



TOWN OF LILLINGTON WATERSHED PERMIT APPLICATION

Planning & Inspections Department
106 West Front Street, PO Box 296 Lillington NC 27546
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lillingtonnc.org

Land Disturbing Activity

I will be disturbing or intend to disturb more than one (1) acre or more of land, which includes but is not limited to any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography, such as clearing, grading, filling, and excavation.

Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Intending to disturb includes but is not limited to projects / phases eventually accumulating to one (1) acre or more of land disturbing activity. If one (1) acre or more of land disturbing activity occurs or intends to occur I understand that Sediment Erosion Control Plan approval is required by the North Carolina Department of Health and Natural Resources – Fayetteville Office (910) 433 - 3300.

Attach the following: 1) Site plan showing total acreage being disturbed, total acreage of lot, total built-upon acreage currently built-upon and acreage planning to be built-upon. (Built-upon is the area covered by impervious surface to include buildings, pavement, gravel, tennis courts, etc.)

Fill out completely: (See attached Watershed Regulations for explanation if needed.)

Street Address/ Project site location: _____

PIN: _____ Zoning District: _____

Proposed Use of Property, Building, or Structure: _____

Is project area in the critical or protected area of the watershed? _____

Nature of Project: (check all that apply) Single Family Multi-Family Non-residential New Addition

The Intensity / Density option will be _____ (Low or High). (See attached watershed options.)

Total acreage of project area: _____ Total acreage to be disturbed: _____ Total built-upon acreage: _____

Total built-upon acreage / total acreage of project area: _____ Minimum lot size: _____

Is there a stream located in project area: _____ Stream buffer: (if applicable) _____ feet.

Are engineered storm water controls required for this property / project site? _____

Owner Printed Name

Signature

Date

APPROVED BY:

Administrator

Date

Section 6.03 Water Supply Watershed Protection

6.03.1 GENERAL

Pursuant to requirements of NCGS 143-214.5, two Watershed Protection Overlay Districts, as described in Article 2, have been established for lands within the watersheds of existing drinking water rivers. These districts overlay other zoning districts established in Article 2 and delineated on the Official Zoning Map. Wherever standards of the underlying zoning district differ from the watershed overlay standards, the more restrictive provisions shall apply.

6.03.2 EXCEPTIONS TO APPLICABILITY

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provision of the Lillington Unified Development Ordinance; however, the adoption of this Section shall and does amend any and all ordinances, resolutions, and regulations in effect in Lillington at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.
- B. It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.
- C. Existing development, as defined in this Ordinance, is not subject to the requirements of this Ordinance. Expansions to structures classified as existing development shall meet the requirements of this Ordinance, however, the built upon area of the existing development is not required to be included in the density calculations.
- D. If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Ordinance if it is developed for single-family residential purposes.

6.03.3 PURPOSE AND INTENT

- A. The purpose of the Watershed Protection Overlay Districts is to prevent significant future water quality deterioration in existing or potential future drinking water reservoirs and rivers that receive stormwater runoff from land within the town. Protection of all water supplies within the state, in accordance with minimum standards, was mandated by the Water Supply Watershed Protection Act passed by the General Assembly in 1989. The quality of water in drinking water reservoirs and rivers can be affected by human activities including farming, obstruction of highways and roads, subdivision development, industrial development and other land disturbing activities. Types of water pollutants resulting from these activities include sediment, bacterial contamination, heavy metals, synthetic organic compounds and low-level radioactivity.

- B. The intent of the Watershed Protection Overlay Districts is to apply a set of regulations involving land use and, in some cases, structural best management practices (BMPs) that protect the watersheds by reducing the pollution from future development that enters the drinking water supplies. Land use management practices involve minimum lot sizes, maximum allowed density and built-upon area restrictions, since built-upon areas such as roads, rooftops and driveways are a major source of pollution. Structural best management practices allow for more intensive land uses by providing for temporary detention of stormwater runoff so that pollutants may settle.

