

## **CHAPTER 10 - PLANNING & ZONING**

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### **PART 1 - FLOOD DAMAGE PREVENTION ORDINANCE**

For Columbus County, North Carolina - Non-Coastal Regular Phase

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#### **ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

##### Section 1. Statutory Authorization.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Columbus County, North Carolina, does ordain as follows:

##### Section 2. Findings of Fact.

(1) The flood prone areas within the jurisdiction of Columbus County and unincorporated areas 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 floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

Section 3. Statement of Purpose.

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

- (1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 4. 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 losses and interruptions;
- (5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) To ensure that potential buyers are aware that property is in a Special Flood Hazard 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 it's most

reasonable application.

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

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

***Appeal*** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

***Area of Shallow Flooding*** means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located 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*** see "Special Flood Hazard Area (SFHA)"

***Basement*** means any area of the building having its floor sub-grade (below ground level) on all sides.

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

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

***Building*** see "Structure"

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

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

***Disposal*** means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping,

spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

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

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

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

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

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

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

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

***Flood Insurance*** means the insurance coverage provided under the National Flood Insurance Program.

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

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

Floodway Maps (FBFMs), if published.

***Flood Prone Area*** see "Floodplain"

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

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

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

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

***Floodplain Management Regulations*** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

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

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

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

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

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

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

***Historic Structure*** means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) 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;
- (3) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (4) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program" *Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.*

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

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

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

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

**New Construction** means structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

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

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

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

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

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

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

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Reference Level** means the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AI-A30, AE, A, A99 or AO and lowest attended utilities.

**Regulatory Flood Protection Elevation** means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus **two** (2) feet of freeboard. In "Special Flood Hazard Areas" where

no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

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

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

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

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

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

***Special Flood Hazard Area (SFHA)*** means the land in the floodplain subject to a one (1 %) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

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



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

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

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

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

**Variance** is a grant of relief from the requirements of this ordinance.

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

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

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

### **ARTICLE 3. GENERAL PROVISIONS**

#### **Section A. Lands to Which This Ordinance Applies.**

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

Section B. Basis for Establishing the Special Flood Hazard Areas.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Columbus County dated June 2, 2006, which are adopted by reference and declared to be a part of this ordinance.

Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Article 3, Section B of this ordinance.

Section D. Compliance.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this 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. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Columbus County 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 thirty (30) days, or both. Each day such violation continues that shall be considered a separate offense. Nothing herein contained shall prevent Columbus County from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **ARTICLE 4. ADMINISTRATION**

##### Section A. Designation of Floodplain Administrator.

The County Manager or Designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

##### Section B. Floodplain Development Application, Permit and Certification Requirements.

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

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
  - i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
  - ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
  - iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
  - iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
  - v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C (11 & 12); or Article 5, Section D;
  - vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
  - vii) Certification of the plot plan by a registered land surveyor or professional engineer.

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- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
- i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
  - ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
  - iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or flood proofed;
- (c) If flood proofing, a Floodproofing Certificate (*FEMA Form 81-65*) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood proofing measures.
- (d), A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
  - ii) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d), when solid foundation perimeter walls are used in Zones A, AO, AE, and AI-30;
- (e) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Article 5, Sections B (6 & 7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

- (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
- (a) A description of the development to be permitted under the floodplain development permit.
  - (b) The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section B.
  - (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
  - (d) The regulatory flood protection elevation required for the protection of all public utilities.
  - (e) All certification submittal requirements with timelines.
  - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
  - (g) The flood openings requirements, if in Zones A, AO, AE or AI-30.
  - (h) Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

(3) **Certification Requirements.**

(a) Elevation Certificates

- i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- ii) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's

risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

iii) A final as-built Elevation Certificate (*FEMA Form 81-31*) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

If non-residential flood proofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (*FEMA Form 81-65*), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the flood proofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Flood proofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within Zone A, AO, AB, or AI-3~ and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Article 5, Section B (3).

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to

properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AB or AI-3D, are exempt from the elevation/flood proofing certification requirements specified in items (a) and (b) of this subsection:
- i) Recreational Vehicles meeting requirements of Article 5, Section B (6) (a);
  - ii) Temporary Structures meeting requirements of Article 5, Section B (7); and
  - iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B (8).

