



PLANNING BOARD SPECIAL CALLED MEETING

Monday, October 23, 2023 at 6:00 PM

Landis Board Room

AGENDA

PLEASE SILENCE ALL CELL PHONES

1. CALL TO ORDER:

Notice: This Agenda is of the October 10, 2023, Regular Scheduled Meeting, a meeting that did not take place because a quorum was not present. The purpose of this Special Called Meeting of the Planning Board is to discuss the items of this Agenda.

2. DETERMINATION OF QUORUM:

3. PLEDGE OF ALLEGIENCE:

4. RECOGNITIONS AND ACKNOWLEDGMENTS:

5. APPROVAL OF AGENDA:

6. APPROVAL OF MINUTES FOR MEETING(S):

6.1 Consider Approval of Meeting Minutes from the August 8, 2023, Regular Scheduled Meeting

7. OLD BUSINESS:

7.1 Periodic Review and Update per NCGS 160D-501(a) to **Town Plan 2040 - Comprehensive Land Use Plan** and **Future Land Use Map**: Small Area Planning for Downtown Landis Revitalization:

i. Existing conditions, Site analysis approach & schedule site visit

8. NEW BUSINESS:

8.1 **Zoning Text Amendment(s) ZTA 2023-12-11**: Review and recommendation of draft ZTA applicable to the **Main Street (MS) District** for the purpose of:

i. Amending Article 8, Table 8.1, Section 1 – General Uses to insert the reference to the new requirements for such uses in the MS District while removing certain residential uses from the MS District,

ii. Amending Article 10 to create section 10.1-38 establishing standards for certain uses listed in the MS District, and

iii. Amending Article 10 to create section 10.2-8(2)(4) establishing standards for certain uses listed in the MS District.

8.2 **Zoning Text Amendment ZTA 2023-11-13**: Review/recommendation: Article 20

8.3 **Technical Review and Board Input for Site Development Plans**: (full scale drawings to be presented and discussed at the meeting):

 i. **Beadle (Landis Commerce Park)** previously seen on April 11, 2023

8.4 Planning Board Discussion Regarding Meeting Dates for the Next Six (6) Planning Board Meetings

9. ADJOURNMENT:



PLANNING BOARD

Tuesday, August 08, 2023 at 6:00 PM
Landis Board Room

MINUTES

PLEASE SILENCE ALL CELL PHONES

1. CALL TO ORDER:

A regular meeting of the Planning Board of the Town of Landis was called to order at 6:00 pm on Tuesday August 8, 2023, in the Landis Board Room by Chairman Ryan Nelms.

2. DETERMINATION OF QUORUM:

Members Present: Chairman Ryan Nelms, Member Mark Bringle, Member Scott Faw, Member Beryl Alston, Member Roxanne Barnes.

Members Absent: Vice-Chair Catherine Drumm, Member Jade Bittle

Staff Present: Planning, Zoning & Subdivision administrator Rick Flowe and Deputy Town Clerk Haley Graham

Others Present: Nadine Cherry

3. PLEDGE OF ALLEGIENCE:

Chairman Ryan Nelms led those in attendance in the Pledge of Allegiance.

4. RECOGNITIONS AND ACKNOWLEDGMENTS:

Chairman Ryan Nelms welcomed Roxanne Barnes to the Planning Board. He also thanked Public Works, Fire, Police, and Town Manager, Michael Ambrose, for their efforts in the storm response.

5. CHANGES TO (IF ANY) AND APPROVAL OF AGENDA:

A Motion was made to approve the Agenda by Faw, seconded by Bringle, passed by unanimous vote (5-0).

6. APPROVAL OF MINUTES FOR MEETING(S):

Chairman Nelms asks to consider approval of the Planning Board Meeting Minutes from June 21, 2023. It was noted that Pledge was spelled incorrectly and would be corrected.

A Motion was made to approve the June 21, 2023, meeting minutes by Faw, seconded by Alston, passed by unanimous vote (5-0).

7. OLD BUSINESS:

7.1 **Periodic Review and Update per NCGS 160D-501(a) to Town Plan 2040-Comprehensive Land Use Plan and Future Land Use Map: Small Area Planning for Downtown Landis Revitalization:**

a.) Existing conditions

PZ&S Administrator Rick Flowe presented all factors and distributed packets. PZ&S Administrator Rick Flowe reviewed packet files 1 and 2.

b.) Site analysis approach & schedule site visit

PZ&S Administrator Rick Flowe provided slides on USB. Rick Flowe also proposed a walk about for the October 10, 2023, meeting. Scott Faw has a conflict in schedule and recommended the week after for the meeting. Recommended to leave on standing Old Business Agenda as action item.

8. NEW BUSINESS:

8.1 a.) **Planning Board review/recommendation of Draft Development Agreement and Draft Ordinance #DA-2023-09-11 for "Kimball Landing" townhome project.**

PZ&S Administrator Rick Flowe presented the background and materials. He stated that state law calls for a Planning Board review and recommendation of Development Agreements. The Planning Board had previously provided input on the site Development Plan. Since that time, the project scope has been scaled down from 9 units to 8 units for the Kimball Landing townhome project. The only developer installed public improvement included in the project is the installation of a 5' sidewalk across the frontage along Kimball Road, which is ADA complaint. The Draft Development Agreement provides for the project to be completed in a single phase and for all improvements to be completed during the single phase.

