area divided by the total project area.
B. A project involving existing development shall have the option of calculating project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

**19.6 Interpretation**

19.6-1 MEANING AND INTENT. All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general and specific purposes set forth in Section 19.2, Purpose and Authority. If a different or more specific meaning is given for a term defined elsewhere in the City of Creedmoor Development Ordinance, the meaning and application of the term in this Ordinance shall control for purposes of application of this Ordinance.

19.6-2 TEXT CONTROLS IN EVENT OF CONFLICT. In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

19.6-3 AUTHORITY FOR INTERPRETATION. The Stormwater Administrator has authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The Stormwater Administrator shall keep on file a record of all written interpretations of this Ordinance.

19.6-4 REFERENCES TO STATUTES, REGULATIONS, AND DOCUMENTS. Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the NC Department of Environmental Quality Stormwater Design Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

19.6-5 COMPUTATION OF TIME. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City of Creedmoor, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the City of Creedmoor. References to days are calendar days unless otherwise stated.

**19.7 Delegation of Authority**

Any act authorized by this Ordinance to be carried out by the Stormwater Administrator of City of Creedmoor may be carried out by his or her designee.

**19.8 Usage**

19.8-1 MANDATORY AND DISCRETIONARY TERMS. The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

19.8-2 CONJUNCTIONS. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions and events apply. The word “or” indicates that one or more of the connected items, conditions, provisions or events apply.

19.8-3 TENSE, PLURALS, AND GENDER. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

**19.9 Measurement and Computation**

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site. Lot area does not include those portions of a lot or tract of land lying within a public street and/or roadway right-of-way existing upon the effective date of this Ordinance.

**19.10 Design Manual**

19.10-1 REFERENCES TO DESIGN MANUAL. The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the most recent edition of the *NC Department of Environmental Quality Stormwater Design Manual* (hereinafter referred to as the Stormwater Design Manual) as the basis for decisions about stormwater permits and about the design, implementation and performance of structural and non-structural stormwater SCMs.

The Stormwater Design Manual includes a list of acceptable stormwater control measures, including specific minimum design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Falls Lake Nutrient Management Strategy (the Falls Rules).

19.10-2 RELATIONSHIP OF STORMWATER DESIGN MANUAL TO OTHER LAWS AND REGULATIONS. If the specifications or guidelines of the Stormwater Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Stormwater Design Manual.

19.10-3 CHANGES TO STANDARDS AND SPECIFICATIONS. If the standards, specifications, guidelines, policies, criteria, or other information in the Stormwater Design Manual are amended subsequent to the submittal of an application for approval pursuant to this Ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this Ordinance with regard to the application.

**19.11 Relationship to Other Laws, Regulations and Private Agreements**

19.11-1 CONFLICTS OF LAWS. This Ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

19.11-2 PRIVATE AGREEMENTS. This Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this Ordinance. In no case shall the City of Creedmoor be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

**19.12 Severability**

If the provisions of any section, subsection, paragraph, subdivision or clause of this Article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

**19.13 Effective Date and Transitional Provisions**

19.13-1 EFFECTIVE DATE. This Article shall take effect on the same date as the larger document, known as the Creedmoor Development Ordinance, of which this Article is a part, shall become effective.

19.13-2 FINAL APPROVALS. Complete Applications. All Development and Re-Development projects for which complete and full applications were submitted and approved by the City of Creedmoor prior to the effective date of this Ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of Development or Re-Development shall be exempt from complying with all provisions of this Ordinance dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions, including but not limited

to illicit discharge provisions.

A phased development plan shall be deemed approved prior to the effective date of this Ordinance if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

A. For the initial or first phase of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved.
B. For any subsequent phase of development, sufficient detail so that implementation of the requirements of this Ordinance to that phase of development would require a material change in that phase of the plan.

19.13-3 VIOLATIONS CONTINUE. Any violation of provisions existing on the effective date of this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the use, Development, construction, or other activity complies with the provisions of this Ordinance.

**SECTION 2: ADMINISTRATION AND PROCEDURES**

**19.14 Review and Decision-Making Entities**

19.14-1 STORMWATER ADMINISTRATOR.

19.14-2 Stormwater Administrator shall be designated by the City of Creedmoor Board of Commissioners to administer and enforce this Article. POWERS AND DUTIES. In addition to the powers and duties that may be conferred by other provisions of the City of Creedmoor Development Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this Ordinance.

A. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this Ordinance and the NC Department of Environmental Quality Stormwater Design Manual.
B. To make determinations and render interpretations of this Ordinance that are consistent with the NC Department of Environmental Quality Stormwater Design Manual, the North Carolina General Statutes, and any other applicable law, as may be amended from time to time.
C. To receive and review for completeness permit and appeal applications pursuant to this Ordinance, provided that no application(s) shall be accepted later than two (2) weeks prior to the date on which such application(s) are to be reviewed for approval.
D. To review and make recommendations to the City Board of Commissioners on applications for Development or Re-Development approvals.
E. To enforce the provisions of this Ordinance in accordance with its enforcement provisions.
F. To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of this Ordinance.
G. To provide expertise and technical assistance to the City Board of Commissioners, upon request.
H. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
I. To take any other action necessary to administer the provisions of this Ordinance.

Notwithstanding the foregoing, the Stormwater Administrator shall exercise all powers and duties delegated to the Stormwater Administrator in a manner consistent with the provisions of this Ordinance, the NC Department of Environmental Quality Stormwater Design Manual, the North Carolina General Statutes, and any other applicable local, state, or federal law.

**19.15 Review Procedures**

19.15-1 PERMIT REQUIRED; MUST APPLY FOR WATERSHED APPROVAL (OR PERMIT). An approved Watershed Plan (which may be used interchangeably with the term “stormwater permit” or “permit”) is required for all development and re-development unless exempt pursuant to this Ordinance. Approval may only be issued subsequent to a properly submitted and reviewed permit application, or plan, pursuant to this section.

19.15-2 EFFECT OF PERMIT. A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including structural Stormwater Control Measures (SCMs) also known as Best Management Practices (BMPs) and elements of site design for stormwater management other than structural devices.

The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the Development or Re-Development site consistent with the requirements of this Ordinance, whether the approach consists of structural SCMs or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this Ordinance.

19.15-3 AUTHORITY TO FILE APPLICATIONS. All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the land owner or the land owner's duly authorized agent. An original signature of the property owner or the owner's duly authorized agent shall be required on the cover sheet of the site plan submittal or application.

19.15-4 APPLICATION CONTENTS AND FORM. The Stormwater Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Ordinance.

19.15-5 SUBMISSION SCHEDULE. The Stormwater Administrator shall establish a submission schedule for applications. No application(s) shall be accepted later than two (2) weeks prior to the date on which such application(s) are to be reviewed for approval.

19.15-6 REVIEW FEES. The City Board of Commissioners shall establish review fees as well as policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.

ADMINISTRATIVE MANUAL. For applications required under this Article, the Stormwater Administrator shall compile the application requirements, submission schedule, fee schedule, a copy of this Ordinance, and information on how and where to obtain the NC DEQ Stormwater Design Manual in an Administrative Manual, which shall be made available to the public.

19.15-7 SUBMITTAL OF COMPLETE APPLICATION. Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section.

An application shall be considered as timely submitted only when a complete application pursuant to this Ordinance, along with the appropriate fee, is delivered to the Stormwater Administrator by the deadline established by the submission schedule detailed above. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

19.15-8 REVIEW. The Stormwater Administrator shall review the application and determine whether the application complies with the standards of this Ordinance.

19.15-9 APPROVAL. If the Stormwater Administrator finds that the application complies with the standards of this Ordinance, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this Ordinance. The conditions shall be included as part of the approval.

19.15-10 APPLICATION FAILS TO COMPLY. If the Stormwater Administrator finds that the application fails to comply with the standards of this Ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

19.15-11 REVISION AND SUBSEQUENT REVIEW. A complete revised application shall be reviewed by the Stormwater Administrator after its re-submittal and shall be approved, approved with conditions, or

disapproved.

If a revised application is not re-submitted within sixty (60) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee for a new submittal.

Up to two (2) re-submittals of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the second re-submittal shall be accompanied by an additional review fee, as established pursuant to this Ordinance.

**19.16 Applications for Approval**

19.16-1 CONCEPT PLAN AND CONSULTATION MEETING. Before a stormwater management permit application is deemed complete, the Stormwater Administrator or developer shall request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed Development project. This consultation meeting shall take place prior to or at the time of the initial sketch plan submittal for preliminary plan/plat of subdivision or other early step in the Development process. The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, the City of Creedmoor Development Ordinance, any adopted comprehensive land use plan as amended from time to time, and other relevant resource protection plans should be consulted in the discussion of the concept plan. Fees for such a meeting shall be required.

To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:

19.16-2 TRASH STORAGE FOR CONSTRUCTION SITES *[Amended November 18, 2025 per Ord. 2025-O-06, ZTA-2025-02]* All construction and/or demolition sites within the City, regardless of lot size, shall have a temporary, on-site trash and debris accommodation. The purpose of the trash accommodation is to prevent trash and debris from movement off-site – such as by wind or rain, prevent trash and debris from entering the watershed, and to reduce visual blight. To reduce leachate from trash and debris into the watershed, all trash accommodations are to be securely covered during rain events. Trash and debris must be disposed of on a regular basis and the trash accommodation shall be dismantled after construction and/or demolition is complete. On site burial of construction and/or demolition trash and debris is prohibited.