Section C. Duties and Responsibilities of the Floodplain Administrator.

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

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (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 into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section E are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section B (3).

(7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been flood proofed, in accordance with Article 4, Section B (3).

(8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Article 4, Section B (3).

(9) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section B (3) and Article 5, Section B (2).

(10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D (2) (b), in order to administer the provisions of this ordinance.

(12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

(13) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

(14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

(15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.



(16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason (s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(17) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, 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 floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(19) Follow through with corrective procedures of Article 4, Section D.

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

(21) Maintain a current map repository to include, but not limited to, the PIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(22) Coordinate revisions to PIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMRF) and Letters of Map Revision (LOMR).

#### Section D. Corrective Procedures.

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

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

stating:

- (a) That the building or property is in violation of the Flood Damage Prevention Ordinance;
- (b) That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- (c) That following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

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

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

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

#### Section E. Variance Procedures.

(1) The Planning Board will serve as the appeal board on all variances and forward a recommendation to Board of Commissioners for final approval as established by Columbus County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.

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

(3) Variances may be issued for:

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- (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
  - (b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
  - (c) Any other type of development provided it meets the requirements stated in this section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (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 as defined under Article 2 of this ordinance as a functionally dependent facility, 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 floodplain 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 floodwaters 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) A written report addressing each of the above factors shall be submitted with the application for a variance.

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

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

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

(9) Conditions for Variances:

- (a) Variances shall 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 not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- (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 prior to development permit approval.
- (e) Variances shall only be issued upon:
  - i) A showing of good and sufficient cause;
  - ii) A determination that failure to grant the variance would result in exceptional hardship; and
  - iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

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

- (a) The use serves a critical need in the community.
- (b) No feasible location exists for the use outside the Special Flood Hazard Area.
- (c) The reference level of any structure is elevated or flood proofed to at least the regulatory flood protection elevation.
- (d) The use complies with all other applicable Federal, State and local laws.
- (e) The **Columbus County** has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

## **ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

### Section A. General Standards.

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

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HV AC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panel/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance

with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

(9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

(10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E (10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or flood proofed to at least the regulatory flood protection elevation and certified according to Article 4, Section B (3) of this ordinance.

(11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

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

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

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

#### Section B. Specific Standards.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 4, Section C (11 & 12), the following provisions, in addition to Article 5, Section A, are required:

**(1) Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.

**(2) Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE and AI-30 Zones may be flood proofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the flood proofing elevation shall be in accordance with Article 5, Section H (3). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B (3), along with the operational and maintenance plans.

**(3). Manufactured Homes.**

- (a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade, at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4)(a), (b), and (c).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be, filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

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

- (a) Shall not be designed or used for human habitation, but shall only be used for parking

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

**(5) Additions/Improvements.**

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - i) Not a substantial improvement, the addition and/or improvements must be



designed to minimize flood damages and must not be any more non-conforming than the existing structure.

- ii) A substantial improvement, both to the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
  - i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
  - ii) A substantial improvement, both to the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

**(6) Recreational Vehicles.** Recreational vehicles shall either:

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

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

- (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
- (b) The name, address, and phone number of the individual responsible for the removal of

the temporary structure;

- (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

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

- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with Article 5, Section A (1);
- (f) All service facilities such as electrical shall be installed in accordance with Article 5, Section A (4); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Article 5, Section B(4)(c).
- (h) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or flood proofing certificate. Elevation or flood proofing certifications are required for all other accessory structures in accordance with Article 4, Section B (3).

Section C. Reserved.

Section D. Standards for Floodplains Without Established Base Flood Elevations.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Article 5, Sections A and B, shall apply:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, 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) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

(a) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or flood proofed in accordance with standards in Article 4, Section C (11 & 12).

(b) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Article 3, Section B to be utilized in implementing this ordinance.

(c) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Article 2.

Section E. Standards for Riverine Floodplains with BFE But Without Established Floodways or Non-Encroachment Areas.

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

(1) Standards outlined in Article 5, Sections A and B; and

(2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer

is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Section F. Floodways and Non-Encroachment Areas.

Areas designated as flood ways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:

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

(2) If Article 5, Section F (1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

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

- (a) The anchoring and the elevation standards of Article 5, Section B (3); and
- (b) The no encroachment standard of Article 5, Section F (1).