A Motion was made to recommend Ordinance #DA-2023-09-11 and the Development Agreement to the Board of Aldermen by Faw, seconded by Alston, passed by unanimous vote (5-0).

b.) **Planning Board review/recommendation of Draft Ordinance Amending the Landis Development Ordinance Official Zoning Map:**

i.) **ZMA 2023-09-11 located at 630 Kimball Road requesting a zoning designation per N.C.G.S. 160D-604(b) of "Mixed-use 1" (MU-1)**

PZ&S Administrator Rick Flowe presented the background and materials. He stated The site is adjacent to an existing Mixed-Use 1 (MU-1) district property with an older townhome project built to standards of previous ordinance in effect at that time; however, that new development in the MU-1 district would be required to meet the standards of the Landis Development Ordinance or LDO.

Mr. Flowe stated the applicant is present and available to answer any questions about their application for the ZMA; however, that any use listed in the LDO for the MU_1 would be

eligible so any comments about their stated intent to construct new townhomes would be subject to change if the owner decided to sell or develop any of the other eligible uses for the site.

A Motion was made to recommend Ordinance #ZMA-2023-09-11 to the Board of Aldermen by Faw, seconded by Bringle, passed by unanimous vote (5-0).

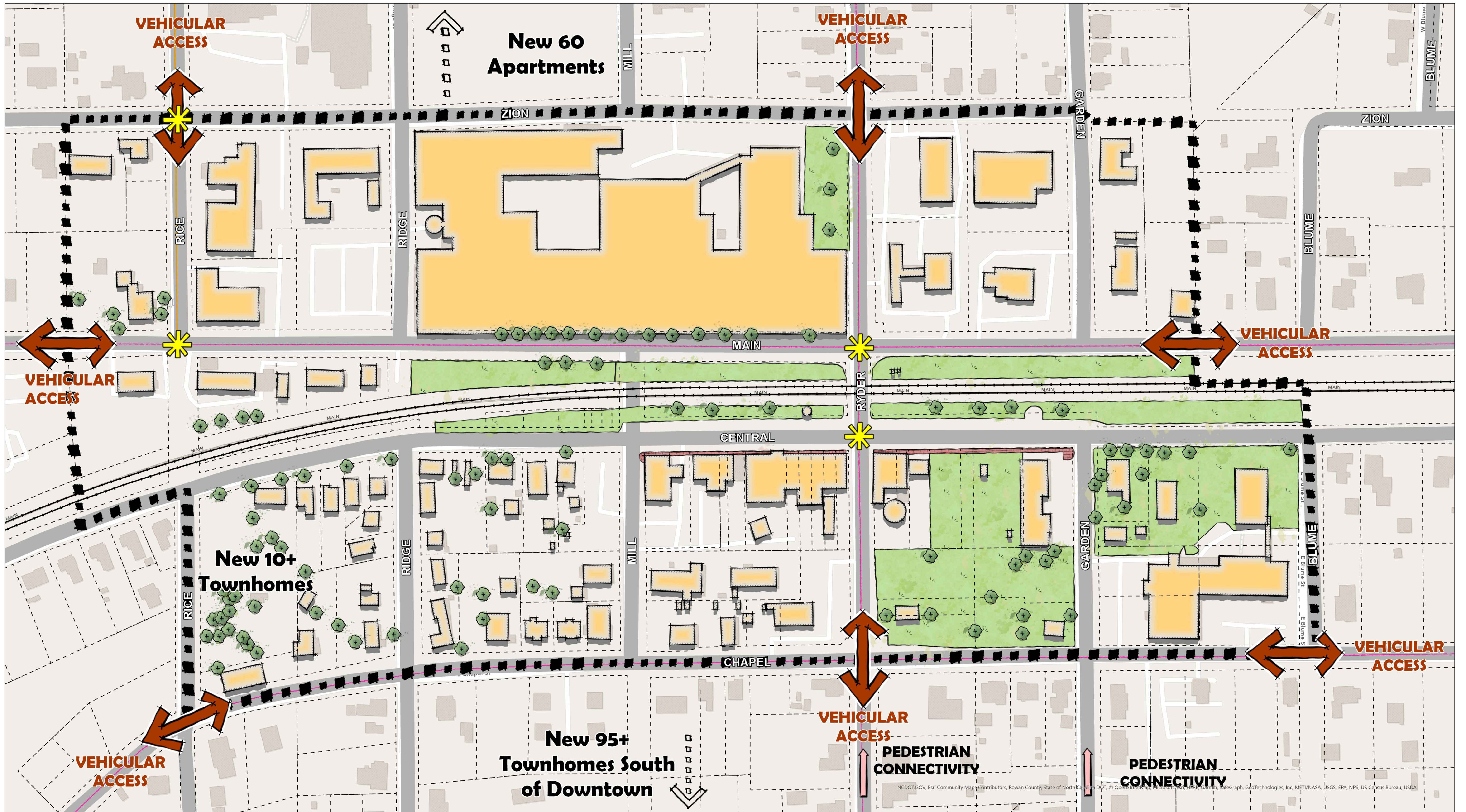
9. ADJOURNMENT:

Meeting was adjourned by Chairman Ryan Nelms at 6:48 pm.

A Motion was made to adjourn the meeting by Bringle, seconded by Barnes, passed by unanimous vote (5-0).

Respectfully Submitted,

Angela Sands, Deputy Town Clerk



DOWNTOWN MASTER PLAN SITE ANALYSIS

DRAFT - July 27, 2023

Sources: Parcel Data - Rowan County Tax & Map GIS on August 9, 2022

Prepared by: N-Focus, Inc.

PDF: Landis - DMP Site Analysis, 20230727.PDF
Package: Landis_Downtown_Masterplan_20230726_303PM



1



2

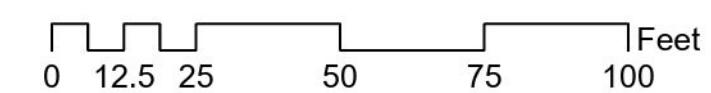


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DOWNTOWN MASTER PLAN SITE ANALYSIS ~ ENLARGEMENT

- Study Area
- Roads
- Roads Maintained by NCDOT
- Railroad
- 2022 County Tax Parcels
- Signalized Intersections



DRAFT - August 7, 2023

Sources: Parcel Data: Rowan County Tax & Map GIS on August 9, 2022

Prepared by: N-Focus, Inc.

