

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: BUILDING CODE

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GENERAL PROVISIONS

§ 150.01 BUILDING PERMIT REQUIRED.

(A) It shall be unlawful for any person to erect, construct, or build any building or structure of any kind or description within the corporate limits without first obtaining a building permit. ('74 Code, § 5-1)

✓ (B) The County Electrical Inspector and the Town Superintendent of the Street and Utilities Departments shall not be authorized to approve or permit the furnishing of permanent or temporary electrical service or water and sewer service for any home or other building in the town or the one-mile extraterritorial area without the issuance of a building permit by the Building Inspector. ('74 Code, § 5-4)
Penalty, see § 10.99

§ 150.02 APPLICATION.

(A) Any person desiring to erect, construct, or build any building or structure within the corporate limits, or any other

construction as set forth in G.S. § 160A-417, shall first submit to the Building Inspector, through the office of the Town Clerk, a duly signed and completed application for a building permit.

(B) The application shall be accompanied by plans and specifications for the building, the material to be used in the building or structure, the proposed location thereof, the purposes for which the building is to be used, the cost of the building or structure, and such other information as the Building Inspector may require to issue a permit.

('74 Code, § 5-2) Penalty, see § 10.99

§ 150.03 FEES.

(A) Fees shall be charged for all building permits according to the fee schedule on file in the office of the Town Clerk.

(B) The foregoing building permit fees shall apply to all new construction, remodeling, alterations or repairs, as described more particularly in G.S. § 160A-417. However, no permit issued under Articles 9 or 9C of G.S. Chapter 143 shall be required for any construction, installation, repair, replacement, or alteration costing \$5,000 or less in any single-family residence or farm building unless the work involves: the addition, repair, or replacement of load-bearing structures; the addition (excluding replacement of same size and capacity) or change in the design of plumbing; the addition, replacement, or change in the design of heating, air conditioning, or electrical wiring, devices, appliances, or equipment; the use of materials not permitted by the North Carolina Uniform Residential Building Code; or the addition (excluding replacement of like grade of fire resistance) of roofing.

('74 Code, § 5-3)

Statutory reference:

Municipal building permits, see G.S. § 160A-417

BUILDING CODE

§ 150.10 ADOPTION OF STATE BUILDING CODE.

All rules and regulations adopted by the state for the proper construction and erection of all buildings, as provided in G.S. § 143-136 et seq., are hereby adopted by reference, and shall control general construction the same as if set out at length herein, except as they may be amended or modified in this chapter.

('74 Code, § 5-17)

ELECTRICAL CODE

§ 150.15 ADOPTION OF NATIONAL ELECTRICAL CODE.

Under the authority granted by G.S. § 160A-76, the most current edition of the "National Electrical Code", published by the National

Fire Protection Association, is hereby adopted the same as if set out at length herein, save and except such portions of that code as may be deleted, modified, or amended herein.
('74 Code, § 5-28)

PLUMBING CODE

§ 150.20 ADOPTION OF STATE REGULATIONS.

All rules and regulations adopted by the state pertaining to plumbing are hereby adopted and made a part of the building code of the town the same as if set out at length herein, except as may be modified or amended in this chapter.
('74 Code, § 5-39)

ABANDONED STRUCTURES

§ 150.25 PURPOSE.

It is hereby found that there exists within the town abandoned structures which the Board of Commissioners finds to be hazardous to the health, safety, and welfare of the residents of the town due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children, or frequent use by vagrants as living quarters in the absence of sanitary facilities. Therefore, pursuant to the authority granted by G.S. § 160A-441, it is the intent of this subchapter to provide for the repair, closing, or demolition of any such abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing, or demolition of dwellings unfit for human habitation.
(Ord., passed 3-7-88)

§ 150.26 BUILDING INSPECTOR; POWERS AND DUTIES.