Section G. Standards for Areas of Shallow Flooding (Zone AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. 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. In addition to Article 5, Section A, all new construction and substantial improvements shall meet the following requirements:

(1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two feet above the highest adjacent grade plus a freeboard of two (2) feet if no

depth number is specified.

(2) Non-residential structures may, in lieu of elevation, be flood proofed to the same level as required in Article 5, Section H (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be 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. Certification is required as per Article 4, Section B (3) and Article 5, Section B (2).

(3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

## **ARTICLE 6. LEGAL STATUS PROVISIONS**

### Section A. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Ordinance.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted March 17, 1987 (*adoption date of the community's original Flood Damage Prevention Ordinance*) as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Columbus County enacted on March 17, 1987 (*adoption date of the community's original Flood Damage Prevention Ordinance*), as amended, which are not reenacted herein are repealed.

### Section B. Effect Upon Outstanding Floodplain Development Permits.

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

### Section C. Effective Date.

This ordinance shall become effective on June 2, 2006, upon the approval and adoption of the Columbus County Board of Commissioners on May 15, 2006.

### Section D. Adoption Certification.

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The above Ordinance was approved and adopted by the Columbus County Board of Commissioners on May 15, 2006, to become effective on June 02, 2006, upon motion by Commissioner Prevatte, seconded by Commissioner Memory, and the motion unanimously carried. This information will be recorded in Minute Book 29.

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**ARTICLE 1. INTRODUCTION**

Section 1. General Purpose.

The following land use regulations are adopted for the purpose of promoting health, safety, and general welfare of the citizens of Columbus County. These standards shall allow for the placement and growth of such uses with the appropriate approval and permitting, while maintaining the health, safety, and general welfare standards of established residential and commercial uses in Columbus County.

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and designed to lessen traffic congestion; to secure safety from fire, panic and the dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of each district and to its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

Section 2. Legal Authority.

This ordinance is adopted under the general ordinance authority granted to counties pursuant to N.C.G.S. 153A-121, and the zoning authority granted to counties pursuant to N.C.G.S. 153A, Article 18, Part 3 by the General Assembly of North Carolina.

Section 3. Territorial Coverage.

This ordinance shall apply to all areas of unincorporated Columbus County which are not within the extraterritorial planning jurisdiction of any municipalities. All municipalities, their respective corporate limits, and extra-territorial jurisdiction shall be exempted from the ordinance, unless they choose to adopt this ordinance or some form thereof.

Section 4. Bona Fide Farm Operations.

Bona fide farm operations are exempt from this ordinance. Bona fide farm operations include growing crops, raising livestock and poultry, growing plants in a greenhouse or nursery, and tree farming as defined by N.C.G.S. 106-581.1.

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Section 1. Application.

The regulations set forth in this ordinance affect all land, every building and every use of land and/or building, and shall apply as follows:

1.1 New Uses or Construction After the effective date of this ordinance all new construction or use of land shall conform to the use and dimensional requirements for the

district in which it is to be located.

1.2. Existing Conforming Uses After the effective date of this ordinance, land or structures, or the uses of land or structures which then conform to the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform with the regulations herein specified.

1.3 Existing Nonconforming Uses After the effective date of this ordinance, land or structures, or uses of land or structures which would be prohibited under the regulations for the district in which it is located shall be considered as nonconforming. Nonconforming structures or uses may be continued provided they conform to the following provisions:

## Section 2. Continuation of Nonconforming Uses.

The regulations set forth below provide the conditions under which the nonconforming uses shall be continued.

2.1 Minimum Single Lot Requirements. Where the owner of a lot at the time of the adoption of this ordinance or his successor in title there to does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in a district in which residences are permitted; provided, that the lot area is not more than twenty-five (25) percent below the minimum specified in this ordinance and providing that the minimum side and front yard requirements set out in this ordinance are conformed to.

2.2 Minimum Multi-Lot Requirements. If two or more adjoining and vacant lots on record are in a single ownership at any time after the adoption of this ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located.

2.3 Extension of Nonconforming Uses. Nonconforming uses shall not hereafter be enlarged or extended in any way.

2.4 Change of Nonconforming Uses. Any nonconforming use may be changed to any conforming use, or with the approval of the Zoning Board of Adjustment, to any use more in character with the uses permitted in the district. In permitting such change, the Zoning Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

2.5 Cessation of Nonconforming Uses. If active operations of a nonconforming use are discontinued for a continuous period of ten (10) months, such nonconforming use shall thereafter be used only for a conforming use.