19.16-3 CONDITIONS / PROPOSED SITE PLANS. Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

19.16-4 NATURAL RESOURCES INVENTORY. A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for Development and stormwater management.

19.16-5 STORMWATER MANAGEMENT SYSTEM CONCEPT PLAN. A written or graphic concept plan of the proposed post-Development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; any proposed low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and

downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

19.16-6 STORMWATER MANAGEMENT PERMIT APPLICATION. The stormwater management permit application shall detail how post-Development stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this Ordinance, including "Section 3, Standards". All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, or landscape architect, and the engineer, surveyor, or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards found in the NCDEQ Stormwater Design Manual, and that the designs and plans ensure compliance with this Ordinance. The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to Section 19.15-10 (Application Fails to Comply).

19.16-7 AS-BUILT PLANS AND FINAL APPROVAL. Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.

The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The stormwater system "as built" plans shall be on their own sheet and separate from other utility plans, including but not limited to water and sewer lines. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this Ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

19.16-8 OTHER PERMITS. No certificate of compliance or occupancy shall be issued by the City of Creedmoor or Granville County without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the City of Creedmoor or Granville County may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

19.16-9 PLANS REQUIRED FOR BUFFER ENCROACHMENTS. Site plans, prepared by a licensed professional engineer, professional land surveyor, or landscape architect, as well as letters of approval for 401 buffer encroachments approved by NCDEQ and accompanying 404 approvals by the US Army Corps of Engineers (if applicable) are required to be submitted to the City of Creedmoor prior to any encroachment into a required riparian buffer. Fees may apply to such a review by the City of Creedmoor.

**19.17 Approvals**

19.17-1 EFFECT OF APPROVAL. Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

19.17-2 TIME LIMIT/EXPIRATION/EXTENSION. An approved plan shall become null and void if the applicant fails to make substantial progress (i.e. building permits must be open and active) on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

**19.18 Appeals**

19.18-1 FILING OF APPEAL AND PROCEDURES. Appeals of decisions by the Stormwater Administrator shall

be made to the Board of Adjustment and shall be taken within 30 days by filing a notice of appeal with the Stormwater Administrator and specifying the grounds for appeal on forms provided by the City of Creedmoor. The Stormwater Administrator shall transmit to the Board of Adjustment all documents constituting the record on which the decision appealed from was taken. The hearing conducted by the Board of Adjustment shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.

19.18-2 REVIEW BY SUPERIOR COURT. Every decision of the Board of Adjustment shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the latter of the following:

A. The decision of the Board of Adjustment is filed; or
B. A written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Chair of the Board of Adjustment at the time of its hearing of the case.

**SECTION 3: STANDARDS**

**19.19 General Standards**

All development and redevelopment to which this ordinance applies shall comply with the standards of this section. The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future development and redevelopment maintains the site consistent with the approved project plans.

NITROGEN AND PHOSPHORUS LOADING

A. Nitrogen and phosphorus loads contributed by the proposed new development shall not exceed the following unit-area mass loading rates: 2.2 and 0.33 pounds per acre per year for nitrogen and phosphorus, respectively.
B. Notwithstanding 15A NCAC 2B.104(q), redevelopment subject to this ordinance that would replace or expand existing structures or improvements and would result in a net increase in built-upon area shall have the option of either meeting the loading standards identified in subsection (a) or meeting a loading rate that achieves the following nutrient loads compared to the existing development: 40 percent and 77 percent reduction for nitrogen and phosphorus, respectively.
C. The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the NCDEQ-approved Stormwater Nutrient Accounting Tool (SNAP).

NITROGEN AND PHOSPHORUS STANDARD IS SUPPLEMENTAL

The nitrogen and phosphorus loading standards in this ordinance are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the development. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0233 and .0242.

CONTROL AND TREATMENT OF RUNOFF VOLUME

Stormwater systems shall be designed to control and treat the runoff generated from all surfaces by one inch of rainfall. The treatment volume shall be drawn down pursuant to standards specific to each practice as provided in the NCDEQ Stormwater Design Manual. To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the development shall not contribute to degradation of waters of the State. At a minimum, the development shall not result in a net increase in peak flow leaving the site from pre-development conditions for the one-year/24-hour storm event.

PARTIAL OFFSET OF NUTRIENT CONTROL REQUIREMENTS

Development subject to this ordinance shall attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:

1. 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre.