(A) The Building Inspector is hereby designated as the town officer to enforce the provisions of this subchapter. It shall be the duty of the Building Inspector to:

(1) Locate abandoned structures within the town and determine which structures are in violation of this subchapter;

(2) Take such action pursuant to this subchapter as may be necessary to provide for the repair, closing, or demolition of such structures;

(3) Keep an accurate record of all enforcement proceedings begun pursuant to the provisions of this subchapter; and

(4) Perform such other duties as may be prescribed herein or assigned to him by the Board of Commissioners.

(B) The Building Inspector is authorized to exercise such powers as may be necessary to carry out the intent and the provisions of this subchapter, including the following powers in addition to others herein granted:

(1) To investigate the condition of buildings within the town in order to determine which structures are abandoned and in violation of this subchapter;

(2) To enter upon premises for the purpose of making inspections;

(3) To administer oaths and affirmations, examine witnesses, and receive evidence; and

(4) To designate such other officers, agents, and employees of the town as he deems necessary to carry out the provisions of this subchapter.

(Ord., passed 3-7-88)

§ 150.27 STANDARDS FOR ENFORCEMENT.

(A) Every abandoned structure within the town shall be deemed in violation of this subchapter whenever such structure constitutes a hazard to the health, safety, or welfare of the town citizens as a result of:

(1) The attraction of insects or rodents;

(2) Conditions creating a fire hazard;

(3) Dangerous conditions constituting a threat to children;
or

(4) Frequent use by vagrants as living quarters in the absence of sanitary facilities.

(B) In making the preliminary determination of whether or not an abandoned structure is in violation of this subchapter, the Building Inspector may, by way of illustration and not limitation, consider the presence or absence of the following conditions:

(1) Holes or cracks in the structure's floors, walls, ceilings, or roof which might attract rodents and insects, or become breeding places for rodents and insects;

(2) The collection of garbage or rubbish in or near the structure which might attract rodents and insects, or become breeding places for rodents and insects;

(3) Violations of the State Building Code, the State Electrical Code, or the Fire Prevention Code which constitute a fire hazard in such structure;

(4) The collection of garbage, rubbish, or combustible material which constitutes a fire hazard in such structure;

(5) The use of such structure or nearby grounds or facilities by children as a play area;

(6) Violations of the State Building Code which might result in danger to children using the structure or nearby grounds or facilities as a play area; and

(7) Repeated use of such structure by transients and vagrants, in the absence of sanitary facilities, for living, sleeping, cooking, or eating.

(Ord., passed 3-7-88)

§ 150.28 PROCEDURE FOR ENFORCEMENT.

(A) Preliminary investigation; notice; hearing. Whenever a petition is filed with the Inspector by at least five residents of the town charging that any structure exists in violation of this subchapter or whenever it appears to the Inspector, upon inspection, that any structure exists in violation hereof, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and parties in interest in such structure a complaint stating the charges and containing a notice that a hearing will be held before the Inspector at a place therein fixed, not less than ten nor more than 30 days after the serving of said complaint. The owner or any party in interest shall have the right to file an answer to the complaint, to appear in person or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one of the persons signing a petition relating to such structure. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Inspector.

(B) Procedure after hearing. After such notice and hearing, the Inspector shall state in writing his determination whether such structure violates this subchapter. If the Inspector determines that the dwelling is in violation he shall state in writing his findings of fact to support such determination, and shall issue and cause to be served upon the owner thereof an order directing and requiring the owner to either repair, alter, and improve such structure or else remove or demolish the same within a specified period of time not to exceed 90 days.

(C) Failure to comply with order.

(1) In personam remedy. If the owner of any structure shall fail to comply with an order of the Inspector within the time specified therein, the Inspector may submit to the Board of Commissioners at its next regular meeting a resolution directing the Town Attorney to petition the Superior Court for an order directing such owner to comply with the order of the Inspector, as authorized by G.S. § 160A-446(g).