2.6 Repair and Alteration of Nonconforming Uses. Normal maintenance and repair in a building occupied by a nonconforming use are permitted provided it does not extend the nonconforming use.

2.7 Damage or Destruction of Nonconforming Uses. Any nonconforming building or any building containing a nonconforming use which has been declared by the Zoning Enforcement Officer to have been damaged by fire or other causes to an extent exceeding sixty (60) percent of its assessed value at the time of destruction shall thereafter be used only for a conforming use. Any nonconforming building or any building containing a nonconforming use which has been damaged by fire or other causes to an extent less than sixty (60) percent may be reconstructed and used as before provided it is done within two (2) years of such damage.

Section 3. Relationship of Buildings to Lots.

There shall be not more than one principal residential building and its accessory buildings on one lot.

Section 4. Open Space Requirements.

No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, belt courses, chimney, flues, buttresses, ornamental features, and eaves; provided, however, that none of the aforesaid projections shall project into a minimum side yard more than one-third (1/3) of the width of such yard nor more than twenty-four (24) inches. Open or lattice enclosed fire escapes, fire proof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet shall be permitted where placed; so as not to obstruct light and ventilation.

Section 5. Reduction of Lot and Yard Areas Prohibited.

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirement set forth in this ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 6. Public Access to Property.

Every building or structure hereafter erected shall be located on a lot and said lot shall abut a public street, highway, road, or other public way.

Section 7. Projections into Public Rights-of-Way.

No private signs nor other structures, shall project beyond an imaginary line drawn fifteen (15) feet from and parallel to the outer edge travelled portion of the public right-of-way.

Section 8. Interpretation of District Boundaries.

When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map, the following rules shall apply.

8.1 Delineation District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center lines of streets and roads, railroads, easements, other rights-of-way, and creeks, streams, or other water channels. In the absence of visual district boundaries or specified distances on the zoning map, dimensions or distances shall be determined by scaling the distance on the Official Zoning Map.

8.2 Zoning Board of Adjustments When the public right-of-way or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Zoning Board of Adjustment shall interpret the district boundaries of this Ordinance.

Section 9. Interpretation of Regulations.

Regulations of this Ordinance shall be enforced and interpreted according to the following rules:

9.1 Permitted Uses not designated as permitted uses shall be prohibited.

Additional uses when in character with the district may be added to the Ordinance by amendment.

9.2 Minimum Requirements The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity or the general welfare.

Section 10. Official Zoning Map.

The boundaries of each zoning area and zoning district are shown on a map entitled "Official Zoning Map", for Columbus County which is hereby made a portion of this Ordinance.

A reproducable copy of the Official Zoning Map shall be filed by the County Clerk in the office of the Columbus County Clerk. Amendments to the Official Zoning Map shall be made as necessary on this map so that it portrays at all times the current status of the zoning districts and zoning district boundaries.

**ARTICLE 3. ADMINISTRATION, ENFORCEMENT AND APPEALS**

Section 1. Administration.

The Planning Director of his/her designee shall be responsible for the administration and enforcement of this ordinance.

If the Planning Director shall determine that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to within ten (10) working days correct the violation. He may order the discontinuance of illegal use of land, buildings, or structures; the removal of illegal buildings or structures or of addition, alterations, or structural changes thereto; the discontinuance of any illegal work being done; and may take any other action authorized by this ordinance to insure compliance with, or to prevent violation of, its provisions.

Any person aggrieved, or any taxpayer affected by any decision of the Administrator in the administration of this Ordinance, may appeal to the Board of Adjustment.

Section 2. Appeals.

- A. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Administrator a notice of appeals specifying the grounds thereof. The Planning Director shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceeding in furtherance of the appealed action unless the Planning Director certifies to the Board of Adjustment, after the notice of appeal has been filed with it that, by reason of the facts stated in the certificate, a stay would in the opinion of the Planning Director cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by order of the Board of Adjustment or notice to the Planning Director and on due cause shown.
- C. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- D. The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such other requirement, decision or determination as may be appropriate under the circumstances.