PDF: 2_Landis - DMP Site Analysis - Enlargement with Photos, 20230807.PDF
Package: Landis_Downtown_Masterplan_20230807

AN ORDINANCE AMENDING
THE “LANDIS DEVELOPMENT ORDINANCE”
OF THE TOWN OF LANDIS, NORTH CAROLINA

Ordinance Number ZTA-2023-12-11

WHEREAS, on May 10, 2021, the Town Board of Aldermen’s newly adopted Landis Development Ordinance, also known as the LDO, became fully effective; and,

WHEREAS, the amendment of the LDO to incorporate up-to-date standards and specifications is both consistent with the adopted *Town Plan 2040* by continuing to meet the adopted goals of *Town Plan 2040* emphasizing Goal 7, Objective 7.2, Strategy 1; then,

THEREFORE, BE IT ORDAINED by the Town Board of Aldermen that the Landis Development Ordinance be amended as follows:

PART 1. “Article 8, Table 8.1, Section 1 – General Uses” is hereby amended to 1) revise the Main Street (MS) District uses to add conditions noted as “A (10.1-38)” where such entries appear below and 2) delete the symbol “L” for current listed uses where the MS column is left blank for uses as indicated by a yellow highlight without any symbols appearing therein as follows:

(This space left blank intentionally)

Table 8.1 - Table of Uses L=listed use S=special use A=use listed with additional standards Section 1 - General Uses of the following:		Main Street (MS)
Bed & Breakfast (incl. Tourist Home, Boarding House except when "Residential Tourist/temporary residence")	A (10.1-8) & A(10.1-38)	
Communication or Broadcasting Facility, without Tower	A(10.1-38)	
Dance School	A(10.1-38)	
Day Care Center for Children or Adults (6 or more)	A (10.1-14) & A(10.1-38)	
Day Care Center, Home Occupation for less than 6 children	A (10.1-15) & A(10.1-38)	
Event and Wedding Venue	A(10.1-38)	
Funeral Home without Crematorium	A(10.1-38)	
Furniture Framing	A(10.1-38)	
Group Care Facility	S (10.2-8) A (10.1-38)	
Home Occupation	A (10.1-21) & A(10.1-38)	
Hotel or Motel	A(10.1-38)	
Laboratory, Medical or Dental	A(10.1-38)	
Medical, Dental or Related Office	A(10.1-38)	
Nursing Home, Assisted Living	A (10.1-25) & A(10.1-38)	
Office Uses		
Accounting, Auditing or Bookkeeping Services	A(10.1-38)	
Administrative or Management Services	A(10.1-38)	
Advertising Agency	A(10.1-38)	
Architect, Engineer or Surveyor's Office	A(10.1-38)	
Dental, Medical or Related Office	A(10.1-38)	
Employment Agency, Personnel Agency	A(10.1-38)	
Finance or Loan Office	A(10.1-38)	
Home Occupation	A (10.1-21) & A(10.1-38)	
Insurance Agency (w/on-site claims inspections)	A(10.1-38)	
Insurance Agency (without on-site claims inspections)	A(10.1-38)	
Law Office	A(10.1-38)	
Medical, Dental or Related Office	A(10.1-38)	
Office Uses Not Otherwise Classified	A(10.1-38)	
Real Estate Office	A(10.1-38)	
Stock, Security or Commodity Broker	A(10.1-38)	
Travel Agency	A(10.1-38)	
Residential Uses (Dwellings)		
Dwelling, Accessory Unit	A(10.1-38)	
Dwelling, Attached House (incl. term "Townhouse")	A(10.1-38)	
Dwelling, Multifamily 8 Units or Less	A (10.1-24) & A(10.1-38)	
Dwelling, Multifamily (apartments or condominiums)	A (10.1-24) & A(10.1-38)	
Dwelling, Single-Family Detached, including Duplex (2-family), may also include Modular Construction		
Temporary Family Health Care Structure (per G.S. 160D-914(a)(5))		
Retreat Center	A(10.1-38)	
Vocational, Business or Secretarial School	A(10.1-38)	

2nd F

2023

PART 2. “Article 10, Section 10.1-38” is hereby established to read as follows:

10.1-38 Certain Uses in Main Street (MS) District

(A.) Within the Main Street (MS) Zoning District all uses bearing the symbol “A(10.1-38)” in Table 8.1, appearing in Article 8 of this Ordinance are listed; however, all properties of the MS district located within the blocks bounded by Central Avenue and Chapel Street between East Garden Street and East Ridge Avenue shall be subject to the additional standards appearing in Sub-section 10.1-38(B) below.

(B.) Standards applicable within the MS district located within the blocks bounded by Central Avenue and Chapel Street between East Garden Street and East Ridge Avenue:

- (1.) Certain uses appearing in Article 8, Table 8.1 with the symbol “A(10.1-38)” as a use listed with additional standards shall meet the following standards:
 - (a.) Secondary use shall be situated on second or higher floor above adjacent grade as determined by the *Planning, Zoning & Subdivision Administrator*, whose determination shall be final.
 - (b.) Uses occupying basement and/or floors below grade may be principal and/or accessory uses to the principal use occupying the first floor above grade.
 - (c.) Secondary use shall have separate access to second or higher floor and distinguishable from principal use occupying first floor, not including basements and/or floors below grade.
 - (d.) Secondary use may utilize first floor for access to include, but not be limited to, lobby/reception, elevator(s), stairwell(s), etc. provided only security and reception personnel only may occupy the first floor above grade, provided that no such limited occupancy of the first floor shall exceed 600 sq. ft.
- (2.) Projects establishing secondary use occupancy in accordance with these standards shall provide a copy of the terms of occupancy and use when multiple tenants occupy the same building when making application for a *Zoning Compliance Permit* in accordance with Article 7 of this Ordinance.
- (3.) The permitted use provisions of this Article are not eligible for variance by the Board of Adjustment in accordance with NCGS 160D-705(d).