2. 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre.
3. 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre.
4. 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre.
5. 30 percent or more reduction in both nitrogen and phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

A developer subject to this Ordinance may either achieve the additional reductions in nitrogen and phosphorus loading required by this Article by making offset payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that Program, or may use an offset option provided by the City of Creedmoor. A developer may propose other offset measures to the City of Creedmoor, including providing his or her own offsite offset or utilizing a private seller. All offset measures permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0282 and 15A NCAC 02B .0240.

LOW DENSITY DESIGN STANDARDS. Low density projects shall meet the following minimum design criteria:

A. Density Thresholds. Low density projects shall not exceed the low density development thresholds set forth in this Article.
B. Dispersed Flow. Projects shall be designed to maximize diffuse dispersed flow through vegetated areas and minimize channelization of flow;
C. Vegetated Conveyances: Stormwater that cannot be released as diffuse dispersed flow shall be transported by vegetated conveyances. A minimal amount of non-vegetated conveyances for erosion protection or piping for driveways or culverts under a road shall be allowed when it cannot be avoided. Vegetated conveyances shall meet the following requirements:
    1. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the Stormwater Administrator that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation.
    2. The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm as demonstrated by engineering calculations.
D. Curb Outlet Systems. Low density projects may use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems are as follows:
    1. The curb outlets shall be designed such that the swale or vegetated area can carry the peak flow from the 10-year storm at a non-erosive velocity;
    2. The longitudinal slope of the swale or vegetated area shall not exceed five percent (5%), where practicable. Where not practical due to physical constraints, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
    3. The swale's cross-section shall be trapezoidal with a minimum bottom width of two feet;
    4. The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
    5. The minimum length of the swale or vegetated area shall be 100 feet; and
    6. Low density projects may use treatment swales designed pursuant to 15A NCAC 02H .1061 in lieu of the requirements specified in Part (1) through (5).

High Density Design Standards. High density projects are projects that exceed low density development thresholds as defined in this Article. High density projects shall meet the following minimum design criteria:

A. Treatment Requirements. SCMs shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 2H .1002.
B. Offsite stormwater. Stormwater runoff from offsite and existing development that predates the effective date of the adoption of the Falls Rules (July 1, 2012) is not required to be treated in the SCM. Runoff from offsite areas or existing development that is not bypassed shall be included in the sizing of onsite SCMs at full build out potential.
C. Offsite SCM. A project that is part of a larger common plan of development or sale that controls

runoff through an offsite SCM shall be reviewed on a case by case basis by the Stormwater Administrator in order to determine if the offsite device meets the provisions of this Article.

D. Replacement and expansion of Existing Development. Expansions to existing development shall be subject to this Article. Where there is a net increase built-upon area, only the area of net increase shall be subject to this Article. Where existing development is being replaced with new built-upon area, and there is an increase of built-upon area, only the area of net increase shall be subject to this Article.

E. Minimum Design Criteria (MDC) for Stormwater Control Measures (SCMs). SCMs shall meet all relevant MDC set forth in 15A NCAC 2H .1050 through .1062 except in accordance to either a minor watershed variance, granted by the Board of Adjustment following procedures found in Article 6 (Variances and Administrative Appeal), or a major watershed variance granted by the NC Environmental Management Commission.

**19.20 Standards for Stormwater Control Measures**

19.20-1 EVALUATION ACCORDING TO CONTENTS OF DESIGN MANUAL. All stormwater control measures and stormwater treatment practices (also commonly referred to as Best Management Practices, or BMPs) required under this Ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the Stormwater Design Manual. The Stormwater Administrator shall determine whether proposed SCMs will be adequate to meet the requirements of this Ordinance.

19.20-2 DETERMINATION OF ADEQUACY; PRESUMPTIONS AND ALTERNATIVES. Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the Stormwater Design Manual shall be presumed to meet the minimum water quality and quantity performance standards of this Ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the Stormwater Design Manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this Ordinance as well as the requirements of the Falls Lake Nutrient Management Strategy (aka the Falls Rules) and all other applicable environmental regulations. The Stormwater Administrator shall require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

19.20-3 NITROGEN AND PHOSPHORUS LOADING

A. Nitrogen and phosphorus loads contributed by the proposed new development shall not exceed the following unit-area mass loading rates: 2.2 and 0.33 pounds per acre per year for nitrogen and phosphorus, respectively.

B. Notwithstanding 15A NCAC 2B.104(q), redevelopment subject to this ordinance that would replace or expand existing structures or improvements and would result in a net increase in built-upon area shall have the option of either meeting the loading standards identified in subsection (a) or meeting a loading rate that achieves the following nutrient loads compared to the existing development: 40 percent and 77 percent reduction for nitrogen and phosphorus, respectively.

C. The developer shall determine the need for engineered stormwater controls to meet these loading rate targets by using the approved Falls Rules accounting tool.

