

Section 109. General Definitions.

Agricultural Activities. Includes 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:

- (i) forage and sod crops, grain and feed crops, tobacco, cotton, and peanuts.
- (ii) dairy animals and dairy products.
- (iii) poultry and poultry products.
- (iv) livestock, including beef cattle, sheep swine, horses, ponies, mules, and goats.
- (v) bees and apiary products.
- (vi) fur producing animals.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Animal Unit. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Bankfull Discharge. The flow of water which fills a stable alluvial channel to the elevation of the active floodplain. This discharge is morphologically significant because it identifies the bankfull elevation. On average, bankfull discharge occurs every 1.5 years in frequency.

Bankfull Elevation. The elevation where flooding occurs on an active floodplain. This elevation may or may not be the top of bank.

Best Management Practices. Effective and practical structural or nonstructural methods which prevent or reduce the movement of sediment, nutrients, pesticides and other pollutants from the land to surface or ground water, or which otherwise protect water quality from potential adverse effects of development, silvicultural, agricultural and other land disturbance activities. These practices are developed as industry standards to achieve a balance between water quality and natural habitat protection and the economic benefits and desired use of the land.

Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

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, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Channel. A natural water-carrying trough eroded vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

Clerk to the Watershed Review Board. The Watershed Administrator or other person appointed by the County.

Cluster Development. The grouping of buildings in order to conserve land and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. "Planned Residential Developments," as provided for under the Chatham County Zoning Ordinance and "Planned Unit Developments," as provided for under the Chatham County Subdivision Regulations, shall each be deemed to be Cluster Development under this Chatham County Watershed Protection Ordinance.

Compact Community. A compact residential development with a mixed commercial use village center with a conditional use permit required as a prerequisite to any use or development.

Composting Facility. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

Critical Area. 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 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 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 mile.

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

Diffuse Flow. Non-concentrated, low velocity flow of storm water runoff that is spread out or distributed evenly along the same elevation. Diffuse flow prevents or reduces scour and erosion and provides for increased ground contact for infiltration and pollutant removal.

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.

Ditch or Canal. An excavated (man-made) channel that is typically dug through inter-stream divide areas. A ditch or canal may exhibit hydrological or biological characteristics similar to perennial or intermittent streams. For the purposes of this Ordinance, a ditch or canal is not considered to be an ephemeral, intermittent or perennial stream.

Dwelling Unit. A building, or portion thereof, providing complete and permanent living facilities for one family.

Ephemeral (storm water) Stream. A physically visible feature in the form of a natural channel that conveys water only in direct response to precipitation during or shortly after precipitation events. For the purposes of this Ordinance, an ephemeral (storm water) stream is a well-defined channel which scores between “1 – 18” points on the NCDWQ Stream Identification Form¹, to distinguish it from an intermittent or perennial stream. (See, *Identification Methods for the Origins of Intermittent and Perennial Streams*, NCDWQ, Version 3.1, 2006). An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with continuous or intermittent conveyance of water.

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 this ordinance 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 N.C.G.S. § 153A-344.1 and N.C.G.S. § 160A-385.1), or
- (3) having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by N.C.G.S. § 153A-344.1 and N.C.G.S. § 160A-385.1).

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

¹ From the NC Division of Water Quality Manual, *Identification Methods for the Origins of Intermittent and Perennial Streams*, Version 3.1, (NC Dept. of Environment and Natural Resources, Div. of Water Quality, 2005)

Family Subdivision. Family subdivision means one or more divisions of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives of direct lineage, or to the surviving spouse, if any, of any deceased lineal descendant, as a gift or for nominal consideration, but only if no more than one parcel from such tract is conveyed by the grantor to any one relative or such relative's surviving spouse; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will. This provision shall apply only where the grantor or decedent already owned the land so divided upon the effective date of this ordinance.

Hazardous Waste. Any material as defined by 15A NCAC §13A .0106 *Identification and Listing of Hazardous Wastes* – Part 261 or any substance listed as such in: SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 or Clean Water Act (oil and hazardous substances).

Home Occupations. Any use conducted on residential premises and carried on by the occupants thereof, which use is incidental and secondary to the use of the premises for residential purposes and does not change the character thereof.

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.

Impervious Surface. See *Built-upon Area*.

Intermittent Stream. A well defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by storm water runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water. For the purposes of this ordinance, an intermittent stream will have a minimum score of "19" on the NCDWQ Stream Identification Form, Version 3.1.