6.03.4 ESTABLISHMENT OF AREA

- A. The Watershed Protection Overlay Districts as hereby established overlay other zoning districts established in this chapter. The new use of any land or new structure within any Watershed Protection Overlay District shall comply with the use regulations applicable to the underlying zoning district as well as the requirements of the applicable Watershed Protection Overlay District.
- B. A Watershed Protection Overlay District will be applied to the town portion of watersheds that have been classified as WS-IV watersheds by the NC DEQ Environmental Management Commission in its implementation of NCGS 143-214.5, the Water Supply Watershed Protection Act of 1989. In accordance with the state mandate, two Watershed Protection Overlay Districts, as listed below, are hereby established:
 - 1. Cape Fear River Water Supply Watershed – Critical Area (WS-IV-CA)
 - 2. Cape Fear River Water Supply Watershed – Protected Area (WS-IV-PA)

6.03.5 DEVELOPMENT REGULATIONS

- A. **Watershed Areas Described**
 - 1. **Cape Fear River Water Supply Watershed – Critical Area (WS-IV-CA)**

Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this Subsection when located in the WS-IV watershed. New residual waste sites and landfills are specifically prohibited. The uses allowed in this area are as follows:

 - a. Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.
 - b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101-.0209).
 - c. Residential Development
 - d. Nonresidential development, excluding:
 - i. Landfills; and
 - ii. Sites for land application of sludge/residuals or petroleum contaminated soils.
 - 2. **Cape Fear River Water Supply Watershed – Protected Area (WS-IV-PA)**

Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Article when located in a WS-IV Watershed. The uses allowed in this area are as follows:

- a. Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.
- b. Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101-.0209).
- c. Residential development
- d. Nonresidential development

B. Cluster Developments

Clustering of development is allowed in all watershed areas under the following conditions:

- 1. Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in the built-upon area requirements in the “Density and Built-Upon Area Requirements” Subsection of this Article.
- 2. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- 3. The remainder of the tract shall remain in a vegetated or natural state. Title to the open space area shall be conveyed to:
 - a. An incorporated homeowners’ association for management. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds; or
 - b. A local government for preservation as a park or open space; or
 - c. A conservation organization for preservation in a permanent easement.

C. Stream Buffers Required

- 1. A minimum 100-foot vegetative stream buffer is required for all new development activities that exceed the low density option; otherwise, a minimum 30-foot vegetative stream buffer for development activities is required along all perennial waters indicated on the most recent versions of USGS 1: 24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream bank or shoreline stabilization approved by the Administrator is permitted.
- 2. No new development is allowed in stream buffers, except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of stormwater best management practices.

D. Application of Regulations

1. No building or land shall hereafter be used, and no development shall take place, except in conformity with the regulations herein specified for the watershed area in which it is located.
2. No area required for the purpose of complying with the provisions of this Article shall be included in the area required for another building.
3. If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

E. Existing Development

1. Any existing development as defined in this Article, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development shall meet the requirements of this Article; however, the built-upon area of the existing development is not required to be included in the density calculations.
2. Reconstruction of Buildings or Built-upon Areas.
3. Any existing building or built-upon area not in conformance with the restrictions of this Article that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:
 - a. Repair or reconstruction is initiated within three (3) months and completed within one (1) year of such damage; and
 - b. The total amount of space devoted to built-upon area may not be increased.

6.03.6 Density and Built-upon Area Requirements

Maximum residential and nonresidential density and built-upon area limits shall be as indicated in the table below, or as required by the base zoning district, whichever is less.

A. Cape Fear Water Supply Watershed (Class WS-IV)			
Development Type	Classification	Max. Built-Upon Area	Max. Density
Single-Family Residential Development	Critical Area	24% (Low Density Option) or	2 units/1 acre
		*50% (High Density Option)	Follow Base Zoning
	Protection Area	24% (Low Density Option) – Requires Curb & Gutter or	Follow Base Zoning
		36% (Low Density Option) – Without Curb & Gutter or	Follow Base Zoning
	*70% (High Density Option) – Requires Curb & Gutter	Follow Base Zoning	
All Other Residential & Non-residential Development	Critical Area	24% (Low Density Option) or	Follow Base Zoning
		*50% (High Density Option)	Follow Base Zoning
	Protection Area	24% (Low Density Option) – Requires Curb & Gutter or	Follow Base Zoning
		36% (Low Density Option) – Without Curb & Gutter or	Follow Base Zoning
	*70% (High Density Option) – Requires Curb & Gutter	Follow Base Zoning	
<p>Note: For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.</p> <p><i>*On-site infiltration of the first inch of storm water runoff & 100’ stream buffers along perennial streams required.</i></p>			