19.20-4 NITROGEN AND PHOSPHORUS STANDARD IS SUPPLEMENTAL

The nitrogen and phosphorus loading standards in this ordinance are supplemental to, not replacements for, stormwater standards otherwise required by federal, state or local law, including without limitation any riparian buffer requirements applicable to the location of the development. This includes, without limitation, the riparian buffer protection requirements of 15A NCAC 2B.0233

and .0242.

19.20-5 CONTROL AND TREATMENT OF RUNOFF VOLUME

Stormwater systems shall be designed to control and treat the runoff generated from all surfaces by one inch of rainfall. The treatment volume shall be drawn down pursuant to standards specific to each practice as provided in the Stormwater Design Manual. To ensure that the integrity and nutrient processing functions of receiving waters and associated riparian buffers are not compromised by erosive flows, stormwater flows from the development shall not contribute to degradation of waters of the State. At a minimum, the development shall not result in a net increase in peak flow leaving the site from pre-development conditions for the one-year/24-hour storm event.

19.20-6 PARTIAL OFFSET OF NUTRIENT CONTROL REQUIREMENTS

Development subject to this ordinance shall attain nitrogen and phosphorus loading rate reductions on-site that meet the following criteria prior to using an offsite offset measure:

1. 30 percent or more reduction in both Nitrogen and Phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing one half acre but less than one acre.
2. 50 percent or more reduction in both nitrogen and phosphorus loading from the untreated conditions for any single-family, detached and duplex residential development disturbing more than one acre.
3. 30 percent or more reduction in both Nitrogen and Phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing 12,000 square feet but less than one acre.
4. 50 percent or more reduction in both Nitrogen and Phosphorus loading from the untreated condition for other development, including multi-family residential, commercial and industrial development disturbing more than one acre.
5. 30 percent or more reduction in both Nitrogen and Phosphorus loading from the untreated condition for proposed redevelopment activities in a designated downtown area that would replace or expand structures or improvements that existed as of December 2006.

A developer subject to this ordinance may achieve the additional reductions in Nitrogen and Phosphorus loading required by this ordinance by making offset payments to the NC Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use the offset option provided by utilizing a private NCDEQ approved nutrient offset mitigation bank. All offset measures permitted by this ordinance shall meet the requirements of 15A NCAC 02B .0282 and 15A NCAC 02B .0240.

19.20-7 **SURFACE WATER BUFFERS.**

Perennial and Intermittent Surface Water Buffers Required: A surface water buffer shall be maintained with a minimum width as specified in Table 19.20-9 (Surface Water Buffers) below and measured landward from the normal pool elevation of water supply impoundment and from the bank of each side of perennial and intermittent streams, lakes and ponds. These waters are indicated on the most recent version of either the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps or the Soil Survey maps developed by the USDA Natural Resources Conservation Service (NRCS). In addition, other site specific evidence may indicate to the NC Department of Environmental Quality-Division of Water Resources (NCDEQ-DWR) the presence of waters not shown correctly on either of these two maps. Where these two maps show waters where no actual stream or waterbody exists, or where waters exist that are not shown on these maps, a developer may submit site-specific evidence in support of such claim to the NCDEQ-DWR for a determination of the presence and location of waters of the State, including streams.

**Table 19.20-9**
**Surface Water Buffers**

15A NCAC 02B .0233 NEUSE RIVER BASIN: NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: PROTECTION AND MAINTENANCE OF EXISTING RIPARIAN BUFFERS

| Classification | Required Buffer | |
|---|---|---|
| Perennial Surface Waters (Streams, Lakes, and Ponds) | 50 feet | |
| | Zone 1<br>30 Feet | Zone 2<br>20 Feet |
| Intermittent Surface Waters (Streams, Lakes and Ponds) | 50 Feet | |
| | Zone 1<br>30 Feet | Zone 2<br>20 Feet |

BUFFER ZONES: Under 15A NCAC 02B .0233, required surface water buffers consist of two zones as shown in Table 19.20-9. Zone 1 shall be the first 30 feet landward from the top of the stream bank or mean high water line of other water bodies. Zone 2 shall begin at the outer edge of Zone 1 and extend landward a minimum of 20 feet. Zones 1 shall be undisturbed except as designated in 15A NCAC 02B .0233 of the State's Rules on Riparian Buffers. Zone 2 may be "maintained" but only if the landowner has obtained proper permits from NC DENR.

A. Channelization: Channelization of perennial or intermittent streams shall be prohibited, except for access crossings, erosion control devices and runoff control devices.

B. New Lots in the Surface Water Buffer: No new single-family or two-family residential lots shall be created which are entirely or partly contained within the surface water buffer.