PART 3. “Article 10, Section 10.2-8(B)” is hereby amended to add a new provision 10.2-8(B)(4) to read as follows:

- (4.) Provisions of 10.1-38 shall apply to properties within the MS District.

PART 4. This Ordinance shall be effective at 12:01 AM EST on December 12, 2023.

ADOPTED on this the 11th day of December 2023.

s/ _____

Meredith Bare Smith, Mayor

s/ _____

Madison Stegall, Town Clerk

AN ORDINANCE AMENDING
THE “LANDIS DEVELOPMENT ORDINANCE”
OF THE TOWN OF LANDIS, NORTH CAROLINA

Ordinance Number ZTA-2023-11-13

WHEREAS, on May 10, 2021 the Town Board of Aldermen’s newly adopted Landis Development Ordinance, also known as the LDO, became fully effective; and,

WHEREAS, the amendment of the LDO to incorporate up-to-date stormwater standards and specifications is both consistent with the adopted *Town Plan 2040* by continuing to meet the adopted goals of *Town Plan 2040* emphasizing management of growth and reasonable because of the Town’s need to achieve compliance with applicable federal mandates; and,

THEREFORE BE IT ORDAINED by the Town Board of Aldermen that the Landis Development Ordinance be amended as follows:

PART 1. Articles 20 is hereby amended to read as it appears on the following pages:

PART 2. This Ordinance shall be effective at 12:01 AM EST on November 14, 2023.

ADOPTED on this the 13th day of November 2023.

s/ _____

Meredith Bare Smith, Mayor

s/ _____

Madison Stegall, Town Clerk

ARTICLE 20
STORMWATER

(Amended in its entirety November 13, 2023)

Section 20.1 Title

This Article may be cited as the Town of Landis Stormwater Ordinance.

Section 20.2 Purpose

This Article is adopted for the purposes of:

- a. The stormwater management regulations of this Article shall protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of stormwater runoff associated with new development. Proper management of stormwater runoff will protect property, control stream channel erosion, prevent increased flooding associated with new development, protect floodplains, wetlands, water resources, riparian and aquatic ecosystems, and otherwise provide for environmentally sound use of the Town’s natural resources; and
- b. Establishing procedures through which these purposes can be fulfilled.

Section 20.3 RESERVED

Section 20.4 Definitions Supplemental to this Article

As used in this Article, unless the context clearly indicates otherwise, the following definitions apply:

- a. Applicant - An owner or Developer of a site who executes the Stormwater Permit application pursuant to the Town of Landis’s Stormwater Ordinance.
- b. Buffer Zone - means the strip of land adjacent to a lake or natural watercourse.
- c. Connection. Any ditch, pipe, or other device for the diversion or transmission of storm drainage, which will in any way affect the operation or maintenance of the drainageways.
- d. Conveyance - Any feature of the landscape or earth, manmade or natural, that carries water in a concentrated flow.

- e. Detain. To store and slowly release stormwater runoff following precipitation by means of a surface depression or tank and an outlet structure.
- f. Development. Any land disturbing activity which adds to or changes the amount of impervious or partially pervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil, or increases total runoff from the site, other than a rebuilding activity that does not qualify as redevelopment. Drainage structures shall include swales, channels, storm sewers, curb inlets, yard inlets, culverts, and other structures designed or used to convey stormwater.
- g. Final Certificate of Occupancy - means the document required by the North Carolina State Building Code certifying that a new building shall not be occupied, or a change made in occupancy, nature, or use of a building until after all required building and services systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Town's Planning Services Department and the Rowan County Code Enforcement Department.
- h. RESERVED.
- i. High-Density Development – A project is high-density if it contains more than twenty-four percent (24%) built-upon area or more than two dwelling units per acre or in the case of lots less than one acre, if more than 10,000 square feet of impervious surface exists.
- j. High Quality Waters - means those classified as such in 15A NCAC 2B.0101 (e) (5) - General Procedures, which is incorporated herein by reference to include further amendments.
- k. High Quality Water (HQW) Zones - means areas that are within one mile and drain to HQW's.
- l. Impervious surface. Any surface that, in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but are not limited to, compacted and/or mixed aggregate gravel, concrete, asphalt or other paving material, and all areas covered by the footprint of buildings or structures. Excludes uncompacted washed stone used in landscape beds where vehicular traffic is prohibited.
- m. Lake or Natural Watercourse - means any stream, river, brook, swamp, sound, bay, creek, run, branch, canal, waterway, estuary, and any reservoir, lake or pond, natural or impounded, in which sediment may be moved or carried in suspension, and which could be damaged by accumulation of sediment.

