

Mayor Will Baker
Mayor Pro Tem Steve Martin
Commissioner Courtney Barnhill
Commissioner Charlie Morgan



Commissioner John Ritchie
Commissioner Cameron Watts
Town Manager Frank Rush
Town Attorney Brett DeSelms

**ORDINANCE AMENDING UNIFIED DEVELOPMENT ORDINANCE TO
MAINTAIN CONSISTENCY WITH STATE IMPERVIOUS SURFACE DEFINITIIONS**

Whereas, the Town's Unified Development Ordinance includes storm water management provisions and defines impervious surface in a manner consistent with State regulations, and

Whereas, the NC General Assembly recently amended State law to clarify that artificial turf is not considered as impervious surface for storm water management requirements, and

Whereas, the Town seeks to maintain consistency with State impervious surface definitions, and

Whereas, the Planning Board considered this ordinance amendment at its meeting held on January 21, 2025, and

Whereas, the Board of Commissioners conducted a duly noticed public hearing on February 10, 2025,

Now, therefore, be it ordained by the Board of Commissioners that the following sections of the Unified Development Ordinance are hereby amended as follows:

1. Sec. 14.12.16. Stormwater management.

(6) *Impervious surfaces.* The following materials shall be considered as impervious surface under this section, unless otherwise exempted under this section:

- (a) Roofs;
- (b) Concrete driveways, sidewalks, or patios;
- (c) Asphalt driveways, sidewalks, or patios;
- (d) Paver block driveways, sidewalks, or patios;
- (e) Compacted gravel or stone used as a driveway or parking area.

The following materials shall specifically be exempted and shall not be considered as impervious surface under this section:

- (a) Swimming pool water;

- (b) Slatted wooden decking;
- (c) Gravel or stone used for landscaping purposes;
- (d) Porous concrete;
- (e) Permeable interlocking concrete pavers;
- (f) Concrete grid pavers;
- (g) Porous asphalt;
- (h) A surface of #57 stone; ~~and~~
- (i) Artificial turf, manufactured to allow water to drain through the backing of the turf and installed according to the manufacturer's specifications over a porous surface; and
- (j) Any other material with pervious characteristics, as determined and authorized by the State of North Carolina.

2. The Board of Commissioners has determined that the above amendments are consistent with the Town's CAMA and Comprehensive Land Use Plan, as the plan promotes high environmental and aesthetic quality in the Town and proper and consistent enforcement of ordinance provisions.
3. The Board of Commissioners has determined that the above amendment is both reasonable and in the public interest for the following reasons:
 - a. The Town seeks to maintain consistency with the State's definition of impervious surface in order to make it easier for applicants, Town staff, and residents to understand the various development requirements.
 - b. The proposed amendment allows for the use of alternative landscaping materials in the Town.
4. The Town Clerk is authorized to amend the sections as set forth above.
5. This ordinance shall become effective immediately upon its adoption. If any section, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Adopted this the 10th day of February, 2025.

ATTEST:

Heather Leffingwell
Heather Leffingwell, Town Clerk