C. Removing vegetation in Buffers: Removal of trees, shrubs, or other vegetation from required undisturbed buffers may result in a Notice of Violation. This violation need not occur in conjunction solely with new development. Encroachment, unless approved by the City of Creedmoor, the US Army Corp of Engineers, the NCDEQ-DWR, or any combination of these entities, shall be deemed a violation of this Ordinance. Violators are required to reestablish trees, shrubs, and vegetation as required by the NCDEQ-DWR. Guidelines for reestablishment of riparian buffers may be obtained from NCDEQ-DWR.

**19.21 RESERVED.**

**19.22 Variances and Modifications**

19.22-1 WATERSHED VARIANCES

A. Minor Variances.

The Board of Adjustment shall review and decide requests for minor variances to the standards and restrictions pertaining to Watershed Protection. Procedures for minor watershed variances are set forth in Article 6.1, Variances.

B. Major Variances.

Requests for major variances to the standards and restrictions pertaining to Article 19 (Watershed Protection) shall be to the N.C. Environmental Management Commission (EMC), following review and favorable recommendation by City Board of Adjustments in accordance with the procedure set forth in Article 6.1. The major variance request shall be forwarded to the EMC with a report containing the findings of fact for City Board of Adjustment's favorable recommendation, conclusions of law, a recommended decision, recommended conditions and a record of the Board of Adjustment's hearing of the request. Requests for major variances that do not receive a favorable recommendation shall be deemed denied and shall not be forwarded to the EMC.

C. Annual Report of Watershed Variances. The Stormwater Administrator shall keep a record of all watershed variances and this record shall be submitted for each calendar year to the North Carolina Division of Water Resources in accordance with Section 19.22, Watershed Variances and Modifications.

D. Conditions. In approving a minor watershed variance, the Board of Adjustment may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property will be compatible with surrounding properties and will not alter the essential character of the neighborhood. Violations of conditions and safeguards that are part of the

terms of a variance shall be deemed a violation of this Ordinance.

E. Appeals. Appeals may be made pursuant to Section 19.18-2, Review by Superior Court.

F. Duration. An approved minor watershed variance is part of an approved plan and shall have the same duration as the plan approval.

**SECTION 4: MAINTENANCE**

**19.23 General Standards for Maintenance**

A. Function of SCMs as Intended.

The owner of each structural SCM installed pursuant to this Ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed.

B. Annual Maintenance Inspection and Report. *[Amended June 4, 2024 per Ord. 2024-O-06, ZTA-2024-01]*

The person responsible for ownership and maintenance of any structural SCM installed pursuant to this Ordinance shall be required to submit to the Stormwater Administrator an annual inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following.

1. The name and address of the land owner;
2. The recorded book and page number of the lot of each structural SCM;
3. A statement that an inspection was made of all structural SCMs;
4. The date the inspection was made;
5. A statement that all inspected structural SCMs are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this Ordinance; and
6. The original signature and seal of the engineer, surveyor, or landscape architect.

An original inspection report shall be provided to the Stormwater Administrator between July 1 and July 10. Should standards not be met the property owner will be issued a notice of violation. Refer to CDO Section 23.7 Civil Penalties – Assessments and Procedures.

**19.24 Operation and Maintenance Agreement**

A. In General.

Prior to the conveyance or transfer of any lot or building site to be served by a structural SCM pursuant to this Ordinance, and prior to issuance of any permit for Development or Re-Development requiring a structural SCM pursuant to this Ordinance, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural SCM. Until the transference of all property, sites, or lots served by the structural SCM, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement. Agreements made for the purpose of assigning responsibility for operations and maintenance to anyone other than the original applicant and/or owner shall be three party agreements requiring the approval by the City of Creedmoor prior to assignment. Assignment of responsibilities without prior approval are a violation of this Ordinance and shall be deemed null and void for the purposes of the requirements of this Ordinance.

The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural SCM, and shall state the terms, conditions, and schedule of maintenance for the structural SCM. In addition, it shall grant to the City of Creedmoor a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural SCM; however, in no case shall the right of entry, of itself, confer an obligation on the City of Creedmoor to assume responsibility for the structural SCM.

The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within fourteen (14) days following its recordation.

B. Special Requirement for Homeowners' and Other Associations. *[Amended June 4, 2024 per Ord. 2024-O-*

*06, ZTA-2024-01]*

For all structural SCMs required pursuant to this Ordinance and that are to be or are owned and maintained by a homeowners' association (HOA), property owners' association (POA), or similar entity, the required operation and maintenance agreement shall include all of the following provisions.

1. Acknowledgment that the association and its heirs, successors, or assigns shall continuously operate and maintain the stormwater control and management facilities for a period of not less than 30 years.

   Granting to the City of Creedmoor a right of entry to inspect, monitor, maintain, repair, and reconstruct structural SCMs.