- n. Land disturbing activity- Any use of, or operations on, the land by any person in residential, industrial, educational, institutional, or commercial development, including road construction and maintenance, that results in a change in the natural cover or topography.
- o. Local Government - means any county, incorporated village, town, or city, or any combination of counties, incorporated villages, towns, and cities, acting through a joint program pursuant to the provisions of the Act.
- p. Low-density Development – A project is low-density if it has no more than twenty-four percent (24%) built-upon area or no more than two dwelling units per acre.
- q. May – means contingent upon the discretion of the Administrator or their designee.
- r. One-year, 24-hour storm. The surface runoff resulting from a 24-hour rainfall of an intensity expected to be equaled or exceeded, on average, once in 12 months and with a duration of 24-hours.
- s. Parent - an affiliate that directly, or indirectly through one or more intermediaries, controls another person.
- t. Person - means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, council, board, public or private institution, utility, cooperative, interstate body, or other legal entity.
- u.. Plan - means a Stormwater Control Plan.
- v. Recurring Violation – means a violation that has not been corrected within the time specified by the Town of Landis, or, a reoccurrence of a violation from which a previous notice has been issued, notwithstanding natural occurrences exceeding design requirements.
- w. Retain. To capture and hold stormwater runoff following precipitation by means of surface depression allowing the water to infiltrate into the soil, thus reducing the hydrologic and pollution impacts downstream.
- x. Shall – means a requirement.
- y. Stormwater - Any surface flow, runoff, and drainage consisting entirely of water from rainfall events.
- z. Velocity – means the average speed of flow through the cross-section of the main channel at the peak flow of the storm of interest. The cross-

section of the main channel shall be that area defined by the geometry of the channel plus the area of the flow below the flood height defined by vertical lines at the main channel banks. Excludes overload flows.

Section 20.5 Exclusions

The stormwater management regulations of this Article do not apply to any of the following development activities:

- a. Activities including the breeding and grazing of livestock, undertaken on agricultural land for the production of plants and animals useful to man, including but not limited to:
 - 1) Forages and sod crops, grains and feed crops, tobacco, cotton and peanuts.
 - 2) Dairy animals and dairy products.
 - 3) Poultry and poultry products.
 - 4) Livestock, including beef cattle, sheep, swine, horses, ponies, mules and goats.
 - 5) Bees and apiary products.
 - 6) Fur producing animals.
- b. Activities undertaken in forestland for the production or harvesting of timber and timber products and conducted in accordance with best management practices as set out in Forest Practice Guidelines Related to Water Quality.
- c. Activities for which a permit is required under the mining act, G.S. 74-46 et seq.
- d. Commercial development on lots less than one acre that are not part of a larger common plan of development or sale.
- e. Residential development that disturbs less than one acre, including total buildout of the site that are not part of a larger common plan of development or sale.
- f. Any development in which the owner has accrued a vested right. A vested right is recognized if either a preliminary plan has been approved by the *Planning, Zoning & Subdivision Administrator* that meets the required standards and specifications of the Town of Landis Development Ordinance (LDO), or a Land Disturbing Permit has been issued pursuant to Rowan County Soil Erosion and Sedimentation Control ordinance in effect on or before the effective date of this Ordinance, and that such plan or permit remains unexpired.
- g. A party in interest in a particular plan found to have no vested right to construct or develop on or before the effective date of this Ordinance may appeal to the Town of Landis Board of Adjustment for a hearing de novo.

Such hearing shall be expedited and shall be limited to the issue of whether the landowner has a vested right to construct or develop their site under plans submitted prior to the effective date of this Ordinance.

- h. Redevelopment or expansions to uses included in the above categories are not subject to the stormwater requirements unless it would result in an expansion of impervious surface on commercial lots in size equal to or greater than one acre, would result in commercial redevelopment where more than 50% of the square footage of a structure is replaced on a lot in size equal to or greater than one acre, or would result in a total developed acreage of one acre for residential development.

Section 20.6 Review and Decision-Making Entities

The Town of Landis Planning, Zoning & Subdivision Administrator will administer this Ordinance. The Town Manager will designate a Stormwater Administrator to review plans as requested by the Planning, Zoning & Subdivision Administrator. In addition to the powers and duties that may be conferred, the Stormwater Administrator shall have the following powers and duties under this Article:

- a. To review and approve or disapprove applications for approval of plans pursuant to this Article.
- b. To make determinations and render interpretations of this Article.
- c. To establish application requirements and schedules for submittal and review of applications and appeals, to review and approve applications.
- d. To enforce the provisions of this Article in accordance with its enforcement provisions.
- e. To make records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of this Article.
- f. To provide expertise and technical assistance to the Town.
- g. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
- h. To take any action necessary to administer the provisions of this Article.

Section 20.7 Review and Appeals Procedures

- a. A Stormwater Management Permit is required for all development and redevelopment which equals or exceeds one acre of residential or commercial development, unless exempt pursuant to Section 5 of this

Article and projects less than an acre that are part of a larger common plan of development or sale.

- b. The Board of Aldermen shall establish permit review fees.
- c. For all activities which are subject to this Article, no person shall initiate, proceed, or undertake any land disturbing or development activity for which a permit is required without first being issued a written stormwater control permit.

All other required applications must be received, and permits must be obtained prior to the start of the work. These may include but are not limited to Soil Erosion and Sedimentation Control, Flood Damage Prevention, Zoning, Subdivision, Building Permits and Inspections, NC Department of Transportation, NC Division of Water Quality, US Army Corps of Engineers, and NC DENR-Dam Safety.

- d. Plan review fees shall be double the amount when activity subject to this Article begins before a Stormwater Management Permit is obtained. Re-inspection fees will be charged for follow-up inspections when required, due to deficiencies discovered upon initial routine inspections.
- e. Two (2) copies of the Stormwater Management Plan shall be submitted to the Planning, Zoning & Subdivision Administrator for review by the Stormwater Administrator or their designee.
- f. The Stormwater Administrator or their designee shall review the plan for completeness and for compliance with the requirements of this Article. An incomplete or nonconforming Stormwater Management Plan will be returned to the applicant with an explanation of issues requiring resolution before Stormwater Management Plan approval simultaneously with Zoning Site Development Plan, Preliminary Plat and/or Construction Plans in accordance with Article 7 of this Ordinance.
- g. Within forty-five (45) days of receipt of application for Stormwater Management Plan approval, the Stormwater Administrator shall take action on the plan.
- h. Approval, approval with modifications, or denial of the proposed Stormwater Management Plan shall be in writing. In the case of denial, the reasons for denial shall be clearly stated. The applicant may appeal the decision of the Stormwater Administrator to the Town of Landis Board of Adjustment within 15 days after receipt of written notice of disapproval or approval with modifications. All applications for a Stormwater Management Permit constitute consent to physical inspection of the drainage structures and stormwater management measures during and after

construction by the Town and/or DEQ.

