

9-2.4 **B-3 CU Business District**

Areas of the town designated to provide for conditional use commercial development on larger lots which have dimensions to facilitate onsite or off-street parking. Only uses that are compatible with the goal of preserving the small town character of Danbury while providing goods and services to tourists as well as residents of the community will be allowed.

(9-2.4 Adopted by Amendment 12-21-2005)

Section 9-3 Institutional District Established

9-3.1 The following Institutional District is hereby established:

I-1 and I-1 CU

9-3-2 **I Institutional District**

Areas within town established primarily for government offices, court systems, and medical services (hospital etc.)

Section 9-4 Manufacturing District Established

9-4.1 The following manufacturing district is hereby established

M-1 and M-1 CU

9-4.2 **M-1 Light Manufacturing District**

Areas established for limited manufacturing, wholesale, warehouse and related business uses/services, which in their normal operation, have little or no adverse effect upon adjoining properties. Conversely, uses that have a detrimental impact on adjoining uses shall be prohibited such as scrap and waste materials salvage yards (SIC 5015), chemical, paints, and allied products manufacturing (SIC 2800), and metal fabrication products (SIC 3400). These activities need to be located in areas better suited to accommodate heavy industrial uses in other parts of the county.

Section 9-5 Wellhead Protection Overlay District Established

9-5.1 **District.**

The following wellhead protection overlay district is hereby established, which shall hereafter be designated by the following abbreviation:

WPD

9-5.2 **Purpose.**

The purpose of the Wellhead Protection Overlay District is to:

- (a) Promote the health, safety and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institution and businesses of the Town of Danbury;
- (b) Preserve and protect the public, municipal water supply for the Town of Danbury;
- (c) Conserve the natural resources of the Town; and
- (d) Prevent temporary and permanent contamination of the environment, water supply and aquifer within the designated wellhead protection overlay district.

9-5.3 **Scope.** The Wellhead Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing building and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Wellhead Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Wellhead Protection District.

9-5.4 **Definitions.** For the purposes of this section, the following words and phrases shall have the following meanings:

- (a) Aquifer. A water bearing geologic formation or formations that will yield water in a usable quantity to wells and springs.
- (b) Hazardous Substance. Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town. Hazardous Substances include all Regulated Substances.
- (c) Impervious Surface. Material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.
- (d) Potable Water. Water that is intended for drinking, culinary and domestic purposes, subject to compliance with County, State or Federal drinking water standards.
- (e) Recharge Area. An area that collects precipitation or surface water and carries it an aquifer.
- (f) Regulated Substance. Regulated substances are those defined in the Superfund Amendments and Re-authorization Act (SARA) in the U. S. Code at Title 42, Section 9601 (14) except that Regulated Substances shall not include hazardous air pollutants referenced therein.
- (g) Restricted Use Pesticide. All those pesticides which have designated as such by the North Carolina Pesticides Board, as authorized in N.C.G.S. § 143-440.
- (h) Underground Storage Tank. Any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of underground storage tank regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent (10%) or more beneath the surface of

the ground. Underground storage tank may hereafter be designated “UST”. This term does not include any:

- i. Septic tank;
 - ii. Surface impoundment, pit, pond or lagoon;
 - iii. Stormwater or wastewater collection system;
 - iv. Flow-through process tank;
 - v. Storage tank situated in an underground area (such as a basement, cellar, etc.) if the storage tank is situated upon or above the surface of the floor provided the tank shall meet all building codes, safety codes, and other applicable regulations;
 - vi. Farm or residential tank of 1000 gallons or less capacity used for storing motor fuel for noncommercial purposes, provided the tank shall meet all building codes, safety codes, and other applicable regulations; or
 - vii. Tank used for storing heating oil or fuel for consumptive use on the premises where stored provided the tank shall meet all building codes, safety codes, and other applicable regulations.
- (i) Wellhead. The specific location of a well (a hole or shaft dug or drilled to obtain water) including any structure built over or extending from a well.
- (j) Wellhead Protection Area. The surface and subsurface area surrounding a water well or well field, supplying a public water system, through which contaminants are reasonably likely to move toward and reach such water well or well field (See the Safe Drinking Water Act).