Section 3. Conflict with Other Laws.

Wherever the provisions or application of this ordinance impose higher standards than are required in any other local ordinance or regulation, the provisions or application of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions or application this ordinance, the provisions of such other statute or local ordinance or regulation shall govern.

Section 4 Penalties.

Any person, firm or corporation who violates any provision of any article of this ordinance; or who shall violate or fail to comply with any order made hereunder; or who shall continue to work upon any structure after having received written notice from the Ordinance Administrator to cease work, shall, upon conviction, be guilty of a Class 3 misdemeanor as provided by N.C.G.S. § 14-4 as may be amended from time to time, and shall be punishable by a fine not to exceed fifty (\$50.00) dollars, or imprisonment not to exceed twenty days. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to the owner, the agent of the owner, or the contractor and left at his known place of residence or place of business. In lieu of or in addition to the criminal penalties outlined above, each person violating this ordinance shall be subject to a civil penalty, under N.C.G.S. 153A-123(c), in the amount of two-hundred (\$200.00) dollars per day. No penalty shall be assessed prior to notice to the violator. For every day a violator is in violation of this ordinance, it shall be considered a separate offense. If the violator does not pay such penalty within 30 days of notification of its assessment by written citation it and any subsequently accruing penalty may be recovered by the County in a civil action in the nature of a debt. Any contest of said penalty shall be by appropriate action taken in the General Court of Justice for Columbus County.

Section 5. Severability Clause.

Should any section or provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so declared to be unconstitutional or invalid.

Section 6. Ordinance Amendments.

After a recommendation from the Planning Board, this Ordinance may be amended by the Board of Commissioners following a public hearing on the proposed changes. The Board shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

**ARTICLE 4. PLANNING BOARD ESTABLISHED**

The Board of County Commissioners hereby establish The Columbus County Planning Board hereinafter referred to as the "Planning Board", and ordain that it be governed by the following provisions:

Section 1. Membership and Vacancies.

Unless provided for otherwise, the term of office for the Columbus County Planning Board, shall be three (3) year staggered terms. The term of office for appointments shall be: two (2) members shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; three (3) members shall be appointed for a term of three (3) years. Members shall continue to serve until their successors have been appointed. All terms of office shall begin at the time of appointment. Vacancies shall be filled for the unexpired portion of terms only. A complete application is required to be considered for appointment or re-appointment to the Columbus County Planning Board. Persons serving on the Columbus County Planning Board may serve no more than six (6) continuing years, but may serve more than six (6) years of interrupted service. The Columbus County Board of Commissioners may remove a member of the Columbus County Planning Board for failure to attend at least seventy-five percent (75%) of regularly scheduled meetings within a twelve (12) month period, or for any other good cause.

Section 2. Organization, Rules, Meetings, and Records.

Within thirty days after appointment, the Planning Board shall meet and elect a chairman and create, and fill such offices, as it may determine. The term of the chairman and other officers shall be one (1) year, with eligibility for reelection. The Board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its, resolutions, discussions" findings, and recommendations, which record shall be a public record. The Board shall hold at least one (1) meeting monthly, and all of its meetings shall be open to the public. There shall be, a quorum of five (5) members for the purpose of taking any official action required by this ordinance. The County Manager shall assign a staff employee to coordinate with the Columbus County Planning Board and to prepare the agenda and take minutes.

Section 3. General Powers and Duties.

It shall be the duty of the Planning Board, in general:

- (1) To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends present trends and conditions, and forces at work to cause changes in these conditions;
- (2) To prepare and from time to time amend and revise a comprehensive and coordinated plan for

the physical development of the area;

(3) To establish principles and policies for guiding, action in the development of the area;

(4) To prepare and recommend to the Board of County Commissioners ordinances promoting orderly development along the lines indicated in the comprehensive plan;

(5) To determine whether specific proposed developments conform to the principals and requirements of the comprehensive plan for the growth and improvement of the area;

(6) To keep the Board of County Commissioners and the general public informed and advised as to these matters;

(7) To perform any other duties which may lawfully be assigned to it.

