

August 5, 2008

The Union County Planning Board met in regular session on Tuesday, August 5, 2008, at 7:00 p.m. in the Union County Board of Commissioner's Board Room, located on the First Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112, with Chairman Robert Allen presiding.

PRESENT: Russell Cox, Robert Allen, Charles Greene, Christa Boggs, James Howie, Richard Simpson

ABSENT: Dan Wooten, William McGuirt, Andy Williams, Don Kerr, Everette Medlin

ALSO PRESENT: Richard Black, Roger Horton, and Pam Rivers

ITEM NUMBER ONE

Call to Order

Chairman Allen called the meeting to order at 7:00 p.m. Charles Greene was made a voting member.

New Planning Board member Mr. James Howie was administered the oath of office.

ITEM NUMBER TWO

Additions and/or Deletions to the Agenda

There were no additions or deletions to the agenda.

ITEM NUMBER THREE

Approval of the Agenda

Motion was made by Russell Cox and seconded by Richard Simpson to approve the agenda.

ITEM NUMBER FOUR

Approval of Minutes

There were no approvals of minutes because there was not a Planning Board meeting for July 2008.

ITEM NUMBER FIVE AND SIX

Text Amendment pursuant to the adoption of new Floodplain Regulations and Maps.

Amendment to rezone the Floodplain and Floodway Overlay Districts in order to adopt the new State Floodmaps.

Add new article XXII

Article XXII
FLOOD DAMAGE PREVENTION

Sec. 380 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of County Commissioners of Union County, North Carolina, does ordain as follows:

Sec. 381 FINDINGS OF FACT.

- (a) *The flood prone areas within the jurisdiction of Union County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.*
- (b) *These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.*

Sec. 382 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (a) *restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;*
- (b) *require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;*
- (c) *control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;*
- (d) *control filling, grading, dredging, and all other development that may increase erosion or flood damage;*
and
- (e) *prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.*

Sec. 383 OBJECTIVES.

The objectives of this ordinance are to:

- (a) protect human life, safety, and health;
- (b) minimize expenditure of public money for costly flood control projects;
- (c) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) minimize prolonged business losses and interruptions;
- (e) minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (f) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (g) ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

Sec. 384 DEFINITIONS.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the Floodplain Administrator's interpretation of any provision of this article.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this article, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“Mean Sea Level” means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, or A99.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 356 of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Threat to Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Variance” is a grant of relief from the requirements of this article.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Sec. 385 LANDS TO WHICH THIS ORDINANCE APPLIES.

This article shall apply to all Special Flood Hazard Areas within the jurisdiction of Union County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

Sec. 386 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Union County dated _____, which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:
_____ County Unincorporated Area, dated _____ (Initial date)

For county ordinances which may be adopted by reference by municipalities within the county, also list each municipality and its initial FIRM date. See FIS-Map History, Community Status Book, or municipal FIRM for initial FIRM date.

Special Flood Hazard Areas also include those identified by _____ (county/municipality) in its _____, dated _____, which with accompanying data are adopted by reference and declared to be part of this ordinance. (OPTIONAL – If adopting additional Special Flood Hazard Area, list the names and dates of all referenced engineering studies and maps.)

Sec. 387 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Sec. 386 of this ordinance.

Sec. 388 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this article and other applicable regulations.

Sec. 389 ABROGATION AND GREATER RESTRICTIONS.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 390 INTERPRETATION.

In the interpretation and application of this article, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 391 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Union County or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

Sec. 392 PENALTIES FOR VIOLATION.

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Union County from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 393 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Land Use Administrator, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this article.