(2) In rem remedy. After failure of an owner of a structure to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in division (C)(1) above, the Inspector shall

submit to the Board of Commissioners an ordinance ordering the Inspector to cause such structure to be removed or demolished as provided in the original order of the Inspector, and pending such removal or demolition, to placard such dwelling as provided by G.S. § 160A-443.

(D) Petition to Superior Court by owner. Any person aggrieved by an order issued by the Inspector shall have the right, within 30 days after issuance of the order, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. § 160A-446(f). (Ord., passed 3-7-88)

§ 150.29 SERVICE OF COMPLAINTS AND ORDERS.

Complaints or orders issued by the Inspector shall be served upon persons either personally or by registered or certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the Inspector in the exercise of reasonable diligence, the Inspector shall make an affidavit to that effect, and the serving of such complaint or order upon such person may be made by publication in a newspaper having general circulation in the town at least once, no later than the time at which personal service is required under § 150.28. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected by the complaint or order. (Ord., passed 3-7-88)

§ 150.30 IN REM ACTION BY INSPECTOR; PLACARDING.

(A) After failure of an owner of a structure to comply with an order of the Inspector issued pursuant to the provisions of this subchapter, and upon adoption by the Board of Commissioners of an ordinance authorizing and directing him to do so, as provided by G.S. § 160A-443(5) and § 150.28(C), the Inspector shall proceed to cause such structure either to be repaired or else removed or demolished, as directed by ordinance of the Board of Commissioners and shall cause to be posted on the main entrance of such structure a placard prohibiting the use or occupation of the structure. Use of occupation of a building so posted shall constitute a misdemeanor.

(B) Each such ordinance shall be recorded in the office of the County Register of Deeds and shall be indexed in the name of the property owner in the grantor index, as provided by G.S. § 160-443(5) (Ord., passed 3-7-88)

§ 150.31 IMPOSITION.

As provided by G.S. § 160A-446(6), the amount of the cost of any removal or demolition caused to be made or done by the Inspector pursuant to this subchapter shall be a lien against the real property upon which such cost was incurred. Such lien shall be filed, have the same priority, be enforced, and the costs collected as provided by G.S. Chapter 160A, Article 10. (Ord., passed 3-7-88)

§ 150.32 ALTERNATIVE REMEDIES.

Neither this subchapter nor any of its provisions shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to cause their abatement by summary action or otherwise, or to enforce this subchapter by criminal process. The enforcement of any remedy provided for herein shall not prevent the enforcement of any other remedy or remedies provided herein or in other ordinances or laws.

(Ord., passed 3-7-88)

NATIONAL FLOOD INSURANCE
FLOOD DAMAGE PREVENTION ORDINANCE

Regular Phase

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the N. C. General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the Town of Snow Hill, North Carolina does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood hazard areas of the Town of Snow Hill 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.
- (2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

SECTION C. STATEMENT OF PURPOSE.

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

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- (2) require that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

- (4) control fillings, grading, dredging and other development which may increase erosion or flood damage; and,
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,
- (7) to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. DEFINITIONS.

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

"Appeal" means a request from a review of the local administrator's interpretation of any provision of this ordinance or request for a variance.

Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that lowest level or story which has its floor subgrade on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a professional engineer or architect's certificate.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"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.

"Elevated building" means a non-basement building (a) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, or X to have the top of the elevated floor, or in the case of a building in Zones V1-V30, VE, or V to have the bottom of the lowest horizontal structural member of the elevated floor above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water and, (b) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the area below is enclosed by means of breakaway walls if the breakaway walls meet the standards of Article 5, Section B(5) of this ordinance.

"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) is completed before the effective date of this ordinance.

"Expansion to an existing manufactured home park or subdivision" means the preparation of the additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

"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,
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"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 foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, 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 individuals 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 State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"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 storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"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.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New Construction" means structures for which the "start of construction" commences on or after the effective date of this ordinance and includes any subsequent improvements to such structures.

"New manufactured home park or 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 slabs) is completed on or after the effective date of this ordinance.