- i. Hearings held pursuant to this section shall be conducted by the Board of Adjustment within 30 days after the date of the appeal or request for hearing.
- j. The Board of Adjustment shall decide appeals within 15 days after the date of the hearing on any Stormwater Management Plan.
- k. The Board of Adjustment will conduct a hearing in the nature of a quasi-judicial proceeding with all findings of fact supported by material evidence and qualified testimony.
- l. Decisions appealing the final decision by the Board of Adjustment may be filed in Rowan County Superior Court, to be reviewed by proceedings in the nature of certiorari, within thirty (30) days of the final decision of the Board of Adjustment.
- m. The Stormwater Administrator shall take action on revisions to a Stormwater Management Plan which has been previously denied, within fifteen (15) days of receipt of the revised plan application for approval.
- n. 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 (re-application) for the same or substantially the same project shall be required along with the requisite fee and pursuant to the standards and specifications in effect at the time of re-application.
- o. Application for an amendment to an approved Stormwater Management Plan in written and graphic form may be made at any time. Until such time that any amendment is approved by the Stormwater Administrator, it shall be unlawful to deviate from the approved plan.
- p. An approved plan shall become null and void if the applicant has failed to make progress on the site within one-year after the date of approval in accordance with GS 160D-108(d). The Stormwater Administrator may grant a single, six-month extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

Section 20.8 Penalties for Violation

- a. Civil penalties may be imposed as follows:
 - 1. Any person who violates any of the provisions of this Article, or

rules or orders adopted or issued pursuant to this Article, or who initiates or continues a development for which a Stormwater Management Plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty for a violation of this Article is \$5,000 per day. Each day of a continuing violation shall constitute a separate violation. Additional fees may be charged for remedies and enforcement of this Article.

2. No penalty shall be assessed until the applicant has been notified of the violation in accordance with Article 23, Section 23.5-1 of this Ordinance. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation can be corrected, and warn that failure to correct the violation within the time period will result in the assessment of further civil penalties or other enforcement actions.
3. If the violation has not been corrected within the designated time period, a civil penalty may be assessed from the date the violation is detected.
4. Refusal to accept the notice or failure to notify the Stormwater Administrator of a change of address shall not relieve the violator's obligation to pay such a penalty.
5. The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for any building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant has taken the remedial measures set forth in the notice of violation and cured the violations described therein.

- b. **Penalties:** Any person violating any provisions of this Article shall be subject to the penalties appearing in Article 23 of this Ordinance as additional administrative remedies and enforcement penalties referenced in Sub-section 20.8-a.1 above. Each day that the violation continues shall constitute a separate violation.

Section 20.9 Permit Application and Plans

- a. The Stormwater Management Permit application and plan shall refer to the drawings and technical documentation for planned site improvements necessary to fulfill the drainage and stormwater management requirements of this Article. This shall include but not be limited to:

1. Location and topographic maps with the total drainage area delineated including both on-site and off-site areas and sufficient information to define all ridges, existing streams, location of the 100-year floodplain and floodway, drainage ways, wetland areas, existing springs, and elevation of any proposed discharge point, and any additional information required to evaluate the existing and proposed drainage system, which may include a soil analysis.
 2. Architectural and engineering drawings showing plan, profile and details of piping, drainage structures, swales, and channels tying into a network of pre-existing manmade or natural channels.
 3. Written project specifications governing work performance and materials.
 4. Computations and assumptions sufficient to support the design of piping, drainage structures, retention/detention ponds, and permanent erosion control measures.
 5. Whatever other narrative statements are necessary to adequately describe the proposed site improvements and the measures planned to comply with the requirements of this Article.
- b. The Stormwater Management Permit application and plan shall be prepared by and shall bear the seal and signature of a professional engineer or landscape architect licensed in the state of North Carolina, competent to perform all aspects of design.
 - c. The Stormwater Management Permit application and plan shall be prepared to meet the basic objectives and design standards for drainage and stormwater management as described in this Article.
 - d. The Stormwater Management Permit application and plan shall show the existing site topography and proposed site drainage improvements in sufficient detail to facilitate plan review and construction. The plan drawings shall be presented at a scale no smaller than 1 inch = 50 feet.

Section 20.10 Maintenance Manual

- a. The Stormwater Management Permit application and plan shall be accompanied by an operations and maintenance manual. The manual shall contain a narrative describing each installed measure and device and its design specifications. The manual shall indicate for each installed measure and device what operation and maintenance actions are needed and what specific quantitative criteria will be used to determine when these actions will be taken. The manual must indicate the steps that will be taken to

- restore a measure or device to the design specifications if a failure occurs.
- b. After the permit and plan is approved and installation is complete, if changes have been made to any installed measure or device, the manual shall be revised to reflect these changes, and such changes shall be subject to the review and approval of the Stormwater Administrator.

Section 20.11 As-built Plans and Specifications

- a. The designer of the stormwater control plans shall provide as-built plans of all stormwater control and management plans showing the field location, size, depth, and planted vegetation of all measures and devices as installed. If the previously submitted plans remain unchanged, an as-built certification to the existing plans will be required. No certificate of compliance or occupancy shall be issued without said as-built plans.
- b. The designer shall certify, under seal, that the as-built stormwater measures and devices and their installation are in compliance with the Town’s stormwater Article.
- c. The designer shall submit a final electronic file of the Stormwater Management Plan that is readable by GIS systems, geo-referenced to the NC State Plane 1983 (Feet).

Section 20.12 Stormwater Management Objectives

- a. In order to reduce drainage related damage and hazards, adequate natural drainage systems or stormwater management installations are required to collect and transmit stormwater flows into either existing drainage facilities or a natural drainage system.
- b. All storm drainage facilities shall be designed, constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such improvements. Specifically:
 - 1. Offsite areas which drain to or across a site proposed for development must be accommodated in the Stormwater Management Plans for the development. The stormwater management system must be capable of conveying the existing offsite flows through or around the development such that the volume and rate of flow from the adjacent property is not altered. If offsite flows are carried in the site system, any detention system shall be sized to accommodate this flow. The flow must be released to the original drainage area.
 - 2. Storm drainage facilities shall be designed to limit the discharge from the site to the rate for the 24-hour storm that existed prior to

development of the site. For projects that are redeveloping a developed site, the discharge will be limited to that which occurs before any new development. The type and location of the discharge will be as occurred before the current development unless the discharge is to a manmade conveyance system.

- c. All site improvements shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site.
- d. These goals for discharge can be accomplished by designing, constructing, and maintaining all stormwater management installations to the extent practicable:
 - 1. Avoid increases in surface runoff volume and velocity by including measures which promote the infiltration of stormwater,
 - 2. Maximize the time of concentration of stormwater runoff, and
 - 3. Promote the filtration and precipitation of pollutants from stormwater runoff in order to protect the water quality of the receiving watercourse.
- e. Whenever practicable, the drainage system of a development site shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets. Permission must be received from other applicable entities for connection.
- f. To the extent practicable, all site improvements shall conform to the natural contours of the land, and without disturbance, utilize the preexisting natural and preexisting manmade drainage ways.
- g. To the extent practicable, lot boundaries within subdivisions shall be made to coincide with, but not encroach into as per Section 16.2-3(D), natural and preexisting man-made drainage ways to avoid creation of lots that can only be built upon by altering such drainage ways.
- h. Stormwater shall not be diverted from one natural drainage basin into another.
- i. Stormwater shall not be channeled or directed into sanitary sewers.
- j. Stormwater controls shall not be located within the designated floodway.
- k. Stormwater controls shall not be located within 30 feet landward from any perennial and intermittent surface waters. A surface water shall be deemed

present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the US Department of Agriculture or the most recent version of the quadrangle topographic maps prepared by the USGS.

- l. Streams shall not be relocated unless it is demonstrated that the relocation of the stream will have a positive impact on water quality while reducing velocity. All other applicable permits must be received.
- m. High-density projects shall be required to adopt or install storm drainage facilities pursuant to this section, paragraph b.2.

Section 20.13 Stormwater Management Design Standards

- a. Design standards are established for the purpose of promoting sound development practices which respect, preserve and enhance watercourses and are not intended to prohibit the use of innovative and alternative techniques which can be demonstrated to have the potential for successfully achieving the objectives stated in Section 20.2 herein.
- b. Design Storm:
 - 1. The measures shall control and treat at a minimum the stormwater runoff from the first inch of rainfall volume leaving the project site. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.
 - 2. All structural stormwater treatment systems used to meet the requirements of this Article shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS).
 - 3. The design of drainage facilities in flood hazard areas shall be consistent with the requirements of Article 18 of this Ordinance. No stormwater controls shall be allowed within the floodway. No stormwater controls shall be within 30 feet landward of any perennial and intermittent surface water.
 - 4. The computation of stormwater runoff shall follow established engineering practice. Acceptable methods of computation include the Rational Method, the Peak Discharge Method as described in USDA Technical Release Number 55 (TR-55), and USGS Regression Equations, where applicable. If an alternate method is proposed, the method should be described and justification for using this method should be provided. The same method must be used for both the pre- and post-development conditions.

5. Runoff coefficients shall be based on full development of the project and of the watershed to the extent of the current zoning or land use patterns and shall include the complete development of the site through build-out, including roof tops and other impervious areas that may be proposed.
6. Stormwater detention shall be provided to insure that the rate of discharge for the 24-hour storm does not exceed the pre-development rate of discharge. In order to demonstrate this, inflow-outflow calculations shall also be submitted for any stormwater detention ponds.

Section 20.14 Technical Standards & Specifications Manual

The Town of Landis’s Planning and Development Services Department may furnish additional guidance and standards for the proper implementation of the regulations of this Article and may provide such information in the form of a Technical Standards & Specifications Manual. Stormwater management practices that are designed, constructed, or maintained in accord with the Technical Standards & Specifications Manual must be presumed to comply with these regulations. However, the Stormwater Administrator shall have the right to consult other engineers and duly qualified professionals, and to impose any conditions or require any modifications deemed necessary to meet the purpose, intent and requirements of this Article. In the absence of a Technical Standards & Specifications Manual standards and specifications set forth in the *NCDOT Subdivision Roads Minimum Construction Standards*, specifically *Section I - Construction Standards, Subsection I-A - Drainage* and structures to meet *Subsection I-B Structures* (Bridges, Culverts, Dams and Retaining Walls) shall apply.