Sec. 394 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(a) Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Sec. 386, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Sec. 386;
 - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Sec 386;
 - (v) the Base Flood Elevation (BFE) where provided as set forth in Sec. 386; Sec. 395; or Sec. 400;

- (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) the certification of the plot plan by a registered land surveyor or professional engineer.
- (2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

 - (i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - (ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be floodproofed; and
 - (iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
 - (3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this article are met. These details include but are not limited to:

 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Sec. 398(b)(4)(c) when solid foundation perimeter walls are used in Zones A, AE, and A1-30.
 - (5) Usage details of any enclosed areas below the lowest floor.
 - (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - (7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sec. 398(b), (6) and (7) of this ordinance are met.
 - (9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (b) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:**
- (1) A description of the development to be permitted under the floodplain development permit.
 - (2) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Sec. 386.

- (3) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
- (4) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
- (5) All certification submittal requirements with timelines.
- (6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (7) The flood openings requirements, if in Zone A, AE or A1-30.

(c) Certification Requirements.

(1) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- (ii) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
- (iii) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(2) Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain

Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (3) If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Sec. 398(b)(3)(b).
- (4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (5) Certification Exemptions. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified Sec. 394(c)(1) and Sec. 394(c)(2):
 - (i) Recreational Vehicles meeting requirements of Sec. 398(b)(6)(a);
 - (ii) Temporary Structures meeting requirements of Sec. 398(b)(7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Sec. 398(b)(8).

Sec. 395 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (a) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (b) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- (c) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (e) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (f) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Sec. 394 (c).
- (g) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Sec. 394 (c).

- (h) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Sec. 394 (c).
- (i) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Sec. 394 (c) and Sec. 398(b)(2).
- (j) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (k) When Base Flood Elevation (BFE) data have not been provided in accordance with the provisions of Sec. 386, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Sec. 400(b)(2), in order to administer the provisions of this ordinance.
- (l) When Base Flood Elevation (BFE) data are provided but no floodway or non-encroachment area data have been provided in accordance with the provisions of Sec. 386, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (m) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area are above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (n) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (o) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (p) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (q) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (r) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial

jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(s) Follow through with corrective procedures of Sec. 396.

(t) Review, provide input, and make recommendations for variance requests.

(u) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of Sec. 386 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(v) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

Sec. 396 CORRECTIVE PROCEDURES.

(a) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

(b) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(a) that the building or property is in violation of the floodplain management regulations;

(b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

(c) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(d) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(e) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Sec. 397 VARIANCE PROCEDURES.

(a) The Board of Adjustment as established by Union County, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.

(b) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(c) Variances may be issued for:

- (1) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;**
- (2) functionally dependent facilities if determined to meet the definition as stated in Sec. 384 of this ordinance, provided provisions of Sec. 397(i)(2), (3), and (5) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or**
- (3) any other type of development, provided it meets the requirements of this Section.**

(d) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (1) the danger that materials may be swept onto other lands to the injury of others;**
- (2) the danger to life and property due to flooding or erosion damage;**
- (3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;**
- (4) the importance of the services provided by the proposed facility to the community;**
- (5) the necessity to the facility of a waterfront location as defined under Sec. 384 of this ordinance as a functionally dependent facility, where applicable;**
- (6) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;**
- (7) the compatibility of the proposed use with existing and anticipated development;**
- (8) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;**
- (9) the safety of access to the property in times of flood for ordinary and emergency vehicles;**
- (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and**
- (11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.**

(e) A written report addressing each of the above factors shall be submitted with the application for a variance.

(f) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

(g) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(h) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(i) Conditions for Variances:

(1) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

(2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(4) Variances shall only be issued prior to development permit approval.

(5) Variances shall only be issued upon:

(i) a showing of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship;
and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(j) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the Special Flood Hazard Area.

(3) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

(4) The use complies with all other applicable Federal, State and local laws.

(5) Union County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

Sec. 398 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(a) GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Sec. 397(j). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Sec. 394(c).
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(15) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

(16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple Base Flood Elevations (BFEs), the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

(b) SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data have been provided, as set forth in Section 386, or Sec. 400, the following provisions, in addition to the provisions of Sec. 398(a), are required:

(1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance.