2. Allowing the City of Creedmoor to recover from the association and its members any and all costs the City of Creedmoor expends to maintain or repair the structural SCMs or to correct any operational deficiencies. Failure to pay the City of Creedmoor all of its expended costs, after forty-five days' written notice, shall constitute a breach of the agreement. In case of a deficiency, the City of Creedmoor shall thereafter be entitled to bring an action against the association and its members to pay. Failure to pay shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of the General Statutes of North Carolina.
3. A statement that this agreement shall not obligate the City of Creedmoor to maintain or repair any structural SCMs, and the City of Creedmoor shall not be liable to any person for the condition or operation of structural SCMs.
4. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the City of Creedmoor to enforce any of its ordinances as authorized by law.
5. A provision indemnifying and holding harmless the City of Creedmoor for any costs and injuries arising from or related to the structural SCM, unless the City of Creedmoor has agreed in writing to assume the maintenance responsibility for the SCM and has accepted dedication of any and all rights necessary to carry out that maintenance.
6. HOA and POA documents shall also address how the required buffers shall be maintained and preserved.

19.24-1 **INSPECTION PROGRAM.**

Inspections and inspection programs by the City of Creedmoor shall be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in SCMs; and evaluating the condition of SCMs.

The City of Creedmoor reserves the right to require owners to hire a registered professional engineer licensed to practice in the state of North Carolina for the purposes of inspecting devices in the event that the City of Creedmoor cannot access the SCM or for the purposes of certified sediment levels, soil medium efficiency, or other requirements to ensure that the SCM is operating as designed.

If the owner or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to NCGS 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

19.24-2 **PERFORMANCE SECURITY FOR INSTALLATION AND MAINTENANCE**

The City of Creedmoor may, at its discretion, require the submittal of acceptable legal arrangement prior to issuance of a permit in order to ensure that the structural SCMs are:

A. Installed by the permit holder as required by the approved stormwater management plan, and/or
B. Maintained by the owner as required by the operation and maintenance agreement.

The amount of an installation performance security shall be the total estimated construction cost of the SCMs approved under the permit, plus a contingency amount to be determined by

the City of Creedmoor, not to exceed 125% of the total project cost.

Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any structural SCM in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the City of Creedmoor shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

If the City of Creedmoor takes action upon such failure by the applicant or owner, the City of Creedmoor may collect from the applicant or owner the difference between the amount of the reasonable cost of such action in addition to any other penalties or damages due.

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus % contingency) of ongoing construction associated with the SCMs covered by the surety (i.e.- Landscaping). Any such ongoing construction or landscaping shall be inspected within six (6) months after installation for compliance with the approved plans and specifications and, if in compliance, the portion of the financial surety attributable to landscaping shall be released.

19.24-3 **NOTICE TO OWNERS**

The applicable operations and maintenance agreement, or conservation easement pertaining to every structural SCM and required buffers shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval.

19.24-4 **RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES.**

The owner of each structural SCM shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

19.24-5 **NUISANCE.**

The owner of each stormwater SCM, whether structural or non-structural SCM, shall maintain it so as not to create or result in a nuisance condition.

19.24-6 **MAINTENANCE EASEMENT**

Every structural SCM installed pursuant to this Ordinance shall be made accessible for adequate maintenance and repair by an access easement. The easement shall be recorded on a final plat at the Granville County Register of Deeds.

**SECTION 5: ENFORCEMENT AND VIOLATIONS**

**19.25 General**

A. Authority to Enforce.

The provisions of this Ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the City of Creedmoor. Whenever this Section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the City of Creedmoor.

B. Violation Unlawful.

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other Development or Re-Development approval or authorization granted pursuant to this Ordinance, is unlawful and shall constitute a violation of this Ordinance.

C. Each Day a Separate Offense.

Each day that a violation continues shall constitute a separate and distinct violation or offense.

D. Responsible Persons/Entities.

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, SCM, practice, or condition in violation of this Ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer of record, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance,

or fails to take appropriate action, so that a violation of this Ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or Development of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to:

1. Person Maintaining Condition Resulting in or Constituting Violation.
   An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists.
2. Responsibility for Land or Use of Land.
   The owner of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, Development or Re-Development of the property.