9-5.5 **Establishment and Delineation of Wellhead Protection District**. For the purposes of this district, there are hereby established within the Town certain wellhead protection areas consisting of aquifers or recharge areas of the Town of Danbury, Well No. 1 and No. 2. The aquifers and recharge areas are within the boundaries which are delineated on the map entitled “Wellhead Protection District, Town of Danbury,” dated July 27, 2004. This map is hereby made a part of the Zoning Ordinance of the Town of Danbury and a copy is on file in the Town Hall.

Any lot or tract of land that is within the aquifer or recharge areas of the Town of Danbury Wells No. 1 and No. 2 is subject to the provisions of this ordinance. If a lot or parcel of land is not within the aquifer or recharge area of the Town of Danbury Wells No. 1 and No. 2, it shall not be subject to the provisions of this ordinance. The following describes the boundaries of the Wellhead Protection Overlay District:

BEGINNING at a point in the center line of Main Street at the Western most point of the city limits of Danbury; thence in a Southwesterly direction with the line of the city limits of Danbury through the property of Dan River shores to the Western most corner of the city limits of Danbury located on the property of Susan Montague; thence in a Southeasterly direction of the city limits with the Town of Danbury to a point in the center line of Hanging Rock Forest Road to the point in the center of Hanging Rock Forest Road where the city limits of Danbury cross said road; thence with the curves and meanders of Hanging Rock Forest Road in a Southerly direction to the end of Hanging Rock Forest Road at its intersection with Juniper Road and Nellie Moon Circle; thence with Nellie Moon Circle in a Southeasterly direction and then turning North into the intersection of Nellie Moon Circle with Alpine Drive; thence with the center line of Alpine Drive to the end thereof then in a due Easterly direction to the Western

property line of the Petree Heirs; thence with the Western property line of the Petree Heirs to a corner thereof in the line of the State of North Carolina, Hanging Rock State Park; thence with the Southern line of Petree Heirs in a Easterly direction to the Northwest corner of Sarah M. Tuttle in the line of Hanging Rock State Park and the Petree Heirs; thence with the Southern line of the Petree Heirs in an Easterly direction to a point in the center of the road bed of Sheep Rock Road in the line of Sarah M. Tuttle and the Petree Heirs; thence with the center of Sheep Rock Road in a Northerly direction then turning in a Easterly direction and continuing to the center line intersection of Sheep Rock Road and Main Street (NC 8-89); thence with the center line of Main Street in a Northwesterly direction to the center line intersection of Main Street with Seven Island Road; thence with the center line of Seven Island road in an Easterly direction and thence turning in a Northerly direction to a point in Seven Island Road where the property line between Stokes County and Ruth O'Neal Pepper extended in a Easterly direction would cross the center line of Seven Island Road; thence with the property line between Stokes County and Ruth O'Neal Pepper and the property line of Stokes County and Ruth E. Mabe and the property line of William M. Nelson, Jr. and Ruth E. Mabe in a Westerly direction to the center line of Crestview Road; thence with the center line of Crestview Road in a Northerly direction to the point where the property line between William M. Nelson and Clara B. Nelson and Eunice Fagg extended in the Easterly direction would intersect with the center line of Crestview Drive; thence with the line of William M. Nelson and Clara B. Nelson and Eunice Fagg in a Westerly direction to the Northwest corner of William M. Nelson and Clara B. Nelson in the line of Eunice Fagg and Susan Montague; thence in a Southerly direction with the line of William M. Nelson and Clara B. Nelson and Susan Montague and the line of William M. Nelson and Clara B. Nelson and Nancy Louise Mabe to the corner of the western line of William M. Nelson and Clara B. Nelson in the Northern line of the city limits of Danbury; thence with the Northern line of the city limits of Danbury to the Northwest corner of the city limits of Danbury in the property of Nancy Louise Mabe; thence with the Western line of the city limits of Danbury on the property of Nancy Louise Mabe in a Southerly direction to a corner of the city limits of Danbury and in Main Street (NC 8-89); thence with the center line of Main Street in a Northwesterly direction to the point of the **BEGINNING**.