(2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance. Structures located in A, AE, and AI-30 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Sec. 394(c), along with the operational plan and the inspection and maintenance plan.

(3) Manufactured Homes.

(a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Sec. 384 of this ordinance.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Sec. 398(b)(4).

- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- (c) shall include, in Zones A, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
- (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
- (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
- (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(6) Recreational Vehicles. Recreational vehicles shall either:

- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- (b) meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
- (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

- (e) Accessory structures shall be firmly anchored in accordance with the provisions of Sec. 398(a)(1);
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of Sec. 398(a)(4); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Sec. 398(b)(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Sec. 394(c).

Sec. 399 RESERVED.

Sec. 400 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Sec. 386, where no Base Flood Elevation (BFE) data have been provided by FEMA, the following provisions, in addition to the provisions of Sec. 398(a) shall apply:

(a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

- (1) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or
- (2) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(b) If Sec. 400(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(c) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

- (1) When Base Flood Elevation (BFE) data are available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sec. 398(a) and (b).
- (2) When floodway or non-encroachment data are available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sec. 398(b) and F.
- (3) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with the provisions of Sec. 386 and utilized in implementing this ordinance.
- (4) When Base Flood Elevation (BFE) data are not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Sec. 384. All other applicable provisions of Sec. 398(b) shall also apply.

Sec. 401 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

(a) *Standards of Sec. 398(a) and (b); and*

(b) *No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:*

- (1) *it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or*
- (2) *a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.*

(c) *If Sec. 401(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.*

Sec. 402 FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Sec. 386. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to the standards outlined in Sec. 398(a) and (b), shall apply to all development within such areas:

(a) *No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:*

- (1) *it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of a floodplain development permit, or*
- (2) *a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.*

(b) *If Sec. 402(a) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.*

(c) *No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:*

- (1) *the anchoring and the elevation standards of Sec. 398(b)(3); and*
- (2) *the no encroachment standard of Sec. 402(a).*

Sec 403 LEGAL STATUS PROVISIONS.

(a) *EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.*

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted *(adoption date of the community's initial flood damage prevention ordinance)* as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of

such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Union County enacted on _____ (adoption date of the community's initial flood damage prevention ordinance), as amended, which are not reenacted herein are repealed.

The date of the initial flood damage prevention ordinance for each municipal jurisdiction within _____ County is as follows:

List each municipality within the County with its initial ordinance date.

Sec. 404 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

Sec. 405 EFFECTIVE DATE.

This ordinance shall become effective _____ (upon adoption or specific date).

Sec. 406 ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the _____ (governing body) of _____ (community), North Carolina, on the _____ day of _____, 200_____.

WITNESS my hand and the official seal of _____, this the _____ day of _____, 200_____.

(signature)

Change the following Sections as noted

Section 4 Bona Fide Farms Exempt.

- (a) The provisions of this ordinance shall not apply to bona fide farms, except that:
 - (1) farm property used for non-farm purposes shall not be exempt from regulation; and
 - (2) the provisions of ~~Article XVI, Part I~~ Article XXII regulating development in floodways and floodplains, as required for participation in the National Flood Insurance Program, shall apply to bona fide farms.
- (b) For purposes of this ordinance, a bona fide farm is any tract (or tracts of land under common ownership or control) ten acres in size or greater on which a party is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry.

From Section 15 Definitions

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

Floodplain: Any land area susceptible to being inundated by water from the base flood. As used in this ordinance, the term refers to that area designated as subject to flooding from the base flood (one hundred year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development a copy of which is on file in the administrator's office. This area shall comprise the floodplain overlay zoning district established in Section 139.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this ordinance, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the administrator's office. This area shall comprise the floodway overlay zoning district established in Section 139.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Historic Structure: As used in Article XVI, any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

New Construction: As used in Article XVI, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Start of Construction: As used in Article XVI, "start of construction includes substantial

improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial Damage: As used in Article XVI, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: As used in Article XVI, any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure".