"Nonconforming building or use" means any legally existing building or use which fails to comply with the provisions of the ordinance.

"Recreational vehicle" 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.

"Remedy a Violation" means to bring the structure or other development into compliance with State or local flood plain 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.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, 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 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, for floodplain management purposes, a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground.

"Substantial damage" means 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. See definition of "substantial improvement".

"Substantial improvement" means any repair, 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: (1) any project of 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, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Substantially improved existing manufactured home park or subdivision" means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain 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.

ARTICLE 3. GENERAL PROVISIONS:

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Snow Hill.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its "Flood Insurance Study for the Town of Snow Hill, North Carolina", dated July 20, 1981, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements, (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

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

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance 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 ordinance 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 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Snow Hill from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR.

The Zoning Administrator is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Application for a Development Permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The Development Permit may include, but not be limited to plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- (1) Where base flood elevation data is provided in accordance with Article 4, Section C (10), the application for a development permit within the Zone A on the Flood Insurance Rate Map shall show:
 - (a) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - (b) if the structure has been floodproofed in accordance with Article 5, Section B (2), the elevation (in relation to mean sea level) to which the structure was floodproofed.
- (2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least 2 feet above the highest adjacent grade.
- (3) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; 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 showing the location of the proposed watercourse alteration or relocation.

Amended
12-5-94

See
Following
Page

AMENDMENT

ARTICLE 4. SECTION B. (2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least 6 inches above the highest adjacent grade.

Amended by unanimous vote of Town Board of Commissioners on 12-5-94.




R. Ben Rayford, Mayor

Certified by: 

Christy T. Letchworth, Town Clerk-Treasurer

Date: December 5, 1994

- (4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in Article 5, Section B (2).
- (5) A floor elevation or flood-proofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.

Duties of the Zoning Administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the N. C. 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.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- (5) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 5 are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B(5).
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Article 4, Section B(5).
- (8) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 5, Section B (2).
- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (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.
- (10) When base flood elevation data or floodway data has not been provided in accordance with Article 3, Section B, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, including data developed pursuant to Article 5, Section D (4), in order to administer the provisions of this ordinance.
- (11) Make on-site inspections of projects in accordance with Article 4, Section D.
- (12) Serve notices of violations, issue stop-work orders, revoke permits and take correction actions in accordance with Article 4, Section D.
- (13) Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- (14) Annexation. Provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two (2) copies of the maps delineating new corporate limits within six months from date of annexation or change in corporate boundaries.

SECTION D. ADMINISTRATIVE PROCEDURES.

- (1) Inspections of Work in Progress: As the work pursuant to a permit progresses, the local 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 administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

- (2) Stop-Work Orders: Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (3) Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or 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 permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (4) Periodic Inspections: The local administrator and each member of his 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.
- (5) Violations to be Corrected: When the local administrator finds violations of applicable State and local laws, it shall be his 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 in the property he owns.
- (6) 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 administrator shall give him written notice, by certified or registered mail to his last known address or by personal service.
 - (a) That the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) That a hearing will be held before the local administrator at a designated place and time, not later than 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 local administrator may issue order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (7) Order to take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation, within such period, not less than 60 days, the administrator may prescribe; provided, that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (8) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the 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.
- (9) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by the Town of Snow Hill shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Court, as provided in Chapter 7A of the N. C. General Statutes.
- (3) Variances may be issued for 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 the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - (k) 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.
- (5) Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) Conditions for Variances:
- (a) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

- (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (c) 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, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (d) Any applicant to whom a variance 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.
- (e) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or 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 or 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;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (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) Non-Conforming Buildings or Uses. Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, 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 Zone, provided that the bulk of the building or structure below base flood elevation in the Floodway Zone is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

SECTION B. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 3, Section B, or Article 4, Section C(10), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than (2 feet) above the base floor elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than (2 feet) above the level of the base flood elevation. 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 capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B (5).

(3) Manufactured Homes.