Land-disturbing Activity. Any use of the land by any person in residential, agricultural, silvicultural, industrial, educational, institutional, or commercial development, highway and road construction that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

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

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

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

- 1) the complete waiver of a 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;
- 3) the relaxation of any management requirement that applies to a development proposal intended to qualify under the high density option.

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

Natural. When used in reference to streams and channels means those streams and channels formed by the existing surface topography of the earth prior to changes made by man.

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

Normal Pool Elevation. The natural or design elevation of a perennial water body.

Perennial Stream. A well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries storm water runoff. A perennial stream exhibits the typical biological, hydrological and physical characteristics commonly associated with continuous conveyance of water. For the purposes of this ordinance, a perennial stream will have a minimum score of "30" on the NCDWQ Stream Identification Form,² Version 3.1.

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

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

Riparian Buffer. A natural or vegetated area that provides a protective distance between a seep, spring, stream, perennial water body or wetland and an adjacent land area which may be converted to some other use. The riparian buffer shall be measured horizontally on a line perpendicular from the top of bank or from the normal pool elevation of a perennial water body or wetland.

² From the NC Division of Water Quality Manual, *Identification Methods for the Origins of Intermittent and Perennial Streams*, Version 3.1, (NC Dept. of Environment and Natural Resources, Div. of Water Quality, 2005).

Seeps and Springs. For purposes of this Ordinance, seeps and springs are areas where groundwater intersects at or near to the ground surface either seasonally or permanently. These areas may or may not be considered jurisdictional by federal (ACoE) standards. Due to the broad variability in the size, number, location, connectivity, condition and other natural characteristics of seeps and springs, one or more of the following conditions must apply:

- a. Hydrophytic vegetation must be dominant. This is judged by the greater areal cover of plants (rooted in the putative seep or spring) with indicator status of obligate wetland (OBL) or facultative wetland (FACW) compared to the areal cover of plants (rooted in the putative seep or spring) with indicator status of upland (UPL) or facultative upland (FACU). Plants with facultative (FAC) indicator status are not considered. This definition may be summarized by the following formula: $(OBL + FACW) > (UPL + FACU)$. See Wetland Plants List.³
- b. The seep or spring is considered a water of the State of North Carolina by the NCDWQ.
- c. The seep or spring meets the criteria of a wetland based on the 1987 U.S. Army Corps of Engineers Manual.
- d. The seep or spring has surface water present seasonally or permanently.

Single Family Residential. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Silvicultural Activities. undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices set out in Forest Practice Guidelines Related to Water Quality.

Stream. A body of concentrated flowing water in a natural low area or natural channel on the land surface.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

³ See "National List of Vascular Plant Species that Occur in Wetlands" (U.S. Army Corps of Engineers, [1988 Official Wetland Plant List & 1993 Supplement](#)).

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

- 1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance;
- 2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- 3) The public acquisition by purchase of strips of land for the widening or opening of streets;
- 4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the this ordinance;
- 5) The division of a tract into plots or lots used as a cemetery.

Top of Bank. For the purposes of this Ordinance, the point on a stream's cross-section defined by the bankfull elevation or the highest point in elevation immediately adjacent to the stream channel, which ever is greater.

Toxic Substance. 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 off spring or other adverse health effects.

Trail Management Plan. A bound document providing details and descriptions of trail design, materials, alignment, management procedures, responsible party and schedule of maintenance activities to ensure adequate trail operations and maintenance in perpetuity.

The Plan will include, at a minimum, the following:

- a. Existing site conditions (including the status of the protected area)
- b. Needs and purpose (including intended use)
- c. Trail location based on site survey

- d. Design details
- e. Justification
- f. Responsible entity for design, implementation, maintenance and access control
- g. Short and long-term impacts (e.g., future trail relocations) should be identified
- h. Proposed mitigation due to impacts related to water quality and drainage

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

Water Dependent Structure. Any structure for which the use requires access to or proximity to or citing 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.), or alternatively, **the geographic region within which water drains to a particular river, stream or body of water.**

Watershed Administrator. An official or designated person of the county responsible for administration and enforcement of this Ordinance.

Watershed Review Board. The Chatham County Board of Commissioners shall designate this review Board.

Wetlands. "Waters" as defined by N.C.G.S. § 143-212(6) and are areas that are inundated or saturated by an accumulation of surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands do generally include swamps, marshes, bogs and similar areas. Wetlands classified as waters of the State are restricted to waters of the United States as defined by 33 CFR 328.3 and 40 CFR 230.3.