Section 79 Major Subdivision Final Plan Approval Process.

(a) The Planning Department is hereby designated the Planning Agency for the purpose of approving or disapproving major subdivision final plats in accordance with the provisions of this section. The Planning Division Director and/or the senior planners shall review and approve or disapprove each major subdivision final plat. The final plat shall be signed by two of the above officials before recording in the Register of Deeds Office.

(b) The applicant for major subdivision final plat approval shall submit to the Planning Department a final plat, drawn to scale and otherwise acceptable to the Union County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The applicant shall also submit six prints of the plat. All major subdivision plats shall also be provided in digital format. Digital information shall satisfy the following criteria:

(1) Files shall be submitted in Auto CAD DXF, DWG or ESRI Arc Info Export format;

(2) Data submitted shall be exchanged on IBM formatted floppy disk, IBM formatted Zip Disk, or CD-ROM in ISO 9660 format.

(c) In addition to the appropriate endorsements, as provided in Section 80, the final plat shall contain the following information:

(1) A vicinity map;

(2) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Union County Registry;

(3) The name of the subdivision owner or owners;

(4) The township, county and state where the subdivision is located;

- (5) The name of the surveyor and his registration number and the date of survey;
- (6) The scale according to which the plat is drawn in feet per inch or scale ratio in words or figures and bar graph;
- (7) The date of the survey and plat preparation;
- (8) The location of all rights-of-way, easements and areas to be dedicated to public use with the purpose of each stated;
- (9) The sections numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each section; and
- (10) The number of square feet or acreage of each lot shown on the plat;
- (11) All of the additional information required by G.S. 47-30(f).
- ~~(12) If the subdivision is located within a floodway or floodplain, the statement required under Section 255(b) of this ordinance.~~
- ~~(13)~~(12) Delineation of any on-site waste disposal areas.
- ~~(14)~~ (13) The location of all existing buildings on the tract to be subdivided.
- ~~(15)~~ (14) If the subdivision is located in a drinking water supply watershed, the appropriate statement required per Section 339.
- ~~(16)~~ (15) The property identification number(PIN), as provided by the Union County Tax Office.

(d) The Planning Department shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this ordinance or that the final plat differs substantially from the plans and specification approved in conjunction with the compliance permit that authorized the development of the subdivision.

(e) If the final plat is disapproved by the Planning Department the applicant shall be furnished with a written statement of the reasons for the disapproval.

(f) Approval of a final plat is contingent upon the plat being recorded within ninety days after the approval certificate is signed by the Planning Department.

Section 93 Variances From Floodplain or Floodway Requirements.

~~(a) In addition to the other requirements of Section 92, a variance from any of the requirements set forth in Article XVI, Part I may be granted by the board of adjustment only if it finds that:~~

- ~~(1) The variance is the minimum necessary to afford relief, considering the flood hazard; and~~
- ~~(2) The granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.~~

~~(b) Any applicant to whom a variance from the requirements set forth in Article XVI, Part I is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.~~

~~(c) The local administrator shall, for actions and variances involving the requirements set forth in Article XVI, Part I, maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.~~

Section 94 Interpretations.

(a) The Land Use Administrator is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the administrator, they shall be handled as provided in Section 91.

(b) An application for a map interpretation shall be submitted to the Land Use Administrator. The application shall contain sufficient information to enable the Administrator to make the necessary interpretation.

(c) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as approximately parallel to the centerlines of streets or other rights-of-way shall be construed as being parallel thereto and at such distance therefrom or indicated on the zoning map.

(4) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;

(5) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map (see Section 16, Lots Divided by District Lines);

(6) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereby virtue of such vacation or abandonment.

(d) Interpretations of the location of floodway and floodplain boundary lines may be made by the administrator as provided in Section ~~258-395~~.

Add Section 117

Section 117 Enforcement and Review of Floodplains and Floodways

This article shall not apply to Article XXII. Article XXII contains separate enforcement and review procedures as outlined in Section 396.