#### Section 4. Basic Studies.

As background for its comprehensive plan and any ordinance it may prepare, the Planning Board may gather maps and aerial photographs of man-made and natural physical features of the area, statistics on past trends and present conditions with respect to population, property values, the economic base of the area, land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition, and adequacy of specific facilities, which may include but not limited to studies of housing; commercial and industrial facilities; parks, playgrounds, and recreational facilities; public and private utilities; and traffic, transportation, and parking facilities.

All county officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work. The Board or its agents may, in the performance of its official duties, enter upon lands and make examinations or surveys and maintain necessary monuments thereon.

#### Section 5. Comprehensive Plan.

The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall be and show the Planning Board's recommendations to the Board of County Commissioners for the development of said territory, including, among other things, the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds, and open spaces; publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the

foregoing ways, buildings, grounds, open spaces, property, utilities, or terminals; the most desirable pattern of land use, for recreational uses, for open spaces, and for mixed uses.

The plan and any ordinances or other measures to effect-ate it shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the county and its environs which will, in accordance with present and future needs, best promote health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provisions for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities, services, and other public requirements.

#### Section 6. Zoning Ordinance.

The Planning Board shall prepare and submit to the Board of County Commissioners for its consideration and possible adoption a zoning ordinance for the control of the height, area, bulk, location, and use of buildings and premises in the area, bulk, location, and use of buildings and premises in the area, in accordance with the provisions of Article 18 of Chapter 153A of the General Statutes of North Carolina.

The Planning Board may initiate, from time to time, proposals, for amendment of the zoning ordinance, based upon its studies and comprehensive plan. In addition, it shall review and make recommendations to the ordinance.

#### Section 7. Subdivision Regulations.

The Planning Board shall review, from time to time, the need for regulations for the control of land subdivision in the area and submit to the Board of County Commissioners its recommendation, if any, for adoption or revision of said regulations.

The Planning Board shall review and make recommendations to the Board of County Commissioners concerning all proposed plats of land subdivision.

#### Section 8. Public Facilities.

The Planning Board shall review with the county officials and report as recommendations to the Board of County Commissioners upon the extent, location, and design of all public structures and facilities, and on the acquisition and disposal of public properties. However, in the absence of a recommendation from the Planning Board, the Board of County Commissioners may, if it deems wise, after the expiration of thirty (30), days from the date on which the question has been submitted in writing to the Planning Board for review and recommendation, take final action.

Section 9. Miscellaneous Powers, and Duties.

The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan. Before adopting any such plan it shall hold at least one public hearing thereon.

The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

Members or employees of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Planning Board's budget, the reasonable travelling expenses incident to such attendance.

Section 10. Annual Report of Activities and Analysis of Expenditures and Budget Request for Ensuing Fiscal Year.

The Planning Board shall, in May of each year, submit in writing to the Board of County Commissioners a written report of its activities and an analysis of the expenditures to date for the current year, and, for review and approval, its requested budget of funds needed for operation during the ensuing fiscal year.

The Planning Board is authorized to receive contributions from private agencies and organizations or from individuals, in addition to any sums which may be appropriated for its use by the Board of Commissioners. It may accept and disburse such contributions for special purposes or projects, subject to any specific conditions which it deems acceptable, whether or not such projects are included in the approved budget.

The Planning Board is authorized to appoint such committees and employees, and to authorize such expenditure; as it may see fit, subject to limitations of funds provided for the Planning Board by the Board of County Commissioners in the County's annual Budget. All revenues raised by the Columbus County Planning Board are the property of Columbus County and shall immediately be given to the Finance Director of the County for deposit. No individual serving on the Columbus County Planning Board has the right to expend funds or obligate Columbus County in any way. All expenditures must be handled through the staff employee assigned to the board or commission and must be provided for in the Annual Operating Budget of Columbus County. All expenditures also require a Purchase Order approved by the Finance Director. All contracts require the prior approval of the Columbus County Board of Commissioners and the signature of the Chairman of the Columbus County Board of Commissioners, or other designated official.



Section 11. Advisory-Council and Special Committees.

The Planning Board may seek the establishment of an unofficial advisory council and may cooperate with this council to the end that its investigations and plans may receive fullest consideration, but the Board may not delegate to such advisory council any of its official prerogatives.

The Planning Board may set up special committees to assist it in the study of specific questions and problems.

**ARTICLE 5. BOARD OF ADJUSTMENT ESTABLISHED**

Section 1. Establishment, Membership and Rules of Procedures.