- (a) Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or, (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than (2 feet) above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - (b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Article 5, Section B(3a) of this ordinance must be elevated no lower than (2 feet) above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
 - (c) Manufactured homes shall be 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 Mobile Homes and Modular Housing 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 at least 36 inches or less above the grade at the sight, 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.
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured homes 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.
- (4) Recreational Vehicles. 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. Recreation vehicles placed on sites shall either:
- (a) be on site for fewer than 180 consecutive days;
 - (b) be fully licensed and ready for highway use; or

- (c) meet the requirements of Article 4, Section B and Article 5, Sections A and B(3).
- (5) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide 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;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (6) Temporary Structures. Prior to the issuance of a development permit, for a temporary structure, the following requirements must be met:
- (a) All applicants must submit to the local administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
 - (i) the name, address and phone number of the individual responsible for the removal of the temporary structure;
 - (ii) the time frame prior to the event at which a structure will be removed;
 - (iii) a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

- (iv) designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
- (b) The above information shall be submitted in writing to the local administrator for review and written approval.
- (7) Accessory Structure. When accessory structures (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:
 - (a) Accessory structures shall not be used for human habitation;
 - (b) Accessory structures shall be designed to have low flood damage potential;
 - (c) Accessory structures shall be firmly anchored in accordance with Article 5, Section A(1); and
 - (d) Service facilities such as electrical and heating equipment shall be elevated in accordance with Article 5, Section A(4).
- (8) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
 - (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local administrator.
 - (b) If Article 5, Section B(6a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
 - (c) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article 5, Section B(3) are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, are small streams where no base flood data has been provided or

where no floodways have been identified. The following provisions apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to three times the width of the stream at the top of the bank or thirty feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Article 5, Section C(1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article 5 and shall be elevated or floodproofed in accordance with elevations established in accordance with Article 4, Section C(10). When base flood elevation data is not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty lots or five acres.

SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall

be elevated at least two (2) feet above the highest adjacent grade.

- (2) All new construction and substantial improvements of non-residential structures shall:
- (a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - (b) be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Adopted On April 6, 1992.

BY: *Paul D. Miller*, Mayor
James P. Chynoweth
James H. Bates
Clayton J. Brown
William D. Smith
Paul D. Miller

Certified by: *Earline D. Sugg*

DATE: April 6, 1992

SEAL

CHAPTER 151: FLOOD DAMAGE PREVENTION

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GENERAL PROVISIONS

§ 151.01 STATUTORY AUTHORIZATION.

The State Legislature, in G.S. §§ 143-215.51 et seq., 160A-174 through 160A-194, and 160A-381 through 160A-392 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare

of its citizenry. Therefore, the Town Council does ordain this chapter.

(Ord., passed 4-5-82)

§ 151.02 FINDINGS OF FACT.

(A) The flood hazard areas of the town 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 for 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 flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

(Ord., passed 4-5-82)

§ 151.03 STATEMENT OF OBJECTIVES AND PURPOSE.

(A) The objectives of this chapter are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in flood plains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas;
- (7) To insure that potential home buyers are notified that property is in a flood area.

(B) It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or

which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord., passed 4-5-82)

§ 151.04 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"APPEAL." A request for a review of the Building Inspector's interpretation of any provision of this chapter or a request for a variance.

"AREA OF SPECIAL FLOOD HAZARD." The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

"BASE FLOOD." The flood having a 1% chance of being equalled or exceeded in any given year.

"DEVELOPMENT." 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.

"EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION." A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this chapter.

"EXPANSION TO AN EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION." The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of

utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"FLOOD" or "FLOODING." A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

"FLOOD HAZARD BOUNDARY MAP (FHBM)." An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"FLOOD INSURANCE RATE MAP (FIRM)." An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"FLOOD INSURANCE STUDY." The official report provided by Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

"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.

"FLOOR." Any floor (including basement) usable for living purposes, which include working, sleeping, eating, cooking, or recreation, or a combination thereof.