Section 139 Floodplain and Floodway Overlay Districts.

The floodplain (FP) and floodway (FW) overlay districts are hereby established. The land so classified may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the applicable overlay district. The floodplain and floodway districts are further described in ~~Part I of Article XVI~~ Article XXII of this ordinance.

ARTICLE XVI FLOODPLAINS, DRAINAGE, and STORM WATER MANAGEMENT

Part I. Floodways and Floodplains

Terms used in Article XVI, Part I are defined in Section 15 of this Ordinance.

Section 251 Reserved

Section 252 ~~Encroachments~~ ~~Artificial Obstructions~~ Within Floodways and Floodplains Prohibited.

- ~~(a) — No artificial obstruction may be located within any floodway, except as provided in Section 253.~~
- ~~(b) — No encroachments, including but not limited to (i) fill, (ii) new construction, (iii) substantial improvements (as defined in Section 254(b)), (iv) new development, and (v) artificial obstructions, may be permitted within floodways and floodplains, except as provided in Section 253. For purposes of this section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway or floodplain by a non-human cause.~~

Section 253 Permissible Uses Within Floodways and Floodplains.

- (a) — Notwithstanding Article X of this chapter (Table of Uses), no permit to make use of land within a floodway or floodplain may be issued unless the proposed use is listed ~~as allowed both in the Table of Uses and in the following list:~~ below:
 - (1) — General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses.
 - (2) — Ground level streets, roads, loading areas, parking areas, rotary aircraft ports, and other similar ground level area uses.
 - (3) — Lawns, gardens, play areas, and other similar uses.
 - (4) — Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.
 - ~~(5) — Limited crossings for driveways, streets, roads, highways, and railroad crossings and associated bridge components.~~
 - ~~(6) — Overhead and underground utility crossings where crossings should be made perpendicular to the stream to the extent practicable.~~
 - ~~(7) — Gravity flow municipal sanitary sewers where no practicable alternative exists.~~
 - ~~(8) — Stormwater best management practices.~~
 - ~~(9) — Fences, provided that disturbance is minimized and where installation does not result in the removal of vegetation.~~
 - ~~(10) — Dam maintenance activities.~~
 - ~~(11) — Stream restoration activities.~~

~~(12) Water dependent structures.~~

~~(b) The uses listed in subsections (a)(1) to (a)(4) are permissible only if and to the extent that they do not cause neither any increase in base flood levels, nor change in floodway widths or floodplain widths.~~

~~(c) The uses listed in subsections (a)(1) to (a)(12) are permissible only if approved by FEMA, provided that such approval is required.~~

Section 254 Construction Within Floodways and Floodplains Restricted.

~~(a) No zoning, special use or conditional use permit may be issued for any development within a floodplain until the permit issuing authority has reviewed the plans prepared by a registered architect or engineer, and bears a registered seal, for any such development to assure that:~~

~~(1) The proposed development is consistent with the need to minimize flood damage; and~~

~~(2) All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and~~

~~(3) Adequate drainage is provided to minimize or reduce exposure to flood hazards; and~~

~~(4) All necessary permits have been received from those agencies from which approval is required by federal or state law.~~

~~(b) (a) No building may be constructed and no substantial improvement of an existing building may take place within any floodway or floodplain except as provided below. With respect to manufactured home parks that are nonconforming because they are located within a floodway or floodplain, manufactured homes may be relocated in such parks only if they comply with the provisions of subsection (i) (b). Structures that are non conforming because they are located within the floodplain or floodway may be substantially improved if after the improvement they meet the applicable requirements of Section 254 (b) (f). For purposes of this section, "substantial improvement" means any repair, reconstruction, or improvement of a building the cost of which equals or exceeds fifty percent of the market value of the structure either (i) before the improvement or repair is started or (ii) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to insure safe living conditions, or (ii) any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places. [Note to Planning Board: the definition of "substantial improvement" copied above is the former Section 254(g).]~~