19.25-1 **REMEDIES AND CIVIL PENALTIES.**

The remedies and civil penalties provided for violations of this Ordinance shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

A. Remedies
   1. Withholding of Certificate of Occupancy.
      The Stormwater Administrator or other authorized agent shall withhold final approval of stormwater permit and/or any signatures required for the developer or builder to obtain a certificate of occupancy (CO) from Granville County Building Inspections for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
   2. Disapproval of Subsequent Permits and Development Approvals.
      As long as a violation of this Ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent shall withhold, and the City of Creedmoor Planning Board, and/or the City Board of Commissioners, may disapprove, any request for permit or Development approval or authorization provided for by this Ordinance or the City of Creedmoor Development Ordinance for the land on which the violation occurs.
   3. Injunction, Abatements, etc.
      The Stormwater Administrator, with the written authorization of the City Board of Commissioners, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this Ordinance. Any person violating this Ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.
   4. Correction as Public Health Nuisance, Costs as Lien, etc.
      If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by G.S. 160A-193, the Stormwater Administrator, with the authorization of the City Board of Commissioners, may cause the violation to be corrected and the costs to be assessed as a lien against the property.
   5. Stop Work Order.
      The Stormwater Administrator may issue a stop work order to the person(s) violating this Ordinance. The stop work or “notice of violation” order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

B. Civil Penalties

Violations of this Ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the City of Creedmoor is subject for violations of its NPDES Phase II Stormwater permit or otherwise up to the full amount allowed by law.

19.25-2 **PROCEDURES.**

1. Initiation/Complaint.

   Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator and/or the Public Works Director.

2. Inspection.

   The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this Ordinance.

3. Notice of Violation and Order to Correct.

   When the Stormwater Administrator finds that any building, structure, or land is in violation of this Ordinance, the Stormwater Administrator shall notify, in writing, the property owner and/or other person violating this Ordinance. The notification shall indicate the nature of the violation, the provision of this Ordinance violated, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

   The Stormwater Administrator may deliver the notice of violation and correction order personally; by the Zoning Enforcement Officer; by first class mail; by certified or registered mail with return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

   If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator and/or the Public Works Director may take appropriate action under this Ordinance to correct and abate the violation and to ensure compliance with this Ordinance.

4. Extension of Time

   A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. Upon a written request by the person violating this Ordinance, the Stormwater Administrator shall grant one (1) extension of time, not to exceed sixty (60) days, within which the violator must bring the violation into compliance. At any time thereafter and before the expiration of time to correct the violation, the violator may submit a written request for one (1) additional thirty (30)-day extension. Such request for additional extension shall be granted if the violator's written request sufficiently demonstrates that the violation cannot be corrected within the permitted time due to circumstances beyond the violator's control. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

5. Enforcement After Time to Correct.

   After the time has expired to correct a violation, including any extension(s) authorized by the

Stormwater Administrator, the Administrator and/or the Public Works Director shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator shall act to impose one or more of the remedies and penalties authorized by this Ordinance.

6. Emergency Enforcement.

   If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator and/or the Public Works Director may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator and/or Public Works Director may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this Article or by law.

**SECTION 6: ILLICIT DISCHARGES**

Illicit Discharges and Connections, Spills and Nuisance
The federal EPA Phase II rule specifies that local communities shall prohibit any discharge to a municipal separate storm sewer system (MS4) unless it:

-consists of a discharge pursuant to an NPDES permit; or

-consists of a discharge from firefighting activities; or

-consists of a discharge in any of the following categories, and the operator of the small MS4 has not identified that category as a significant contributor of pollutants to its small MS4: Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)); uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated and/or salinated swimming pool discharges; and street wash water.

19.25-3 **ILLICIT DISCHARGES.**

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality.

1. Water line flushing;
2. Landscape irrigation;
3. Diverted stream flows;
4. Rising ground waters;
5. Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensation;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;
18. Street wash water; and
19. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal

separate storm sewer system shall be authorized by the City of Creedmoor.

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

19.25-4 **ILLICIT CONNECTIONS**

1. Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection (A) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.
2. Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this Ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.
3. Where it is determined that said connection:
    a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
    b. The Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:
        i. The quantity and complexity of the work,
        ii. The consequences of delay,
        iii. The potential harm to the environment, to the public health, and to public and private property, and
        iv. The cost of remedying the damage.

19.25-5 **SPILLS.**

Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the City of Creedmoor Public Works Director, City Board of Commissioners, or Fire Department of the release or discharge, as well as making any required notifications under state and federal law.

Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

19.25-6 **NUISANCE.**

Illicit discharges and illicit connections which exist within the City of Creedmoor and/or its extraterritorial planning jurisdiction are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in this Ordinance, the City of Creedmoor Development Ordinance, the General Codes of the City of Creedmoor, or any other applicable laws, rules, or regulations.

**19.26 Additional Standards for Special Situations**

19.26-1 **PET WASTE.**

A. Restrictions on Pet Waste

1. It shall be unlawful for the owner or custodian of any pet to take it off the owner's own property limits without the means to properly remove and dispose of the pet's feces from any public or private property.
2. It is the responsibility of a pet's owner or custodian to clean up the pet's feces from any public or private property outside of the pet's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.
3. "Means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain pet waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances.