

Upon motion of Jim Harrell, seconded by Jim Miller, the Board voted unanimously to authorize the Clerk to the Board to enter into the Ordinance Book, amendments to the Mt. Airy Fringe Area Zoning Ordinance.

The changes were approved by the Board of Commissioners in previous meetings but not in amendment form. For more details on the public hearings please see minutes of meetings when changes were originally approved (shown on following amendments).

**AMENDMENTS TO THE MOUNT AIRY FRINGE AREA ZONING ORDINANCE
AND THE OFFICIAL ZONING MAP OF THE FRINGE AREA**

Upon motion of Commissioner Melvin Jackson, seconded by Commissioner Bill Lowe, the Board voted unanimously to adopt the following amendment to the Zoning Ordinance:

BE IT ORDAINED by the Board of Commissioners of Surry County as follows:

Section I. The Mount Airy Fringe Area Zoning Ordinance and the Official Zoning Map of the Fringe Area are hereby amended by changing from Residential (R-20) to General Business (G-B) the zoning classification of the following described property:

The property on Welch Road, Mount Airy Township, such property more particularly described as Parcel # 2448 of Surry County Tax Map No. 5929.06.

Section II. This amendment shall be effective from and after its adoption.

ADOPTED this 5th day of July, 1988.

Upon motion of Commissioner Sam Couch, seconded by Commissioner Melvin Jackson, the Board voted unanimously to adopt the following amendment to the Zoning Ordinance:

BE IT ORDAINED by the Board of Commissioners of Surry County as follows:

Section I. The Mount Airy Fringe Area Zoning Ordinance and the Official Zoning Map of the Fringe Area are hereby amended by changing from Light Industrial (L-I) to Residential (R-20) the zoning classification of the following described property:

The property on Fowler Road, Mount Airy Township, such property more particularly described as Parcel # 9983 of Surry County Tax Map No. 5020.5.

Section II. This amendment shall be effective from and after its adoption.

ADOPTED this 4th day of December, 1989.

Upon motion of Commissioner Jim Miller, seconded by Commissioner Jim Harrell, the Board voted unanimously to adopt the following amendment to the Zoning Ordinance:

BE IT ORDAINED by the Board of Commissioners of Surry County as follows:

Section I. The Mount Airy Fringe Area Zoning Ordinance and the Official Zoning Map of the Fringe Area are hereby amended by changing from Residential (R-20) to General Business (G-B) the zoning classification of the following described property:

The property on Snowhill Drive, Mount Airy Township, such property more particularly described as Parcel #2085 of Surry County Tax Map No. 5020.17.

Section II. This amendment shall be effective from and after its adoption.

ADOPTED this 21st day of January, 1992.

Upon motion of Commissioner Melvin Jackson, seconded by Commissioner Don East, the Board voted to adopt the following amendment to the Zoning Ordinance. Commissioner Jim Miller abstained from the vote because he is employed by the business which will be affected by the change.

BE IT ORDAINED by the Board of Commissioners of Surry County as follows:

Section I. The Mount Airy Fringe Area Zoning Ordinance and the Official Zoning Map of the Fringe Area are hereby amended by changing from Residential (R-20) to General Business (G-B) the zoning classification of the following described property:

The property on Snowhill Drive, Mount Airy Township, such property more particularly described as the northern half of Parcel #6717 of Surry County Tax Map No. 5929.06.

Section II. This amendment shall be effective from and after its adoption.

ADOPTED this 18th day of May, 1992.

Upon motion of Commissioner Jim Miller, seconded by Commissioner Melvin Jackson, the Board voted unanimously to adopt the following amendment to the Zoning Ordinance:

BE IT ORDAINED by the Board of Commissioners of Surry County as follows:

Section I. The Mount Airy Fringe Area Zoning Ordinance and the Official Zoning Map of the Fringe Area are hereby amended by changing from Residential R-20 to Neighborhood (N-B) the zoning classification of the following described property:

The property on Westfield Road, Mount Airy Township, such property more particularly described as Parcel # 6538 of Surry County Tax Map No. 5030.19.

Section II. This amendment shall be effective from and after its adoption.

ADOPTED this 21st day of September, 1992.

AMENDMENT TO THE MOUNT AIRY FRINGE AREA ZONING ORDINANCE
AND THE OFFICIAL ZONING MAP OF THE FRINGE AREA

Upon motion of Commissioner Jim Miller, seconded by Commissioner Melvin Jackson, the Board voted unanimously to approve the following:

BE IT ORDAINED by the Board of Commissioners of Surry County as follows:

SECTION I. The Mount Airy Fringe Area Zoning Ordinance and the official Zoning Map of the Fringe Area Zoning are hereby amended by changing from (R-20) Residential to (G-B) General Business the zoning classification of the following described property: The property owned by Gary Frank Fleming on Springs Road (SR 1708), Mount Airy Township, such property more particularly described as parcel no. 0521 of Surry County Tax Map No. 5031.09

SECTION II. This amendment shall be effective from and after its adoption.

ADOPTED this 16th day of August, 1993.

Upon motion of Jim Harrell, seconded by James Templeton, the Board voted unanimously to approve amendment # 1 to the Tharrington School Capital Project Ordinance as follows:

AMENDMENT # 1

CAPITAL PROJECT ORDINANCE

Mount Airy City Schools - Tharrington Elementary

BE IT ORDAINED by the Board of Commissioners of the County of Surry that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, this capital project ordinance is hereby adopted:

Section 1. The project authorized by this ordinance is the renovation to include re-roofing, repainting and re-carpeting of B.H. Tharrington Elementary School.

Section 2. The officers of this governmental unit are hereby directed to proceed with this capital project within the guidelines set by the budget contained herein.

Section 3. The following financing sources are anticipated to be available to complete this project:

Proceeds from the Public School Building Capital Fund	\$ 112,500.
Proceeds from the sale of 1992 School Bonds (Appropriated by this Project Ordinance)	90,000.
Interest Earnings on Bond Proceeds	<u>67,500.</u>
TOTAL	\$ 270,000.

Section 4. The following expenditures are provided for the project:

Re-roofing	\$ 116,915.
Professional Fees	20,000.
Renovation - Paint & Carpet	120,000.
Contingency	<u>13,085.</u>
TOTAL	\$ 270,000.

Section 5. The Finance Officer is directed to report quarterly to the Board of Commissioners on the financial status of the project.

Section 6. The Budget Officer is directed to include an analysis of past and future costs and revenues for this capital project in each annual budget submitted to the Board of Commissioners for as long as this ordinance shall remain in effect.

Section 7. Any balance of appropriated funds which are unexpended at the conclusion of this project shall be reserved by the Board of County Commissioners for future schools buildings projects.

Section 8. Copies of this capital project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED BY THE SURRY COUNTY BOARD OF COMMISSIONERS this the 16th day of August, 1993.

Upon motion of Melvin Jackson, seconded by Jim Harrell, the Board voted unanimously to approve the Memos' of Agreement and Capital Project Ordinances for Flat Rock, Franklin, and Mountain Park Schools as follows:

CAPITAL PROJECT ORDINANCE

FLAT ROCK ELEMENTARY SCHOOL

BE IT ORDAINED by the Board of Commissioners of the County of Surry that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, this capital project ordinance is hereby adopted:

Section 1. The project authorized by this ordinance is the construction, renovating, and equipping of the Flat Rock Elementary School.

Section 2. The officers of this governmental unit are hereby directed to proceed with this capital project within the guidelines set by the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project, and are hereby appropriated or referenced by prior appropriation.

Proceeds from the sale of bonds	\$ 1,400,000.
Total Revenues	\$ 1,400,000.

Section 4. The following amounts are available for expenditures for the project:

Professional Services	\$ 117,440.
Site Preparation	113,500.
Construction	1,059,760.
Building Demolition	25,000.
Asbestos Removal	21,300.
Furniture and Equipment	25,000.
Contingency	38,000.
Total Appropriation	\$ 1,400,000.

Section 5. The Finance Officer is directed to report quarterly to the Board of Commissioners on the financial status of the project.

- Section 6. The Budget Officer is directed to include an analysis of past and future costs and revenues for this capital project in each annual budget submitted to the Board of Commissioners for as long as this ordinance shall remain in effect.
- Section 7. Any balance of appropriated funds which are unexpended at the conclusion of this project shall be reserved by the Board of County Commissioners for future schools buildings projects.
- Section 8. Copies of this capital project ordinance shall be made available to the Budget Officer and the finance officer for direction in carrying out this project.

ADOPTED BY THE SURRY COUNTY BOARD OF COMMISSIONERS this the 30th day of August, 1993.

CAPITAL PROJECT ORDINANCE

FRANKLIN ELEMENTARY SCHOOL

BE IT ORDAINED by the Board of Commissioners of the County of Surry that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, this capital project ordinance is hereby adopted:

- Section 1. The project authorized by this ordinance is the construction, renovating, and equipping of the Franklin Elementary School.
- Section 2. The officers of this governmental unit are hereby directed to proceed with this capital project within the guidelines set by the budget contained herein.
- Section 3. The following revenues are anticipated to be available to complete this project, and are hereby appropriated or referenced by prior appropriation.

Proceeds from the sale of bonds	\$ 1,925,000.
Total Revenues	\$ 1,925,000.

- Section 4. The following amounts are available for expenditures for the project:

Professional Services	\$ 120,360.
Site Preparation	198,000.
Construction	1,504,140.
Building Demolition	36,000.
Asbestos Removal	12,500.
Contingency	54,000.
Total Appropriation	\$ 1,925,000.

- Section 5. The Finance Officer is directed to report quarterly to the Board of Commissioners on the financial status of the project.
- Section 6. The Budget Officer is directed to include an analysis of past and future costs and revenues for this capital project in each annual budget submitted to the Board of Commissioners for as long as this ordinance shall remain in effect.
- Section 7. Any balance of appropriated funds which are unexpended at the conclusion of this project shall be reserved by the Board of County Commissioners for future schools buildings projects.

Section 8. Copies of this capital project ordinance shall be made available to the Budget Officer and the finance officer for direction in carrying out this project.

ADOPTED BY THE SURRY COUNTY BOARD OF COMMISSIONERS this the 30th day of August, 1993.

CAPITAL PROJECT ORDINANCE

MOUNTAIN PARK ELEMENTARY SCHOOL

BE IT ORDAINED by the Board of Commissioners of the County of Surry that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, this capital project ordinance is hereby adopted:

Section 1. The project authorized by this ordinance is the construction, renovating, and equipping of the Mountain Park Elementary School.

Section 2. The officers of this governmental unit are hereby directed to proceed with this capital project within the guidelines set by the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project, and are hereby appropriated or referenced by prior appropriation.

Proceeds from the sale of bonds	\$ 775,000.
Total Revenues	\$ 775,000.

Section 4. The following amounts are available for expenditures for the project:

Professional Services	\$ 59,800.
Site Preparation	35,000.
Construction	517,200.
Asbestos Removal	128,000.
Furniture and Equipment	17,500.
Contingency	17,500.
Total Appropriation	\$ 775,000.

Section 5. The Finance Officer is directed to report quarterly to the Board of Commissioners on the financial status of the project.

Section 6. The Budget Officer is directed to include an analysis of past and future costs and revenues for this capital project in each annual budget submitted to the Board of Commissioners for as long as this ordinance shall remain in effect.

Section 7. Any balance of appropriated funds which are unexpended at the conclusion of this project shall be reserved by the Board of County Commissioners for future schools buildings projects.

Section 8. Copies of this capital project ordinance shall be made available to the Budget Officer and the finance officer for direction in carrying out this project.

ADOPTED BY THE SURRY COUNTY BOARD OF COMMISSIONERS this the 30th day of August, 1993.

SURRY COUNTY
WATERSHED PROTECTION ORDINANCE

ARTICLE 100
AUTHORITY AND GENERAL REGULATIONS

Section 101. Authority and Enactment

The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121, General Ordinance Authority; Section 140, Abatement of Public Health Nuisances; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The Board of Commissioners of Surry County does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Surry County.

Section 102. Application and Jurisdiction

The provisions of this Ordinance shall apply to development as defined herein within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission as defined and established on the series of maps entitled, "Surry County Water Supply Watershed Map" ("the Watershed Maps"), which are adopted simultaneously herewith. The jurisdiction of this Ordinance shall be within the Public Water Supply Watershed as designated on the maps and shall not apply within the municipal limits of the City of Mount Airy, nor within the Municipal Limits or Extraterritorial Jurisdiction of the Towns of Elkin and Pilot Mountain. The jurisdiction of this Ordinance shall apply within the Municipal Limits and Extraterritorial Jurisdiction of the Town of Dobson in accordance with Resolutions adopted by the Board of Commissioners of the Town of Dobson and the Board of Commissioners of Surry County pursuant to North Carolina General Statutes 153A-122. The Watershed Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the Office of the County Clerk. Copies may be reproduced for administration purposes.

Section 103. Interpretation and Enforcement

In their interpretation and enforcement, it is the intent of the Board of Commissioners, in adopting the provisions of their Ordinance, that they be considered the minimum standards in carrying out the rules and requirements of the Surface Water Supply Protection rules adopted by the Environmental Management Commission pursuant to the Water Supply Watershed Protection Act.

Section 104. Exceptions to Applicability

- A. Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any County ordinance or regulation pertaining thereto; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of any Ordinance of Surry County. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction or imposes higher standards than those required by other ordinance, rules, regulations, or by easements, covenants, or agreements the provisions of this Ordinance shall combine with those provisions so that, in all cases, the most restrictive limitation or requirement shall govern.
- B. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this Ordinance or any amendment thereto: provided, however, that where construction is not begun under such outstanding permit within a period of one hundred eighty (180) days subsequent to the passage of this Ordinance or any amendment thereto, or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this Ordinance or any amendment thereto, any further construction or use shall be in conformity with the provisions of this Ordinance or any such amendment. Likewise, no change is required in any project that has obtained a vested right under North Carolina law so long as the vested right remains in effect.

Section 105. Severability

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 106. Effective Date

This Ordinance shall become effective the first (1st) day of January, 1994.

**ARTICLE 200
DEVELOPMENT REGULATIONS**

Section 201. Establishment of Water Supply Watershed Areas

In order to achieve the purposes of this Ordinance, the Water Supply Watersheds of Surry County within the jurisdiction of this Ordinance are hereby divided into the following classifications as shown on the Watershed Maps.

- A. Fisher River Watershed Critical Area (FRWS-CA) - WS-II-CA*
- B. Fisher River Watershed Balance of Watershed Area (FRWS-BW) WS-II BW*
- C. Elkin Creek Watershed Balance of Watershed Area (ECWS-BW) - WS-II BW*
- D. Toms Creek Watershed Balance of Watershed Area (TCWS-BW) - WS-II BW*
- E. Stewarts Creek Watershed Critical Area (SCWS-CA) WS-IV-CA*
- F. Stewarts Creek Watershed Protected Area (SCWS-PA) - WS-IV-PA*
- G. Lovills Creek Watershed Critical Area (LCWS-CA) - WS-IV-CA*
- H. Lovills Creek Watershed Protected Area (LCWS-PA) - WS-IV-PA*
- I. Ararat River Watershed Critical Area (ARWS-CA) - WS-IV-CA*
- J. Ararat River Watershed Protected Area (ARWS-PA) - WS-IV-PA*
- K. Yadkin River Watershed - King - Protected Area (YRWS-K-PA) - WS-IV-PA*

* Water Supply Watershed classification as assigned to the water supply watershed by the North Carolina Environmental Management Commission pursuant to North Carolina General Statutes 143-214.5.

Section 202. General Provisions Applicable to All Water Supply Watershed Areas

The following general provisions apply to all Water Supply Watershed Areas. These provisions and the provisions contained in the Individual Water Supply Watershed Areas are designed to protect the water quality of the Water Supply Watersheds that lie within the jurisdiction of this Ordinance and to implement the rules adopted by the North Carolina Environmental Management Commission for the classified watersheds pursuant to North Carolina General Statutes 143-214.5.

- A. The construction of new roads and bridges and non-residential development should minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ Best Management Practices (BMPs) to minimize water quality impacts. To the extent practicable, the construction of new roads in the critical area should be avoided. The Department of Transportation BMPs as outlined in their document entitled "Best Management Practices for the Protection of Surface Waters" shall be used in all road and bridge construction projects in the Water Supply Watershed Areas.
- B. All development activities within Water Supply Watershed Areas, in addition to those activities specifically regulated by the provisions, are subject to the standards, usage conditions and other regulations contained in the Rules and Requirements of the Surface Water Supply Protection Rules adopted by the North Carolina Environmental Management Commission.
- C. A minimum 30-foot vegetative buffer for development activities is required along all perennial waters, including streams, rivers and impoundments, indicated on the most recent versions of USGS 1:24,000 scale topographic maps; provided, that nothing in this Subsection shall prevent artificial streambank or shoreline stabilization. No new development is allowed in the buffer, except that water dependent structures, and public works projects such as road crossings and greenways may be allowed where no practicable alternative exists. These activities shall minimize built-upon surface area, direct runoff away from the surface water, and maximize the utilization of BMPs. The buffer requirement shall not apply to existing single-family development and single-family development on pre-existing lots in any Area and to development that does not require a Sedimentation Control Permit in the Stewarts Creek, Lovills Creek, Ararat River, and Yadkin River - King Watersheds.

- D. Existing development, as defined in this Ordinance, is not subject to the requirements of the Watershed provisions. Expansions to structures, other than single-family, classified as existing development must meet the requirements of these provisions, provided however, the built-upon area of the existing development is not required to be included in the density calculations.
- E. A pre-existing lot created prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed or redeveloped for single family residential purposes without being subject to the restrictions of these Watershed standards. Recombination of lots of record is not required to meet the Watershed standards.
- F. Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and/or reconstructed, provided:
- (1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage or removal.
 - (2) The total amount of space devoted to built-upon area may not be increased.
 - (3) The repair or reconstruction is otherwise permitted under the provisions of other Ordinances.
- G. Clustering of development is allowed on a project by project basis as follows: overall density of the project meets associated density or stormwater control requirements; built-upon areas are designed and sited to minimize stormwater runoff impact to the receiving waters and minimizes concentrated stormwater flow; remainder of tract to remain in vegetated or natural state.
- H. No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality. Where the Watershed Administrator finds that such conditions exist that pose a threat to Watershed water quality, he shall institute the appropriate action or proceeding to restrain, correct or abate the violating conditions.

Section 203. Schedule of Watershed Area Standards

A. Fisher river Watershed Critical Area (FRWS-CA)

1. General Development Standards

- (a) No new sites for land application of sludge/residual or petroleum contaminated soils are allowed.
- (b) No new landfills are allowed.
- (c) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services or his designated agent.
- (d) New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures, as determined by the Director of Emergency Services or his designated agent, if hazardous materials are either used, stored or manufactured on the premises.

2. Density/Built-upon Limitations

- (a) Residential development shall not exceed one (1) dwelling unit per two (2) acres or, optionally, six percent (6%) built-upon area, on a project by project basis.
- (b) Non-residential development shall not exceed six percent (6%) built-upon area, on a project by project basis.

B. Fisher River Watershed Balance of Watershed (FRWS-BW)

1. General Development Standards

- (a) No new discharging landfills are allowed.
- (b) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services of his designated agent.

2. Density/Built upon Limitations

- (a) Residential development shall not exceed one (1) dwelling unit per acre or, optionally twelve percent (12%) built-upon area, on a project by project basis.
- (b) Non-residential development shall not exceed twelve percent (12%) built-upon area, on a project by project basis.
- (c) Notwithstanding the limitations of Subsection B.2(b) above, 5% (1,740 acres) of the FRWS-BW area may be developed with new non-residential development projects of up to seventy percent (70%) built-upon area as Special Non-residential Intensity Allocations (SNIAs). SNIAs shall be allocated and developed in accordance with the following rules:

- (1) SNIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the FRWS-BW Area eligible for SNIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation and the acreage from one Watershed Area shall not be transferable to another Watershed Area.
- (2) Except as provided in (4) below, SNIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.
- (3) The right to develop a SNIA shall terminate with the loss of the right to develop due to the expiration of a Watershed Permit, Zoning Compliance Permit with Vested Rights, or Building Permit. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.
- (4) The Board of Commissioners may allocate or reserve all or any part of the available SNIA allocation for the FRWS-BW area to be used in that area according to such procedures as may be established by the Board.

C. Elkin Creek Watershed Balance of Watershed (ECWS-BW)

1. General Development Standards

- (a) No new discharging landfills are allowed.
- (b) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services or his designated agent.

2. Density/Built-upon Limitations

- (a) Residential development shall not exceed one (1) dwelling unit per acre or, optionally, twelve percent (12%) built-upon area, on a project by project basis.
- (b) Non-residential development shall not exceed twelve percent (12%) built-upon area, on a project by project basis.
- (c) Notwithstanding the limitation of Subsection B.2(b) above, 5% (30 acres) of the ECWS-BW area may be developed with new non-residential development projects of up to seventy percent (70%) built-upon area as Special Non-residential Intensity Allocations (SNIAs). SNIAs shall be allocated and developed in accordance with the following rules:
 - (1) SNIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the ECWS-BW Area eligible for SNIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation and the acreage from one Watershed Area shall not be transferable to another Watershed Area.
 - (2) Except as provided in (4) below, SNIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.
 - (3) The right to develop a SNIA shall terminate with the loss of the right to develop due to the expiration of a Watershed Permit, Zoning Compliance Permit with Vested Rights, or Building Permit. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.
 - (4) The Board of Commissioners may allocate or reserve all or any part of the available SNIA allocation for the ECWS-BW area to be used in that area according to such procedures as may be established by the Board.

D. Toms Creek Watershed Balance of Watershed (TCWS-BW)

1. General Development Standards

- (a) No new discharging landfills are allowed.
- (b) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services or his designated agent.

2. Density/Built-upon Limitations

- (a) Residential development shall not exceed one (1) dwelling unit per acre or, optionally, twelve percent (12%) built-upon area, on a project by project basis.
- (b) Non-residential development shall not exceed twelve percent (12%) built-upon area, on a project by project basis.
- (c) Notwithstanding the limitations of Subsection B.2(B) above, 5% (590 acres) of the TCWS-BW area may be developed with new non-residential development projects of up to seventy percent (70%) built-upon area as Special Non-residential Intensity Allocations (SNIAs). SNIAs shall be allocated and developed in accordance with the following rules:
 - (1) SNIAs shall be allocated by the Watershed Administrator through the Watershed Permit process. The Watershed Administrator shall maintain a record of the total acreage in the ECWS-BW Area eligible for SNIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation and the acreage from one Watershed Area shall not be transferable to another Watershed Area.

- (2) Except as provided in (4) below, SNIAs shall be allocated on a "first come, first served" basis upon the approval and issuance of the appropriate permit.
- (3) The right to develop a SNIA shall terminate with the loss of the right to develop due to the expiration of a Watershed Permit, Zoning Compliance Permit with Vested Rights, or Building Permit. In such a case, the allocated acreage, or unused allocated acreage, shall be returned to the unallocated acreage, or unused allocated acreage, shall be returned to the unallocated total acreage eligible for allocation.
- (4) The Board of Commissioners may allocate or reserve all or any part of the available SNIA allocation for the TCWS-BW area to be used in that area according to such procedures as may be established by the Board.

E. Stewarts Creek Watershed Critical Area (SCWS-CA)

1. General Development Standards

- (a) No new sites for land application of sludge/residual or petroleum contaminated soils are allowed.
- (b) No new landfills are allowed.
- (c) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services.

2. Density/Built-upon Limitations

- (a) Residential development activities which require a Sedimentation Control Permit shall not exceed two (2) dwelling units per acre or, optionally, twenty-four percent (24%) built-upon area, on a project by project basis.
- (b) Non-residential development activities which require a Sedimentation Control Permit shall not exceed twenty-four percent (24%) built-upon area, on a project by project basis.

F. Stewarts Creek Watershed protected Area (SCWS-PA)

1. General Development Standards

- (a) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services or his designated agent.

2. Density/Built-upon Limitation

- (a) Residential development activities which require a Sedimentation Control Permit shall not exceed two (2) dwelling units per acre or, optionally, twenty-four percent (24%) built-upon area, on a project by project basis.
- (b) Non-residential development activities which require a Sedimentation Control Permit shall not exceed twenty-four (24%) built-upon area, on a project by project basis.
- (c) Residential development activities which require a Sedimentation Control Permit and which are not required to use, or do not utilize for storm drainage purposes, a curb and gutter street system, shall not exceed three (3) dwelling units per acre or, optionally, thirty-six percent (36%) built-upon area, on a project by project basis.
- (d) Non-residential development activities which require a Sedimentation Control Permit and which are not required to use, or which do not utilize for storm drainage purposes, a curb and gutter street system, shall not exceed thirty-six (36%) built-upon area, on a project by project basis.

G. Lovills Creek Watershed Critical Area (LCWS-CA)**1. General Development Standards**

- (a) No new sites for land application of sludge/residual or petroleum contaminated soils are allowed.
- (b) No new landfills are allowed.
- (c) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services.

2. Density/Built-upon Limitations

- (a) Residential development activities which require a Sedimentation Control Permit shall not exceed two (2) dwelling units per acre or, optionally, twenty-four percent (24%) built-upon area, on a project by project basis.
- (b) Non-residential development activities which require a Sedimentation Control Permit shall not exceed twenty-four percent (24%) built-upon area, on a project by project basis.

H. Lovills Creek Watershed Protected Area (LCWS-PA)**1. General Development Standards**

- (a) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services or his designated agent.

2. Density/Built-upon Limitations

- (a) Residential development activities which require a Sedimentation Control Permit shall not exceed two (2) dwelling units per acre or, optionally, twenty-four percent (24%) built-upon area, on a project by project basis.
- (b) Non-residential development activities which require a Sedimentation Control Permit shall not exceed twenty-four percent (24%) built-upon area, on a project by project basis.
- (c) Residential development activities which require a Sedimentation Control Permit and which are not required to use, or do not utilize for storm drainage purposes, a curb and gutter street system, shall not exceed three (3) dwelling units per acre or, optionally, thirty-six percent (36%) built-upon area, on a project by project basis.
- (d) Non-residential development activities which require a Sedimentation Control Permit and which are not required to use, or which do not utilize for storm drainage purposes, a curb and gutter street system, shall not exceed thirty-six percent (36%) built-upon area, on a project by project basis.

I. Ararat River Watershed Critical Area (ARWS-CA)**1. General Development Standards**

- (a) No new sites for land application of sludge/residual or petroleum contaminated soils are allowed.
- (b) No new landfills are allowed.
- (c) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services or his designated agent.

2. Density/Built-upon Limitations

- (a) Residential development activities which require a Sedimentation Control Permit shall not exceed two (2) dwelling units per acre or, optionally, twenty-four (24%) built-upon area, on a project by project basis.
- (b) Non-residential development activities which require a Sedimentation Control Permit shall not exceed twenty-four percent (24%) built-upon area, on a project by project basis.

J. Ararat River Watershed Protected Area (ARWS-PA)

1. General Development Standards

- (a) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services or his designated agent.

2. Density/Built-upon Limitations

- (a) Residential development activities which require a Sedimentation Control Permit shall not exceed two (2) dwelling units per acre or, optionally, twenty-four (24%) built-upon area on a project by project basis.
- (b) Non-residential development activities which require a Sedimentation Control Permit shall not exceed twenty-four percent (24%) built-upon area, on a project by project basis.
- (c) Residential development activities which require a Sedimentation Control Permit and which are not required to use, or do not utilize for storm drainage purposes, a curb and gutter street system, shall not exceed three (3) dwelling units per acre or, optionally, thirty-six (36%) built-upon area, on a project by project basis.
- (d) Non-residential development activities which require a Sedimentation Control Permit and which are not required to use, or which do not utilize for storm drainage purposes, a curb and gutter street system, shall not exceed thirty-six percent (36%) built-upon area, on a project by project basis.

K. Yadkin River Watershed - King - Protected Area (YRWS-K-PA)

1. General Development Standards

- (a) Non-residential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the Director of Emergency Services or his designated agent.

2. Density/Built-upon Limitations

- (a) Residential development activities which require a Sedimentation Control Permit shall not exceed two (2) dwelling units per acre or, optionally, twenty-four (24%) built-upon area, on a project by project basis.
- (b) Non-residential development activities which require a Sedimentation Control Permit shall not exceed twenty-four percent (24%) built-upon area, on a project by project basis.
- (c) Residential development activities which require a Sedimentation Control Permit and which are not required to use, or do not utilize for storm drainage purposes, a curb and gutter street system, shall not exceed three (3) dwelling units per acre, or optionally, thirty-six percent (36%) built-upon area, on a project by project basis.
- (d) Non-residential development activities which require a Sedimentation Control Permit and which are not required to use, or which do not utilize for storm drainage purposes, a curb and gutter street system, shall not exceed thirty-six percent (36%) built-upon area, on a project by project basis.

ARTICLE 300
GENERAL PROVISIONS

Section 301. Rules Governing the Interpretation of Watershed Area Boundaries

- A. Where an area boundary is shown to follow a street or highway boundary, the boundary shall be the center line of such street or highway.
- B. Where an area boundary is shown to follow a political or jurisdictional boundary, the boundary shall be such political or jurisdictional boundary.
- C. Where an area boundary is shown to follow topographic lines of watershed divides, the boundary shall be the actual watershed divide.
- D. Where an area boundary is shown to be a measured distance such as one-half ($\frac{1}{2}$) mile, such boundary shall be a measured straight line distance of one-half ($\frac{1}{2}$) mile, and draining, measured from the appropriate water intake.
- E. No part of the Yadkin River Watershed - King - Protected Area shall be a greater distance than ten (10) miles, and draining, measured in a straight line to the King water intake on the Yadkin River.

Section 302. Rules Determining the General Classification of Watershed Areas.

- A. All or part of a property is located in a Surry County Water Supply Watershed Area Critical Area if:
 1. It is located in Surry County but outside of:
 - (a) The City of Mount Airy; and
 - (b) The Town of Pilot Mountain and its Area of Extraterritorial Jurisdiction; and
 - (c) The Town of Elkin and its Area of Extraterritorial Jurisdiction; and
 2. Stormwater from the property drains into one of the following rivers or creeks above any public water supply intake (or proposed intake for the Ararat River):
 - (a) Fisher River
 - (b) Stewarts Creek
 - (c) Lovills Creek
 - (d) Ararat River
 - (e) Toms Creek; and
 3. It is located within one-half ($\frac{1}{2}$) mile of the public water supply intake in the river or stream into which it drains.
- B. All or part of a property is located in a Surry County Water Supply Watershed Area Balance of Watershed (BW) or Protected Area (PA) if:
 1. It is located in Surry County but outside of:
 - (a) The City of Mount Airy; and
 - (b) The Town of Pilot Mountain and its Area of Extraterritorial Jurisdiction; and
 - (c) The Town of Elkin and its Area of Extraterritorial Jurisdiction; and
 2. It is located in the area formed by the external boundary of a Balance of Watershed or Protected Area as shown on the series of Surry County Water Supply Watershed Area Maps; and
 3. Stormwater from the property drains into one of the following rivers or creeks above any public water supply intake (or proposed intake for the Ararat River):
 - (a) Elkin Creek
 - (b) Fisher River
 - (c) Stewarts Creek
 - (d) Lovills Creek

- (e) Ararat River
- (f) Toms Creek
- (g) Yadkin River; and

4. It is not located in a Critical Area.

C. In determining the application of the Watershed regulations to Watershed Areas, the "best available" information shall be used.

Section 303. Watershed Permits

- A. No development as defined herein shall take place within a Watershed Area without a Watershed Permit and no Watershed Permit shall be issued except in conformity with this Ordinance.
- B. Watershed Permit applications shall be filed with the Watershed Administrator. The Watershed Administrator may require such information on Watershed Permit applications, including density/built-upon calculations as he may deem necessary to determine compliance with this Ordinance.
- C. The Watershed Administrator may, prior to the issuance of any permit in a Watershed Area require evidence of a valid Sedimentation Control Permit issued by the State of North Carolina or evidence satisfactory to the Administrator that no permit is required.
- D. A Watershed Permit shall be a requirement for obtaining a Zoning Permit or Building Permit where necessary. A Watershed Permit shall expire after one-hundred eighty (180) days if the development for which is issued is not commenced. Provided, however, no Watershed Permit shall expire while a valid Zoning Permit or Building Permit is in force.

ARTICLE 400 ADMINISTRATION, APPEALS AND AMENDMENTS

Section 401. Watershed Administrator Created; Named Enforcement Officer

This Ordinance shall be administered and enforced by the Watershed Administrator who shall be appointed by the County Manager. The Watershed Administrator may appoint agents to act on his behalf. If the Watershed Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal development; removal of illegal development; alterations or changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violations of its provisions.

In addition, the Watershed Administrator shall:

1. Issue Watershed Permits and SNIA's as provided for herein. A record of all permits and SNIA's shall be kept on file and be available for public inspection during regular office hours of the Administrator.
2. Serve as clerk to the Watershed Review Board
3. Maintain records of the administration of the Watershed regulations and shall submit any modifications of the regulations and/or Maps to Division of Environmental Management, Division of Environmental Health and Division of Community Assistance. He shall also maintain a record of variances issued and shall submit an annual report of each project receiving a variance and the reason for the variance to the Division of Environmental Management.

The Watershed Administrator may require such information on applications and plans, including density/built-upon area calculations, as he may deem necessary to determine compliance with Watershed Overlay District provisions. Preliminary and Final Subdivision Plat approval and other such plan approvals may be required to note density/built-upon limitations on the plat. For example, plats may be required to show such information as total area of the development, the amount and percent of impervious area in streets and sidewalks, the amount and percent of impervious area in other public improvements, and the amount and percent of impervious area that is allocated to the various lots for future development. Such information shall be displayed in such a manner that the Watershed Administrator can readily determine compliance with these provisions on a project by project basis.

The Watershed Administrator may make adjustments to the exterior boundary of Watershed Areas by removing all or part of a piece of property from a Watershed Area where he finds that all or part of such property actually lies outside the drainage area of such Watershed. In performing this function, the Watershed Administrator shall follow the map procedures as set forth in Section 405 (D) and may require expert testimony and exhibits. In the exercise of his duties, the Watershed Administrator is granted the authority to issue citations, swear warrants, and enter upon property provided the entry is made with proper notice and at reasonable hours.

Section 402. Appeal from the Watershed Administrator

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

An appeal from the decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the decision was filed. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

Section 403. Establishment of Watershed Review Board

A. There shall be and hereby is created the Watershed Review Board which shall consist of the Surry County Board of Adjustment as created by Surry County Mount Airy Fringe Area Zoning Ordinance. Acting as the Watershed Review Board, the Board shall be governed by its existing organizational and other rules of procedure except as may be modified by the rules contained herein.

Section 404. Rules of Conduct for Members

Members of the Board may be removed by the Board of Commissioners for cause, including violation of the rules stated below:

- A. Faithful attendance at the meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite to continuing membership on the Board.
- B. No Board member shall take part in the hearing, consideration, or determination of any case in which he is personally or financially interested. A Board member shall have a "financial interest" in a case when a decision in the case will: 1) cause him or his spouse to experience a direct financial benefit of loss, or 2) will cause a business in which he or his spouse owns any interest to experience a direct financial benefit or loss. A Board member shall have a "personal interest" in a case when it involves a member of his immediate family, (i.e. parent, spouse, or child).
- C. No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from the Watershed Administrator or any other member of the Board, its secretary or clerk prior to the hearing.
- D. Members of the Board shall not express individual opinions on the proper judgement of any case prior to its determination on that case.

- E. Members of the Board shall give notice to the chairman or clerk at least forty-eight (48) hours prior to the hearing of any potential conflict of interest which he has in a particular case before the Board.
- F. No Board member shall vote on any matter that decides an application or appeal unless he had attended the hearing on that application or appeal.

Section 405. Powers and Duties of the Watershed Review Board

- (A) Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this Ordinance.
- (B) Minor Variances.

The Watershed Review Board may authorize minor variances from the specific requirements of the Watershed provisions.

- 1) Variances from the provisions of this Ordinance may be granted only upon appeal from a decision, action, determination, or order of the Watershed Administrator and shall demonstrate substantially the following:
 - a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which do not exist or prevail generally among the lands, structures, or buildings in the same Area.
 - b) Literal enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same Area under the terms of this Ordinance.
 - c) The hardship is not the result of the applicant's own actions taken subsequent to the effective date of this Ordinance.
 - d) Granting the variance requested will not confer on the applicant any specific privilege that is denied by this Ordinance to other lands, structures, or buildings in the same Area.
 - e) Relief, if approved, will not cause substantial detriment to the public welfare or impair the purposes and intent of this Ordinance.
2. Furthermore, the Watershed Review Board must make such findings of fact to substantiate all of these requirements. In considering applications for variances from the provisions of this Ordinance, demonstration of financial disadvantage alone shall not constitute conclusive evidence of unnecessary hardship.
3. In granting a variance, the Board may attach thereto any conditions and safeguards it deems necessary or desirable in furthering the purposes of this Ordinance. Departure from or violation of any of those conditions or safeguards shall be deemed a violation of this Ordinance, and shall be subject to the penalties, as provided for in this Ordinance.
4. A variance, once granted, shall continued for an indefinite period of time unless otherwise specified at the time granted.

In exercising the powers in A. and B. above, the Board may reverse or affirm, wholly or in part, or may modify the order, requirements, decisions, or determination of the Watershed Administrator, and may direct the issuance of a Watershed Permit.

(C) Major Variances

The Watershed Review Board shall hear appeals for major variances under the same procedure as set forth for hearing minor variances. Provided, however, favorable action by the Watershed Review Board on any major variance shall constitute a favorable recommendation but such major variance shall not become effective unless authorized by the Environmental Management Commission in accordance with their rules or procedures. Unfavorable action by the Watershed Review Board on a major variance shall constitute denial.

(D) Adjusting Watershed Area Boundaries

The Watershed Review Board, in addition to its authority contained in Section 405(A) in Administrative Review, shall have the power to make adjustments to the exterior boundary of Watershed Areas by removing all or part of a piece of property from a Watershed Area where it finds that all or part of such property actually lies outside the drainage area of such Watershed. In any case where there is a dispute as to whether a property or any part of a property that is shown on the Watershed Map as being in a Watershed Area actually drains to that Watershed, the Board shall, upon appeal by the owner, make a determination as to the facts of the matter as it affects the subject property.

In determining whether a property or part of a property drains to the Watershed as indicated on the Map, the Board shall base its determination on actual field conditions of the property as determined by topographical conditions. In making its determination, the Board may require the appellant to produce relevant expert testimony and exhibits.

After hearing such appeal, the Board shall find that the subject property (all or part) is either in the designated Watershed or out of the designated Watershed. If the Board shall find that the subject property is out of the designated Watershed, the Board shall order the Map to be adjusted to show the subject property to be outside the designated Watershed. In making such order, the Board shall designate the Watershed in which the subject property is located. If such designation causes the subject property to be located in another Watershed Area, the order shall cause the Map to be adjusted to show the same.

(E) Adjusting Critical Area Boundaries.

The Watershed Review Board may, upon the request of a property owner or owners adjust the boundaries of a Watershed Critical Area to fit existing or proposed streets, lot lines or other features provided that such adjustments are agreed to by the property owner(s) involved and provided that any such adjustment is made with no loss in total area in that Watershed Critical Area. Such adjustment may be made by simple majority vote of the Board without public notice.

Section 406. Procedure from the Board of Adjustment

The Board shall act in compliance with the provisions of Section 345, Part 3, Article 18, Chapter 153A of the General Statutes of North Carolina.

The Board shall give notice of matters brought before it, where required, by publication in a paper of general circulation in the affected area. Said notice shall be published at least ten (10) days prior to the meeting date; furthermore, such notice shall be mailed by first class mail to the applicable party and owners of all parcels abutting and/or directly across any public right-of-way adjacent to the subject parcel, at the last addresses listed for such owners on the County tax records. In addition, in the case of a variance, the notice required shall be mailed by first class mail to all other local governments having watershed regulation jurisdiction within the particular watershed where the variance is requested and to each entity using that water supply for consumption.

The Board may adopt rules and regulations for the conduct of its meetings including standards for materials to be submitted in applications to the Board.

Section 407. Appeals from Decision of the Watershed Review Board

Any decision of the Watershed Review Board is subject to review by the Superior Court by proceedings in the nature of certiorari. Any petition for review in the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later. The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

Section 408. Changes and Amendments to the Watershed Protection Ordinance

The County Board of Commissioners may amend, supplement, change or modify the Watershed regulations and restrictions as set forth herein in the manner prescribed by law for adopting ordinance under the County's general ordinance-making authority. Provided, however, in any case where an amendment to this Ordinance imposes water supply watershed management requirements that are more stringent than those adopted by the Environmental Management Commission, the procedure must comply with the notice provisions of G.S. 153A-343.

ARTICLE 500 PENALTIES AND REMEDIES

Section 501. General Penalty; Enforcement; Continuing Violations

Except as otherwise provided herein, each violation of this Ordinance shall constitute a misdemeanor, except as otherwise provided by statute, and violations of such provisions of this Ordinance shall be punished by fine or imprisonment as provided by law.

Violations of this Ordinance shall constitute either a misdemeanor or, at the election of the County, shall subject the offender to a civil penalty upon the issuance of a citation for said violation as hereinafter provided. The civil penalty, if not paid to the County of Surry within fifteen days of the issuance of a citation, may be recovered by the County in a civil action in the nature of debt. Said civil penalties shall be in the amount of \$100 for each violation and each day any single violation continues shall be a separate violation.

In addition to the civil penalties set out above, any provision of this Ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the County for equitable relief that there is an adequate remedy at law.

In addition to the civil penalties set out above, any provision of this Ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement by General Court of Justice. When a violation of such a provision occurs, the County may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction with an order of abatement within the time allowed by the court, he may be cited for contempt, and the County may execute the order of abatement. The County shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

The provision of this Ordinance may be enforced by one, all or a combination of the remedies authorized and prescribed by this section.

Upon determination of a violation of any section of this Ordinance, the penalty for which is a civil penalty, the appropriate Enforcement Officer of the County of Surry shall cause a warning citation to be issued to the violator. Such citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the

violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. Where the Enforcement Officer determines that the period of time state in the original warning citation is not sufficient for abatement based upon the work required, the Enforcement Officer may amend the warning citation to provide for additional time. The warning citation shall specify that a second citation shall incur a civil penalty, together with costs, and attorney fees.

An appeal from a warning citation shall be taken within ten (10) days from the date of said warning citation to the Watershed Review Board. Except in any case where the Ordinance specifically grants to the Board other powers in considering appeals and such appeal is applied for, the Board in considering appeals of warning citation shall have power only in the manner of administrative review and interpretation where it is alleged that the Enforcement Officer has made an error in the application of the Ordinance, in the factual situation as it relates to the application of the Ordinance or both.

Upon failure of the violator to obey the warning citation a civil citation shall be issued by the Enforcement Officer and either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to pay the citation in person within fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations shall be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, the County of Surry may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

Section 502. Alternative Remedies

Nothing in this Ordinance nor any of its provisions shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise, nor shall enforcement of one remedy provided herein prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

In addition to the penalties and remedies provided for herein, the North Carolina Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a).

ARTICLE 600 DEFINITIONS

Section 601. Definitions

Balance of Watershed (BW). The remainder of a watershed outside the critical area.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer. An area of natural or planted vegetations through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Built-upon Area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, drives and parking areas, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area (CA). The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development. Any land disturbing activity which adds to or changes the amount of impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of these provisions based on at least one of the following criteria:

- (1) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or
- (3) having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Impervious Area. A surface composed of any material that impedes or prevents natural infiltration of water into the soil. Such surfaces may include, but are not limited to roofs, streets, parking areas, tennis courts, driveways, patios, sidewalks or any concrete, asphalt, or compacted gravel surface.

Industrial Development. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the NC General Statutes. For the purpose of these provisions this term does not include composting facilities.

Major Variance. A variance that results in any one or more of the following:

- (1) the complete waiver of a watershed management requirement;
- (2) the relaxation, by a factor of more than ten (10) percent, of any management requirement that takes the form of a numerical standard.

Minor Variance. A variance that does not qualify as a major variance.

Non-residential Development. All development other than residential development, agriculture and silviculture.

Protected Area (PA). Protected area means the area adjoining and upstream of the critical area in a WS-IV water supply in which protection measures are required. The boundaries of the protected areas are defined as extending five (5) miles upstream and draining to water supply reservoir (measured from the normal pool elevation) or to the ridge line of the watershed (whichever comes first); or ten (10) miles upstream and draining to the intake located directly in the stream or river (run-of-the-river), or to the ridge line of the watershed (whichever comes first).

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, mobile homes, etc. and their associated outbuildings such as garages, swimming pools, storage buildings, gazebos, etc.

Sedimentation Control Permit. A permission granted by the State of North Carolina for a person to conduct a land disturbing activity pursuant to the Sedimentation Pollution Control Act of 1973, as amended.

Toxic Substances. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their offspring or other adverse health effects.

Variance. A permission to develop or use property granted by the Watershed Review Board or Emergency Management Commission relaxing or waiving a water supply watershed management requirement that is incorporated into this Ordinance.

Water Dependent Structure. Any structure for which the use requires access to or proximity to or sitting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

ADOPTED this the 4th day of October, 1993.

Upon motion of Jim Harrell, seconded by James Templeton, the Board voted unanimously to approve the following amendment to Tharrington Elementary Capital Project Ordinance:

AMENDMENT # 2

CAPITAL PROJECT ORDINANCE

Mount Airy City Schools - Tharrington Elementary

BE IT ORDAINED by the Board of Commissioners of the County of Surry that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, this capital project ordinance is hereby adopted.

Section 1. The project authorized by this ordinance is the renovation to include re-roofing, repainting and re-carpeting of B. H. Tharrington Elementary School.

Section 2. The officers of this governmental unit are hereby directed to proceed with this capital project within the guidelines set by the budget contained herein.

Section 3. The following financing sources are anticipated to be available to complete this project:

Proceeds from the Public School Building Capital Fund	\$ 93,881.
Proceeds from the sale of 1992 School Bonds (Appropriated by this Project Ordinance)	90,000.

Interest Earnings on Bond Proceeds	72,679.
TOTAL	\$ 256,560.

Section 4. The following expenditures are provided for the project:

Reroofing	\$ 117,556.
Professional Fees	7,618.
Renovation - Paint & Carpet	131,386.
Contingency	-0-
TOTAL	\$ 256,560.

ADOPTED the 15th day of November, 1993.

The Chairman declared a public hearing for the purpose of receiving public comment on Byron Cook's Rezoning request. Mr. Cook spoke in favor of the Rezoning. Monroe Donathan spoke against it. There were no other public comments; therefore, the Chairman closed the public hearing.

Upon motion of Melvin Jackson, seconded by Jim Miller, the Board voted unanimously to amend the Mount Airy Fringe Area Zoning Ordinance as follows:

AMENDMENT TO THE MOUNT AIRY FRINGE AREA ZONING ORDINANCE AND THE OFFICIAL MAP OF THE FRINGE AREA

The Mount Airy Fringe Area Zoning Ordinance and the official Zoning Map of the Fringe Area Zoning are hereby amended by relocating the boundary line in the Flat Rock community as follows:

On the Surry County Tax Map 5040, the existing boundary line will be changed beginning at the southwestern corner of parcel 2004 running then approximately due north to the southern property line of parcel 9467, then approximately due west along the southern property line of parcel 9467 to the eastern property line of parcel 4283 on Surry County Tax Map 5040.05, then following the eastern property line of parcel 4283 to its southeastern corner, then following the southern property line of parcel 4283 approximately due west to the centerline of Deatheridge Road (SR 1749), then following the centerline of Deatheridge Road approximately due south to its intersection with the centerline of Quaker Road (SR 1742) as shown on Tax Map 5030.12, then following Quaker Road approximately southeast to a point where Quaker Road crosses White Branch, then following White Branch approximately due south along the eastern property line of parcel 8447 (White Branch) on Tax Map 5030.12 as the boundary did before this amendment.

This amendment is intended to correct the problem of property being split by the Zoning boundary line. This amendment removes parcels 6747 and 1011 on Tax Map 5040 completely and the portion of parcel 8704 on Tax Map 5030.08 that lies to the east of SR 1749 from the Mount Airy Fringe Area Zoning Ordinance.

Map attached to end of these minutes.

Adopted 12/20/93