~~(c) (b) No new residential building may be constructed and no substantial improvement of a residential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated no lower than two (2) feet above the base flood level. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.~~

~~(1) Residential accessory structures shall be allowed within floodplains provided they are firmly anchored to prevent flotation, designed to have low flood potential and placed on the building site so as to offer minimum resistance to the flow of floodwaters.~~

~~(2) Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or by over the top ties. When bolting to a concrete slab, one half inch bolts six feet on center~~

~~with a minimum of two per side shall be required. If over the top ties are used a minimum of two ties with a force adequate to secure the building is required.~~

~~(3) Service facilities such as electrical and heating equipment shall be elevated or flood proofed.~~

~~(d) (c) No new nonresidential building may be constructed and no substantial improvements of a nonresidential building may take place within any floodplain unless the lowest floor (including basement) of the building or improvement is elevated or flood proofed no lower than two (2) feet above the base flood level. Structures located in A zones may be flood proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capacity of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that standards of this section are satisfied.~~

~~(e) (d) When base flood elevation data is not available from a federal, state or other source, the lowest floor including basement, in subsection (e) (b) or (d) (c) above, shall be elevated at least two (2) feet above the highest adjacent grade.~~

~~(f) (e) No new construction and no substantial improvements of a structure may take place within any floodplain unless fully enclosed areas below the lowest floor that are subject to flooding are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum requirements:~~

~~(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;~~

~~(2) The bottom of all openings shall be no higher than one foot above grade; and~~

~~(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

~~(g) For purposes of this section, "substantial improvement" means any repair, reconstruction, or improvement of a building the cost of which equals or exceeds fifty percent of the market value of the structure either (i) before the improvement or repair is stated or (ii) if the structure has been damaged and is being restored, before the damage occurred. "Substantial improvement" occurs when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to insure safe living conditions, or (ii) any alteration of a building listing on the National Register of Historic Places or a State Inventory of Historic Places.~~

~~(h) (f) No zoning, conditional, special use or major development permit may be issued for any development within a floodplain until the permit issuing authority has reviewed plans prepared by a registered architect or engineer, and bear a registered seal, to assure that any new construction or substantial improvements shall be:~~

~~(1) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.~~

~~(2) Constructed with materials and utility equipment resistant to flood damage.~~

~~(3) Constructed by methods and practices that minimize flood damage.~~

- (4) — Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (i) (g) — Notwithstanding any other provision of this ordinance, no manufactured home may be ~~located or~~ relocated within ~~that portion of the floodplain outside of the floodway~~ a floodway or floodplain unless the following criteria are met:
- (1) — Manufactured homes are anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Manufactured Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to N.C.G.S. 143.143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - (2) — Lots or pads are elevated on compacted fill or by any other method approved by the administrator so that the lowest floor of the manufactured home is at or above the base flood level.
 - (3) — Adequate surface drainage and easy access for manufactured home movers is provided.
 - (4) — Load bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten feet apart, and if the support height is greater than seventy two inches, the support must contain steel reinforcement.
 - (5) — An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the local administrator and the local Emergency Management Coordinator.
 - (6) — The plans for meeting the requirements of subsection 254(i) (1) through (5) shall be prepared by a registered architect or engineer, and bear a registered seal.
- (j) (h) — Whenever, pursuant to section 253 or 254 (b) (2), any portion of a floodplain is filled, ~~in with fill dirt~~, slopes shall be adequately stabilized to withstand the erosive force of the base flood.
- (k) (i) — A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. Recreational vehicles placed on sites with special flood hazard, zones A1-30, AH, and AE on the community's FIRM, shall either:
- (1) — be on site for fewer than 180 consecutive days;
 - (2) — be fully licensed and ready for highway use;
 - (3) — meet the permit requirement and the elevation and anchoring requirements for manufactured homes in this Article, to satisfy compliance with paragraphs (b)(1) and (c)(6) of the National Flood Insurance Program Regulations, 44 C.F.R. 60.3.