This description is prepared from a map prepared by the Stokes County GIS Department and is the area under consideration for the proposed Town of Danbury Wellhead Protection Zoning Overlay District. A copy of the same is on file in the Town Hall of the City of Danbury.

Any modifications to the boundaries of the Wellhead Protection Overlay District shall be adopted in accordance with the procedures for other amendments to the Danbury Zoning Ordinance, Article VIII.

- 9-5.6 **Determination of Applicability.** If a lot or parcel of land lies within the boundaries of the Danbury Wellhead Protection Overlay District described above, upon application for a certificate of zoning compliance, the Zoning Enforcement Officer shall determine whether or not the lot or parcel is located within the aquifer or recharge areas of the Town of Danbury Wells No. 1 and 2. If the applicant is not in agreement with the determination of the Zoning Enforcement Officer as to the location of the property within the aquifers or recharge areas of the Town of Danbury Wells No. 1 and 2, then the resolution of boundary shall be through a special use permit

application to Zoning Board of adjustment. Any application for a special use permit for this purpose shall be accompanied by complete documentation.

The burden of proof shall be upon the property owner or applicant to show that the property is not within the aquifers or recharge areas of the Town of Danbury Wells No. 1 and 2. At the request of the property owner or applicant, and if the owner or applicant shall pay the cost of the investigation, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine whether a lot or parcel of land is within the aquifers or recharge areas of the Town of Danbury Wells No. 1 and 2.

9-5.7 **Use Regulations.**

- (a) **Permitted Uses.** The permitted uses, bulk and yard requirements within the Wellhead Protection District shall be those of the underlying zoning district. Site plans submitted for permitted and conditional uses shall include additional details as outlined in this section.
- (b) **Prohibited Uses.** The following uses and structures which pose known groundwater contamination threats are specifically prohibited, except in accordance with 9.2-9 (b) below:
 - i. Use or production of Hazardous Substances in industrial, processing, manufacturing or commercial operations;
 - ii. Any waste treatment or disposal activity requiring a permit under any of the following State regulations:
 - (1) 15A NCAC 13B, Solid Waste Management Permits; primarily landfills;
 - (2) 15A NCAC 13A Hazardous Waste Management Permits;
 - (3) 15A NCAC 1E, Construction and Operation of an Oil Refining Facility;
 - (4) 15A NCAC 5B, Mining Permit;
 - (5) 15A NCAC 5D, Permit to Drill Exploratory Oil or Gas Well;
 - (6) 15A NCAC 2H, Pretreatment Permit; and
 - (7) 15A NCAC 2H.0202, Waste Not Discharged to Surface Waters, including waste lagoons, spray and infiltration systems, and the land application and subsurface disposal of wastes, but excluding system extension lines.
 - iii. Animal feed lots;
 - iv. Automobile junkyards;
 - v. Battery recycling and reprocessing;
 - vi. Cemeteries and graveyards, provided that family graveyards in existence at the time of adoption of this ordinance may continue to be used for burial of family members in graves meeting state regulations so long as the area encompassed by the graves does not exceed one (1) acre;
 - vii. Dumpsters or trash containers unless covered so as to be impervious to precipitation;