Section 20.15 Construction of Stormwater Management Structures

- a. Stormwater management facilities shall be constructed in accordance with approved plans and maintained in proper working condition. The applicant/property owner is responsible for ensuring that the construction of drainage structures and stormwater management measures are completed in accordance with the approved plan and specifications. Inspections which may be performed by the Town of Landis or its agents during construction will not relieve the Developer of the responsibility to install stormwater management and drainage facilities in accordance with the approved plan.
- b. In response to a complaint, or as a compliance check with the requirements of the Article, the Stormwater Administrator or the designee shall perform a physical inspection of the construction of drainage structures and stormwater management measures or monitor long term

maintenance procedures.

- c. The property owner will be notified in writing of any substandard and/or nonconforming work identified by the Stormwater Administrator. The notification shall state the specific work that is out of compliance, the specific reasons for noncompliance, and the corrective measures necessary to bring the work into compliance.
- d. Failure of the property owner or Developer to correct substandard and/or nonconforming work identified by the Stormwater Administrator shall be sufficient reason to refuse any action or services such as, but not limited to building permits, or occupancy permits for buildings serviced by said work. Appeals on determination of noncompliant or substandard work and/or the adequacy of the corrective measures executed shall be made in accordance with Section 20.7.h, of this Article. Pending the ruling on the appeal, the determination of the Stormwater Administrator remains in effect.
- e. Revisions which affect the intent of the design, or the capacity of the system shall require prior written approval by the Stormwater Administrator.

Section 20.16 Performance Security for Installation

- a. The Developer shall provide a performance guarantee in accordance with Section 16.1-9(B) of this Ordinance prior to issuance of a Stormwater Management Permit to ensure the Stormwater Management System is installed by the Developer and functions as required by the approved Stormwater Management Plan.
- b. Compliance with the required Stormwater Management Permit, installation of Stormwater Management Plan measures, and maintenance of such measures shall be ensured by the Developer to avoid a failure to perform. The performance guarantee shall be subject to the terms and conditions of Section 16.1-9(C) of this Ordinance.

Section 20.17 Completion

The property owner/Developer is responsible for completing all stormwater improvements in accordance with the requirements of this Article and other applicable ordinance and laws.

Section 20.18 Assurance that Improvements will be Maintained.

All stormwater improvements must be maintained so they will continue to serve their intended functions.

- a. Development Phase. The Developer must maintain stormwater improvements until accepted by a property owners association or lot owner. The Developer must disclose which party will be responsible for continued maintenance on the record plat and on the Stormwater Management Plan. The Developer will be responsible for the installation, operations, and maintenance of the stormwater controls until ownership is conveyed. The responsibility and agreement for operations and maintenance for the Stormwater Management System is transferred with title, as each property is conveyed. The Developer will provide a written warranty to guarantee the stormwater improvements for 2 years after initial transfer of ownership.
- b. Before improvements are accepted for maintenance by the property owners association or lot owner, the Developer or the Developer's licensed North Carolina professional engineer or landscape architect, must certify to the grantee (property owners association and/or lot owner) and to the Town of Landis that improvements are complete and functioning as designed.
- c. The Developer must record, and reference on the record plat, an operations and maintenance plan that instructs the grantee about the required operations and maintenance tasks.
- d. The person responsible for maintenance of any stormwater structure or feature installed pursuant to this Article shall submit to the Stormwater Administrator an inspection report annually from a qualified registered North Carolina professional engineer, surveyor, or landscape architect performing services only in their area of competence. The report shall contain the following:
 - 1. The name and address of the landowner.
 - 2. The recorded book and page number of the lot of each stormwater control.
 - 3. A statement that an inspection was made of all stormwater controls and features.
 - 4. The date the inspection was made.
 - 5. A statement that all inspected controls and features are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this Article.
 - 6. The signature and seal of the engineer, surveyor, or landscape architect.

An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification. It shall be the responsibility of the property owner’s association or lot owner to update the plan annually.

- e. The Developer must record, and reference on the record plat, a maintenance agreement, or restrictive covenant that sets forth the property owners association’s or lot owner’s continuing responsibilities for maintenance, including specifying how cost will be apportioned among lot owners served.
- f. The maintenance agreement must provide that the association and its individual members are jointly and severable liable for maintenance.
- g. The Developer must record easements for access, maintenance, inspections and conduct monitoring or other activities approved by the Stormwater Administrator by any property owner’s association and by the Town of Landis.
- i. All maintenance documents required by this Article must be submitted to the Stormwater Administrator before record plat approval, and such documents must be referenced on the record plat, or, in the case of single-lot developments not requiring record plats, documentation must be submitted to the Stormwater Administrator before Certificate of Occupancy issuance. Failure to submit all maintenance documents shall constitute a violation of this Article and be subject to penalties in accordance with Section 20.8 of this Article.
- j. The Town of Landis may create special tax assessments for residential subdivisions to fund maintenance, fund maintenance for Stormwater Management Systems through stormwater utilities, or other alternative enterprise authority permissible by North Carolina law.

Section 20.19 Illicit Discharges and Connections

- a. Illicit Discharges

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, 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 they do not significantly impact water quality. The following discharges are excluded from this provision:

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 Town.

Prohibited substances include but are not limited to: oil of any source, anti-freeze, chemicals and/or chemical solutions, animal waste, paints, garbage, and litter.

b. 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 Section 20.20.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 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 material 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:
 - i. 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
 - ii. Was made in violation of any applicable regulations or ordinance;
 the non-stormwater 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 public health, and to public and private property, and
- iv. The cost of remedying the damage.

4. Spills

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

Persons in control of the polluting substances and persons owning the property on which the substances were released or discharged shall immediately notify the Town of Landis Public Works 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 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 law.

5. Nuisance

Illicit discharges and illicit connections which exist within the jurisdiction of the Town of Landis and this provision are hereby found, deemed and declared to be dangerous or prejudiced to public health or public safety and are found, deemed, and declared to be public nuisances.