Section 255 Special Provisions for Subdivisions.

- (a) ~~— An applicant for a major development permit authorizing a major subdivision and an applicant for minor subdivision final plat approval shall be informed by the administrator of the use and construction restrictions contained in Sections 252, 253, and 254 if any portion of the land to be subdivided lies within a floodway or floodplain.~~
- (b) ~~— Final plat approval for any subdivision containing land that lies within a floodway or floodplain may not be given unless the plat shows the boundary of the floodway or floodplain and contains in clearly discernible print the following statement: "Use of land within a floodway or floodplain is substantially restricted by Article XVI of the Union County Land Use Ordinance."~~
- (c) ~~— Subject to the following sentence, a major development permit for a major subdivision and final plat approval for any subdivision may not be given if:

 - (1) ~~— The land to be subdivided lies within a zone where residential uses are permissible and it reasonably appears that the subdivision is designed to create residential building lots; and~~
 - (2) ~~— Any portion of one or more of the proposed lots lies within a floodway or floodplain; and~~
 - (3) ~~— It reasonably appears that one or more lots described in subsections (1) and (2) of this subsection could not practicably be used as a residential building site because of the restrictions set forth in Sections 252, 253, and 254.~~~~

~~— The foregoing provision shall not apply if a notice that the proposed lots are not intended for sale as residential building lots is recorded on the final plat, or if the developer otherwise demonstrates to the satisfaction of the authority issuing the permit or approving the final plat that the proposed lots are not intended for sale as residential building lots.~~

~~Section 256 Water Supply and Sanitary Sewer Systems in Floodways and Floodplains.~~

~~— Whenever any portion of a proposed development is located within a floodway or floodplain, the agency or agencies responsible for certifying to the county the adequacy of the water supply and sewage disposal systems for the development (as set forth in Sections 239 and 241 of this ordinance) shall be informed by the developer that a specified area within the development lies within a floodway or floodplain. Thereafter, approval of the proposed system by that agency shall constitute a certification that:~~

- (a) ~~— Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.~~
- (b) ~~— Such sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharges from it into flood waters.~~
- (c) ~~— Any on site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.~~

~~Section 257 Additional Duties of Administrator Related to Flood Insurance and Flood Control.~~

~~— The administrator shall:~~

- (a) ~~— Where base flood elevation data is available:

 - (1) ~~— Verify the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;~~
 - (2) ~~— Verify, for all structures that have been flood proofed (whether or not such structures contain a basement), the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and~~~~

~~_____ 3) _____ Maintain a record of all such information.~~

~~_____ (b) _____ Where base flood elevation data has not been provided:~~

- ~~1) _____ Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source for enforcing the requirements set forth in Part I of this article; and~~
- ~~2) _____ Verify and record the actual elevation constituting the highest adjacent grade, to which all new or substantially improved structures are elevated or floodproofed.~~
- ~~(3) _____ Notify, in riverine situations, adjacent communities and the N.C. Department of Crime Control and Public Safety prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Insurance Administrator.~~
- ~~(4) _____ Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.~~

~~Section 258 Location of Boundaries of Floodplain and Floodway Districts.~~

~~_____ As used in this article, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts whose boundaries are the boundaries of the floodways and floodplains shown on the maps referenced in Subsections 251(2) and (3) Section 15 Definitions of Basic Terms: Floodplain and Floodways and Section 142 Official Zoning Map, which boundaries are intended to correspond to the actual, physical location of floodways and floodplains. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy, rather than physical, criteria.) Therefore, the administrator is authorized to make necessary interpretations as to the exact location of the boundaries of floodways or floodplains if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the administrator, may be appealed to the board of adjustment in accordance with the applicable provisions of this ordinance.~~

~~Section 259 Setbacks from Streams Outside Designated Floodplains.~~

~~_____ In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to twenty feet on each side.~~

~~Section 260 Reserved.~~

A-5. Existing Natural, Man-Made and Legal Features

(1) Development site plans shall show all existing natural, man-made, and legal features on the lot development is to take place, including but not limited to those listed below. In addition, the plans shall also show those features indicated below by an asterisk that are located within fifty feet in any direction of the lot where the development is to take place, and shall specify (by reference to the Table of Permissible Uses or otherwise) the use made of adjoining properties.

(2) Existing natural features:

- (a) Tree line of wooded areas.
- (b) Individual tree eighteen inches in diameter or more identified by common or scientific name.
- (c) Orchards or other agricultural groves by common or scientific name.

(d) Streams, ponds, drainage ditches, and swamps, ~~boundaries of floodways and floodplains.~~

(e) ~~(If the proposed development is a subdivision or mobile home park of more than fifty lots or if more than five acres of land are to be developed), base flood elevation data (See Article XVI, Part 4):~~ Floodplain information as required by Article XXII.

A-6. Proposed Changes in Existing Features or New Features

(1) Development site plans shall show proposed changes in (i) existing natural features (see A-5 (2)), (ii) existing manmade features (see A-5(3), and (iii) existing legal features (see A-5(4).

(2) Development site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, buffer areas and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:

(a) The number of square feet in every lot created by a new subdivision.

(b) Lot dimensions, including lot widths measured in accordance with Section 183.

(c) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines (see Section 184).

(d) Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights (see Section 186) and proposed wall sign or window sign area;

(e) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

(f) Elevation in relation to mean sea level to which any non-residential structures will be flood-proofed as required by Section 398.

A-7. Documents and Written Information in Addition to Plans

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested:

(1) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

(2) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, as set forth in Article XV, and that all necessary easements have been provided.

(3) For proposed non-residential flood proofed structures, or for enclosed areas below the lowest floor that are subject to flooding, certification from a registered professional engineer or architect that the proposed structure meets the criteria in ~~Article XVI, Section 254(d), (f)~~ Section 398.

(4) Certification and supporting technical data from a registered professional engineer demonstrating that any proposed use within a floodway if permitted under ~~Article XVI, Section 253~~ Article XXII, shall not result in any increase in flood levels during occurrence of the base flood discharge.

F-6. Manufactured Home Park Procedures - Final Plat

(1) Application Deadline: All material must be submitted in accordance with deadlines established by the Land Use Administrator and/or board of adjustment.

(2) Required Material:

(a) Approved plans for water supply, waste disposal, and other utilities subject to Article XV.

(b) Conformance with Article XVI, concerning ~~floodplain~~, drainage, and storm water management and Article XXII concerning floodplain.

(c) Street plans approved by N.C. Department of Transportation.

(d) The final plat and five (5) copies shall be submitted.

(e) The final plat shall be drawn in waterproof ink on satisfactory reproducible materials on sheets 18" x 24".

G-5. Plan Preparation Requirements

(1) Name, address, and telephone number of applicant.

(2) Interest of the applicant in the proposed campground.

(3) Date of plat.

(4) Name(s) of the adjoining property owner(s).

(5) North arrow, and vicinity map.

(6) Name and seal of the registered surveyor or engineer.

(7) The plan will have a title indicating the type of campground as defined in G-2, in large letters.

(8) The names of proposed streets, subject to Section 223.

(9) Complete engineering plans and specifications of the proposed campground showing:

(a) The area and dimensions of the entire tract of land;

(b) The land use occupying the adjacent properties;

(c) The number, size, and location of camping unit sites and parking areas;

(d) The location, right-of-way, and surface roadway width, and surfacing materials of roadways and walkways;

(e) The proposed interior vehicular and pedestrian circulation patterns;

(f) The location of service buildings, sanitary stations, and any other existing or proposed structures;

(g) The location of water and sewer lines and rise pipes;