- viii. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within six (6) feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the U.S. Geological Survey, except for excavation for building foundations, roads, or utility works;
- ix. Golf courses or any part thereof;
- x. Impervious surfaces covering more than 25% of the lot, provided that impervious surfaces may cover more than 25% of a lot if the property owner or other applicant submits a storm water runoff plan, and pays the cost or expense thereof. Such plan shall be prepared by a qualified engineer and shall provide for a storm water runoff system that will not endanger the water sources within the WPD, and will not deplete the groundwater supply. After review, a conditional use permit for impervious surfaces covering more than 25% of the lot may be issued at the discretion of the Town Council;
- xi. Industrial and commercial uses which discharge processed wastewater on-site;
- xii. Lakes, ponds, or any impoundment of surface water;
- xiii. Manufacturing and production of paving, roofing, and other construction materials, using asphalt and petroleum based coating and preserving materials;
- xiv. Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and non-ferrous metals;
- xv. Retail gas stations and truck stops;
- xvi. Septic tanks, provided that those constructed and installed prior to the adoption of this ordinance may be used for one (1) year if sewer service is available to the building or property served by the pre-existing septic tank and the property owner shall have one (1) year to tap on to the sewer systems and discontinue the use of the of the septic tank;
- xvii. Storage of animal manure unless covered or contained in accordance with the specification of the United States Natural Resources Conservation Service;
- xviii. Storage or application of Restricted Use Pesticides;
- xix. Wells, other than those punched, drilled or constructed by the State of North Carolina, or a municipal subdivision thereof for the use of a public water system; provided that those wells drilled, punched or constructed and put into use prior to the adoption of this ordinance may be used provided said wells are equipped with backflow protection devices to protect the aquifers;
- xx. Wood-preserving operations using formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote and related chemicals;

- xxi. Underground Storage Tanks, unless equipped with secondary containment structures;
- (c) Use List Not Exhaustive. The uses prohibited in this district represent the state of present knowledge and most common description of said uses. As other polluting uses are discovered, or other terms of description become necessary, these shall be added to the list of uses prohibited by this district.
- (d) Changing Technology. The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by that class of uses, that causes the uses as a class to be groundwater pollution risks. As the technology of identified use classes changes to non-risk materials or methods, upon petition from such a use, and after conferring with expert geological and other opinion, it is the intention to delete uses from the prohibited list, or allow them conditionally, those which demonstrate convincingly that they no longer pose a pollution hazard.
- (e) Limited Exemptions. The following activities or uses are exempt from the provisions of this Ordinance:
 - i. The transportation of any Hazardous Substance through a Wellhead Protection Overlay district, provided the transporting vehicle is in transit;
 - ii. The use of any Hazardous Substance solely as a fuel in a vehicle fuel tank or as a lubricant in a vehicle;
 - iii. Retail sales establishments that store and handle Hazardous Substances for resale in their original unopened containers;
 - iv. Office supplies that are used solely for the operations of on-site administrative offices, provided such supplies are prepackaged in a form ready for use; and
 - v. Hazardous substances which are packages for personal or household use and present in the same form and concentration as packaged for use by the general public. The aggregate inventory of such substances shall not exceed 100 gallons or 800 pounds at any time.

9-5.8 **Requirements for Existing Prohibited Uses.** All uses and structures specifically prohibited in Subsection 6.b. may continue beyond the effective date of this Ordinance only if, within 90 days after the effective date of this Ordinance, the Mayor and Town Council approve an Operating and Monitoring Plan for each prohibited use or structure.

9-5.9 **Plan Submission for Existing Prohibited Uses.**

- (a) Site Plan Requirements. In addition to the requirements specified in Article III, Sections 3-2 and 3-3, the following materials or information shall be provided on the site plan when it is submitted to the Zoning administrator for review:
 - i. The location of public water supply wells within 1,000 feet of the site.

