

[1]: Some regulations and documents change on a per-municipality basis. This fact sheet is just to outline the general requirements in our contracted Municipalities for guidance during preliminary planning



POST-CONSTRUCTION REGULATIONS

Built upon area (BUA): means a portion of a development project that is covered by impervious or partially impervious surface

WSW: Water Supply Watershed. Separated into "Critical Area" and "Protected Area" ^[1]

Examples of BUA surfaces

- Roof area
- Gravel Parking areas
- Parking lots/drive ways
- Roads
- Sidewalks
- Building foundations
- Recreational Facilities (tennis courts, basketball courts, etc.)

Examples of "Non-BUA" surfaces

- Grassed areas
- Gravel landscaping areas
- Mulch, sand, other vegetated areas
- Permeable/gravel walking paths
- Wooden slatted decks
- Solar panels (following MDC)
- Water area of a swimming pool
- Permeable pavement

The amount of BUA being added to your development determines how it will be permitted and what requirements will apply per Phase II Stormwater Regulations. This is measured using the percentage of the parcel covered in BUA from the development, and the total square footage of impervious surface being added. This will slot your project into one of 3 categories: Exempt, Low-Density, or High-Density.

If the parcel in question has built upon area that was created before 2006 that the new development will overlap, it is considered exempt from BUA calculations. Essentially meaning that only the BUA covering up previously undeveloped (still pervious, vegetated/soil) counts towards the percentage.

Exempt ^[1]:

- If the project will be adding less than 20,000 square feet of new impervious surface
- AND if the project is not part of a common plan of development or phased project

Stream buffers on LD & HD:

- For permanent streams 30ft undisturbed stream buffer and a 20ft managed vegetative buffer
- For intermittent (present during storm flows) streams only the 30ft undisturbed applies

Low-Density:

- Over 20,000 sqft of new impervious surface
- Under 24% built upon area
 - Under 36% in WSW-IV Protected Area without curb and gutter ^[1]
- Dispersed flow through vegetated area
- Minimal piping, prioritize vegetated conveyances

High-Density:

- Over 20,000 sqft of new impervious surface
- Over 24% built upon area
 - Over 36% in WSW-IV PA without curb and gutter ^[1]
- Requires a Stormwater Control Measure
 - First inch for 1yr & 10yr 24hr storms
 - Must match pre-development hydrology
- More documentation requirements, templates provided by administrator

**STORMWATER CONTROL MEASURE
DOCUMENTATION OUTLINE**

Name of Document	Purpose	Required When?
Stormwater Permit Application	The permit application is provided by the administrator and functions to collect general project information, BUA %, contact info, review fees, and functions as the permit itself once approved.	Before Approval
Plan sheets & Calculations	Plan sheets should show: sqft of impervious surface, % of BUA, contour lines/grading, outlets and inlets, ditches, SCM measurements and volumes, pre/post development hydrology etc.	
Construction/Performance Security	A surety bond that ensures the completion of the SCM. 125% of the expected cost of the SCM, returned once the below maintenance bond is in place. A template for the bond wording is provided by the administrator	
Operation and Maintenance Agreement & Manual	A legally binding document that outlines who is responsible for maintenance, and what that maintenance will consist of. Utilizes the NCDEQ O&M EZ tool. Must be recorded with the county register of deeds	During or After Construction
Maintenance Security	A letter of credit or surety bond that is held for 3 years and returned if in those 3 years maintenance has been correctly followed. Typically 25% of the construction cost of the SCM. A template for the bond wording is provided by the administrator	After Construction (Before Certificate of Occupancy is Issued)
Certificate of Completion & Record of Construction	Provides the dimensions of the as-built SCM against the expected dimensions from the plan. Template provided by administrator	
Final Plat with Marked Easement	Survey showing the access easement, site as a whole, and location of the SCM. Must be recorded with the county register of deeds. Required Plat note language is below this table	
Access Easement	10ft Minimum (25ft recommended) easement from the nearest public right of way up to, and surrounding the SCM. Provides legal access to the town for inspections or maintenance should it be required. Template provided by administrator, must be recorded and shown on final plat	
Annual Engineer Inspections	Inspections done by a qualified and certified professional (typically a professional engineer/certified contractor) on a yearly basis. Due by December 31 st each year	Annually

Plat note language:

“This property contains water quality features that must be maintained according to the Operation and Maintenance Agreement & Operation and Maintenance Manual recorded in Deed Book _____ and Page _____.”

“The Access Easement shown is for the purpose of granting access to the <INSERT MUNICIPALITY> to carry out all provisions of the <City or Town> Phase II Stormwater Ordinance, including but not limited to inspections of the stormwater BMP device(s).”

If you have any questions or inquiries please send them to: jack.cline@wpcog.org