The Columbus County Board of Commissioners does hereby create and establish a Board of Adjustment.

The Board of Adjustment shall consist of seven (7) voting members. In so far as possible, members of the board shall be appointed from different areas within the County's jurisdiction. Initial appointment of the board shall have terms of appointment as follows: Three (3) members for a term of three (3) years, two (2) members for a term of two (2) years and two (2) members for a term of one (1) year. Following the expiration of terms of the first appointed board members, the successors to the regular members shall be appointed for three (3) year terms. Vacancies shall be filled for the unexpired term only.

The Planning Director and/or his designee shall serve as clerk to the Board of Adjustment.

The Board of Adjustment is a quasi-judicial body. Meetings of the board shall be held at the call of the Chairman and at such other times as the board may determine. The board shall establish rules of procedure at the first called meeting or as soon thereafter as possible.

A quorum is not obtained unless five voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until five other voting members are present and vote.

As required by N.C.G.S. 153A-345.1 and 160A-388, a concurring vote of four fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of a certiorari. For purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority.

A member of any board exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected person's constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other association relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

As early as possible in each new year the voting members shall elect a chairman and vice-chairman. Either such party when in the chair shall have the authority to administer oaths to witnesses.

All decisions of the Board of Adjustment run with the land, never the person or corporation. Special Uses may have time limits imposed on their validity.

The minutes of the Board of Adjustment shall be kept in such detail as necessary, and do not reflect official action of the Board until adoption of same.

Minutes shall be filed in the office of the Planning Director, as a public record.

The chair of the board, any member acting as chair of the board, and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person, who while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

The Board of Adjustment shall have the authority to subpoena witnesses and compel the production of evidence as specified in N.C.G.S. 153A-345.1 and 160A-388.

All other rules regarding the Board of Adjustment, not stated herein, are set out more fully in N.C.G.S. 153A-345.1 and 160A-388.

Section 2. Powers and Duties.

The Board of Adjustment shall hear and take final action on the following development review procedures:

- Variance
- Special Use Permit
- Appeal of Administrative Decision

**ARTICLE 6. ZONING AREAS ESTABLISHED**

For the purposes of this Ordinance, Columbus County is hereby divided into two Zoning Areas: the Southeastern Community College Zoning Area; and the General Use District Zoning Area.

**ARTICLE 7. SOUTHEASTERN COMMUNITY COLLEGE ZONING AREA  
DISTRICT REGULATIONS**

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For the purpose of this Ordinance, the Southeastern Community College Zoning Area is hereby divided into the following districts:

RA-20	Residential-Agricultural
B	Business
I	Institutional
IND-1	Industrial
IND-2	Industrial
M-H	Mobile Home

The boundaries of these districts are hereby established as shown on the "Official Zoning Map", Southeastern Community College Area, which is a part of this Ordinance.

Section 1. RA-20 - Residential Agricultural District.

The RA-20 Residential Agricultural District is established as a district in which the principal use of land is for low density residential and agricultural purposes. The regulations of this district are intended to protect the agricultural sections of the area from an influx of uses likely to render it undesirable for farms and future development, and to ensure that residential development not having access to public water supplies and dependent upon septic tank systems and outdoor privies for sewage disposal will occur at sufficiently low densities to insure a healthful environment.

1.1 Permitted Uses:

Single family and two family dwellings

Churches

Home occupations; convalescent and nursing homes, dressmaking, beauty shops, offices for architects, engineers, accountants, physicians, dentists, tax consultants, realtors, and day nurseries and kindergartens only when an outdoor play area equivalent to at least one hundred (100) square feet per child is provided.

Mobile homes (no more than two per lot)

Signs, accessory; provided no more than two (2) signs are displayed, and these must be on the same lot with the use being advertised. Illuminated signs shall be permitted only if the signs are located more than one hundred (100) feet from adjacent residential dwellings and casts no direct light on adjoining property. Signs, independent; provided such signs shall be one thousand (1000) feet apart and shall be located no less than five hundred (500) feet from the nearest residential dwelling.

Uses and buildings customarily accessory to the above permitted uses.