"HIGHEST ADJACENT GRADE." The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"MEAN SEA LEVEL." The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with "National Geodetic Vertical Datum (NGVD)".

"MOBILE HOME." 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. It does not include recreational vehicles or travel trailers.

"NATIONAL GEODETIC VERTICAL DATUM (NGVD)." As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"NEW CONSTRUCTION." Structures for which the "start of construction" commenced on or after the effective date of this chapter.

"NEW MOBILE HOME PARK" or "NEW MOBILE HOME SUBDIVISION." A parcel or contiguous parcels of land divided into two or more mobile home lots for rent or sale, for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this chapter.

"START OF CONSTRUCTION."

(1) The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Permanent construction" does not include the installation of streets 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 a part of the main structure.

(2) For a structure (other than a mobile home) without a basement or poured footings, the "START OF CONSTRUCTION" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

(3) For mobile homes not within a mobile home park or mobile home subdivision, "START OF CONSTRUCTION" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "START OF CONSTRUCTION" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"STRUCTURE." A walled and roofed building that is principally above ground, as well as a mobile home.

"SUBSTANTIAL IMPROVEMENT." Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure, either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "SUBSTANTIAL IMPROVEMENT" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement

of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"VARIANCE." A grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.
(Ord., passed 4-5-82)

§ 151.05 JURISDICTION.

This chapter shall apply to areas of special flood hazard within the jurisdiction of the town.
(Ord., passed 4-5-82)

§ 151.06 ESTABLISHMENT OF SPECIAL FLOOD HAZARD AREAS.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its "Flood Insurance Study for the Town of Snow Hill, North Carolina", dated July 20, 1981, and any revision thereto are adopted by reference and declared to be a part of this chapter.
(Ord., passed 4-5-82)

§ 151.07 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
(Ord., passed 4-5-82) Penalty, see § 151.99

§ 151.08 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
(Ord., passed 4-5-82)

§ 151.09 INTERPRETATION.

In the interpretation and application of this chapter 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.
- (Ord., passed 4-5-82)

§ 151.10 WARNING AND DISCLAIMER OF LIABILITY.

(A) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages.

(B) This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
(Ord., passed 4-5-82)

ADMINISTRATION

§ 151.20 DESIGNATION OF BUILDING INSPECTOR.

The Building Inspector of the town is appointed to administer and implement the provisions of this chapter.
(Ord., passed 4-5-82)

§ 151.21 DUTIES AND RESPONSIBILITIES.

(A) Duties of the Building Inspector shall include, but not be limited to:

(1) Review all development permits to assure that the permit requirements of this chapter have been satisfied.

(2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of those permits be provided and maintained on file with the development permit.

(3) Notify adjacent communities and the North Carolina Department of Natural Resources and Community Development prior to any alteration or relocation of a watercourse, and submit evidence of that notification to the Federal Emergency Management Agency.

(4) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 151.31(D).

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with § 151.31(D).

(B) Verification procedures under divisions (A)(5) and (A)(6) may include, but not be limited to:

(1) Review of the certifications submitted by the applicant pursuant to § 151.31(D).

(2) Actual field-checking of the materials submitted to the applicant.

(C) When flood-proofing is utilized for a particular structure, the Building Inspector shall obtain certification from a registered professional engineer or architect.

(D) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall 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 section.

(E) When base flood elevation data has not been provided in accordance with § 151.31, then the Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of §§ 151.40 through 151.44.

(F) All records pertaining to the provisions of this chapter shall be maintained in the office of the Building Inspector and shall be open for public inspection.
(Ord., passed 4-5-82)

DEVELOPMENT PERMITS

§ 151.30 DEVELOPMENT PERMIT REQUIRED.

A development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(Ord., passed 4-5-82) Penalty, see § 151.99

§ 151.31 APPLICATION; REVIEW.

Application for a development permit shall be made to the Building Inspector on forms furnished by him, prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(A) Elevation.

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

(2) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed.

(3) The determination of the elevations required to be submitted under divisions (A)(1) and (A)(2), above, shall be the responsibility of the applicant and shall be prepared at his cost.

(B) Flood-proofing. Provide a certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in § 151.41(B).

(C) Watercourse alteration. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(D) Certification. Provide a flood elevation or floodproofing certification after the lowest floor is completed.

(1) Within 21 calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-day calendar period and prior to submission of the certification shall be at the permit holder's risk.

(2) The Building Inspector shall review the flood elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the corrections required hereby, shall be cause to issue a stop-work order for the project. (Ord., passed 4-5-82) Penalty, see § 151.99

FLOOD HAZARD REDUCTION

§ 151.40 GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

(A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(C) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(D) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(E) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(F) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(G) Any alteration, repair, reconstruction, or improvements to a structure which constitutes a "substantial improvement" as defined by § 151.04, shall meet the requirements of "new construction" as contained in this chapter.

(Ord., passed 4-5-82) Penalty, see § 151.99

§ 151.41 SPECIFIC STANDARDS FOR CONSTRUCTION.

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in §§ 151.21 or 151.31, the following provisions are required:

(A) Residential construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(B) Non-residential construction.

(1) New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood-proofed so that below the base flood level the structure is water tight and with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(2) A registered professional engineer or architect shall certify that the standards of this division are satisfied. The certification shall be provided to the official as set forth in § 151.31(B).

(Ord., passed 4-5-82) Penalty, see § 151.99

§ 151.42 SPECIFIC STANDARDS FOR MOBILE HOMES.

(A) No mobile home shall be placed in a floodway except in an existing mobile home park or existing mobile home subdivision.

(B) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(1) Over-the-top ties be provided at each end of the mobile home, with one additional tie per side at an intermediate location on mobile homes of less than 50 feet and one additional tie per side for mobile homes of 50 feet or more;

(2) Frame ties be provided at each corner of the home, with four additional ties per side at intermediate points for mobile homes less than 50 feet long and one additional tie for mobile homes of 50 feet or longer;

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and,

(4) Any additions to the mobile home be similarly anchored.

(C) For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile parks and subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equal or exceed 50% of value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; and, for mobile homes not placed in a mobile home park or subdivision; there are required:

(1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;

(2) Adequate surface drainage and access for a hauler; and

(3) In the instance of elevation on pilings:

(a) Lots large enough to permit steps;

(b) Piling foundations placed in stable soil no more than ten feet apart; and

(c) Reinforcement provided for pilings more than six feet above the ground level.

(Ord., passed 4-5-82) Penalty, see § 151.99

§ 151.43 SPECIFIC STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals shall be consistent with the need to minimize flood damage.

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of 50 lots or five acres.

(Ord., passed 4-5-82) Penalty, see § 151.99

§ 151.44 FLOODWAYS.

Located within areas of special flood hazard established in § 151.06, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and have erosion potential, the following provisions shall apply:

(A) Encroachments, including fill, new construction, substantial improvements, and other developments are prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

(B) If division (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 151.40 through 151.44.

(C) Placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision, is prohibited.

(Ord., passed 4-5-82) Penalty, see § 151.99

VARIANCES; APPEALS

§ 151.50 AUTHORITY OF THE BOARD OF ADJUSTMENT.

(A) The Board of Adjustment as established by the town shall hear and decide appeals and requests for variances from the requirements of this chapter.

(B) The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this chapter.

(Ord., passed 4-5-82)

§ 151.51 STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.

Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of

Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this subchapter.

(Ord., passed 4-5-82)

§ 151.52 FACTORS TO BE CONSIDERED BY BOARD.

In passing upon variance applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

(A) The danger that materials may be swept onto other lands to the injury of others;

(B) The danger to life and property due to flooding or erosion damage;

(C) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(D) The importance of the services provided by the proposed facility to the community;

(E) The necessity to the facility of a waterfront location, where applicable;

(F) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(G) The compatibility of the proposed use with existing and anticipated development;

(H) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

(I) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(J) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and,

(K) 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.

(Ord., passed 4-5-82)

§ 151.53 ISSUANCE OF VARIANCE; CONDITIONS.

(A) Upon consideration of the factors listed in § 151.52 and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(B) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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

(D) Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(E) Any applicant to whom a variance 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 stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(F) The Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
(Ord., passed 4-5-82)

§ 151.54 APPEALS OF BOARD DECISIONS.

Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal the decision to the superior court, as provided in G.S. § 143-215.57(c).
(Ord., passed 4-5-82)

§ 151.99 PENALTY.

(A) Violation of the provisions of this chapter 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.

(B) Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(C) Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ord., passed 4-5-82)

SUBDIVISION CODE

SUBDIVISION REGULATIONS
THE TOWN OF SNOW HILL, N.C.

TOWN COMMISSIONERS

R. Ben Rayford, Mayor
Lynvelt Lane
Ray Clark
Lloyd Foreman, Jr.
Martha H. Nimmo
Laura H. O'Brien

PLANNING BOARD

Tim Goodson, Chairman
Donald Beaman
Corine Shackleford
Nancy Radford
Leonard Phillips

North Carolina Department of Natural and Economic Resources
James E. Harrington, Secretary

Division of Community Assistance
Robert S. Ewing, Director

Local Planning and Management Services Section
Billy Ray Hall, Chief

Northeastern Field Office
Thomas B. Richter, Branch Office Head
Patrick J. Dayson, Project Planner
Marian J. Alligood, Secretary

ARTICLE XI

DEFINITIONS

For the purpose of these regulations certain words used herein are defined as follows:

A. SUBDIVISION: A "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose whether immediate or future, of sale, or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

- (1) The combination or re-combination or portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standard of the Town as shown in those subdivision regulations.
(Am. Ord., passed 7-10-78)
- (2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the Town, as shown by the subdivision regulations contained in this ordinance.

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

C. OFFICIAL MAPS OR PLANS: Any maps or plans officially adopted by the Town Commissioners as a guide for the development of the Town (consisting of maps, charts and texts).

2. In areas lacking both community water and community sewer systems, the minimum lot shall contain 20,000 square feet of useable land, not less than 100 feet wide at the building line, nor less than 200 feet deep.
3. Wells shall be located at least 100 feet from any septic tank or filter field whether on the same lot or another adjoining lot.

(b) Water supply and sewerage facilities shall comply with applicable State and County Public Health laws and regulations, in all aspects not specifically mentioned in this document.

- (4) Corner lots for residential use shall have an extra width of 10 feet to permit adequate setback from side streets.
- (5) Double frontage and reverse frontage lots shall be avoided, except where required to separate residential development from through traffic.
- (6) Side lot lines shall be substantially at right angles or radial to street lines.
- (6.1) Reader should refer to the Town of Snow Hill Policy for the provision of utilities and street improvements contained in the addendum to this ordinance.

L. **BUILDING SETBACK LINES:** The Town Commissioners and the Planning Board recognize that many areas in Snow Hill offer a developer the opportunity of creating a unique living environment. Subdividers are encouraged to take advantage of the unique characteristics of their properties such as topography, water frontage, trees and shrubbery, and other aesthetic attributes. Exceptions and variations to the standards and requirements of this ordinance will be considered providing that such variations will not have the effect of nullifying this ordinance.

The minimum building setback from the property lines shall be as follows, unless a variation is secured from the Planning Board:

- | | |
|--|---------|
| (1) From the front property line | 35 feet |
| (2) From the side property line | 15 feet |
| (3) From the rear property line | 25 feet |
| (4) From the side property line on corner lots | 20 feet |

M. **BLOCKS:** Blocks shall be laid out with special attention given to the type of use contemplated.

- (1) Block lengths shall not exceed 1,500 feet or be less than 500 feet.

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