- ii. The location of the adjacent (within 200 feet of a property line) private drinking water supply wells.
 - iii. A complete list of the types and volumes of all Hazardous Substances (including fuels) used, stored, processed, handled or disposed, other than those volumes and type associated with normal household use.
 - iv. Description of types of wastes generated and method of disposal including: solid wastes, hazardous wastes, sewage and non-sewage wastewater discharges.
 - v. Provisions for management of storm water runoff.
- (b) Operating and Monitoring Plan Requirements. At a minimum, an Operating and Monitoring Plan (or “Plan”) shall contain the following elements, for approval by the Town Council:
- i. General Information.
 - (1) Name, title and address of owner of the land on which the prohibited use or structure is located.
 - (2) Name, title and address of the operator, authorized agent or other responsible person if different from the owner of the land.
 - (3) Name of business.
 - (4) Address of the prohibited use or structure.
 - (5) Type of facility, operation or site.
 - (6) Size of the prohibited use or structure, including, where applicable, lot acreage, square footage of any buildings, number of employees, etc.
 - ii. Operating or Performance Standards.
 - (1) The plan must specify under what standards the prohibited operation, facility or site will be operated or performed. These standards must ensure that all possible efforts are made to reduce the likelihood of contamination of the groundwater supply.
 - (2) If any state or federally promulgated environmental protection standards exist for a particular site, industry, business, facility or operation, then the Plan must specify what those standards are, and how they will be implemented.
 - (3) If no state or federally promulgated standards exist, or in addition to such standards, the Plan must indicate what the most current Best Management Practices (BMP) are for that particular site, industry, business, facility, or operation and how those Best Management Practices will be implemented.
 - iii. Monitoring Provisions.
 - (1) If state or federal laws, rules or regulations require groundwater monitoring by a particular site, industry, business, facility or operation then the plan must specify what those requirements are and how they will be implemented.

- (2) If no state or federal laws, rules or regulations require groundwater monitoring by a particular site, industry, business, facility, or operation, then the Plan must specify by whom, by what method, where and how frequently the groundwater under the property will be monitored.

iv. Reporting Schedule.

- (1) The owners or operators of any prohibited use or structure are required to submit to the Zoning Administrator annually summarizing the monitoring results for the year, including any contamination that may have occurred and the remedies that were undertaken to protect the groundwater.
- (2) No annual report is required for preexisting septic tanks serving property where sewer service is not available to the building or impervious surfaces located within Wellhead Protection Overlay Districts. Septic tank usage may continue until one (1) year after sewer service becomes available. Use of impervious surfaces will be allowed to continue indefinitely. No expansion of either a preexisting septic tank or impervious surface will be allowed.

v. Performance Bond. The owner and operator of any prohibited use or structure are required to supply an approved performance bond to ensure complete compliance with the terms of the approved operation, Monitoring and Amortization Plan. The Plan must specify the name and address of the surety bond, as well as the amount of the insurance obtained.

vi. Other Requirements. Additional requirements may be imposed if further protection of the Town's groundwater supply to the public well system is warranted, including groundwater monitoring beyond the amortization period specified in the Plan. Factors which shall be considered include but are not limited to the toxicity of the substance, the amount of the substance, proximity of the condition to the well, soil conditions, topography and other factors pointing to the degree of risk posed to the public water supply.

(c) Approval Process for Operating and Monitoring Plan.

- i. Plan Submission. The owner or developer shall submit ten (10) copies of the Operating and Monitoring Plan to the Zoning Enforcement Officer for consideration by the Town Council.
- ii. Plan Review. The Zoning Enforcement Officer shall review the Operating and Monitoring Plan and prepare a recommendation for the Town Council, based on the Plan's compliance to the regulations specified in this Ordinance and the potential threat to the Town's public water supply. The recommendation shall be made within 30 calendar days of the Plan's submission date.
- iii. Plan Approval. The Town Council shall approve the Plan if it is in compliance with this Ordinance and contains sufficient precautions and remedies to protect the Town's public water supply. Operating and Monitoring Plans not approved by the Town Council shall be revised and re-submitted within 30 days.