## 1.2 Dimensional Requirements:

1.21 Lot Area. Minimum required lot area for the first dwelling unit - 20,000 square feet.

Minimum additional lot area for the second dwelling unit in principal structure – 10,000 square feet

Minimum required lot area for permitted non-residential uses -30,000 square feet.

1.22 Lot Width. Minimum required lot width for the first dwelling unit-100 feet.

Minimum additional required lot width for the second dwelling unit in the principal structure - 10 feet.

Minimum required lot width for permitted non-residential uses -200 feet.

1.23 Yard Requirements. Minimum required depth of front yard – 40 feet

Minimum required width of any residential side yard-15 feet.

Minimum required width of any nonresidential side yard 20 feet.

Minimum required width of any corner side yard 30 feet.

Minimum required depth of rear yard - 25 feet.

1.24 Signs. Maximum sign surface area for churches shall be eighteen (18) square feet.

Maximum sign surface area for all other permitted accessory signs shall be two (2) square feet.

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1.25 On a corner lot nothing shall be erected, placed, planted, Visibility or allowed to grow in such a manner as to materially impede vision between a height of two and one-half, (2.5) feet and ten (10) feet in a triangular area formed by a diagonal line between two points on the rights-of-way lines, twenty (20) feet from where they intersect.

1.26 Accessory buildings may be located in the required rear Accessory yard provided such buildings shall be: (1) fifteen (15) feet from the principal building; (2) not less than five (5) feet from any lot line; and (3) occupy not more than twenty (20) percent of the required rear yard.

1.3 Off-Street Parking Off-street parking shall be provided according to the provisions set forth in Section 7 of this Article.

Section 2. I - Institutional District.

This district is established primarily for institutional uses. As this district is usually adjacent to residential districts, provisions are made for yards, off-street parking and off-street loading areas.

2.1 Permitted Uses:

Churches, colleges, public and private schools

Signs, accessory, provided no more than two (2) signs are displayed, and these must be on the same lot with the use being advertised.

Uses and building customarily accessory to the above permitted uses.

2.2 Dimensional Requirements Minimum required lot -20,000 square feet.

2.21 Lot Width: Minimum required lot width -100 feet.

2.23 Yard Requirements:

Minimum required depth of the front yard – 40 feet

Minimum required side yard – 15 feet

Minimum required width of any corner side yard – 30 feet

Minimum required depth of rear yard -25 feet.

2.24 Visibility at Intersections: On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2.5) feet and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, twenty (20) feet from where they intersect.

2.25 Accessory Buildings: Accessory buildings may be located in the required rear yard

provided such buildings shall be: (1) fifteen (15) feet from the principal buildings, (2) not less than five (5) feet from any lot line; and (3) occupy not more than twenty (20) percent of the required rear yard.

2.3 Off-Street Parking Off-street parking shall be provided according to the provisions set forth in Section 7 of this Article.

Section 3. B - Business District.

The Business District is established as a district in which the principal use of the land is to provide for retailing goods and services to the passing motorists and residences living in the area. Because the Business Uses are subject to the public view, developers and operators of businesses should provide an appropriate appearance, ample parking, and design the entrances and exits to businesses in a manner to minimize traffic congestion.

3.1 Permitted Uses:

Barber shops

Beauty Shops

Eating and drinking establishments

Florists

Laundries, Laundromats, and dry cleaning establishments

Motels

Offices; business, professional and governmental

Parking lots for automobiles

Post office facilities

Repair shops for jewelry, shoes, radios, and televisions and other small household appliances

Service stations

Signs; accessory

Storage, provided it is within a building and the use is not visible from outside the building.

Retailing establishments engaged in selling appliances, clothing, drugs, fabrics, foods, and beverages, furniture, hardware, jewelry, notions, paint and wallpaper and sporting goods.

Uses and building customary accessory to the above permitted uses.

### 3.2 Dimensional Requirements

#### 3.21 Yard requirements:

Minimum required depth of front yard shall be fifteen (15) feet which shall be developed for sidewalks, grass, and plants and the necessary entrance driveways. Off-street parking shall not be permitted in this area.

No side yards are required except on lots that are adjacent to residentially zoned lots. These lots shall have a minimum of fifteen (15) foot side yards. In cases where a side yard, not required, is provided, it shall be at least five (5) feet in width.

Minimum required depth of rear yard shall be twenty (20) feet.

3.3 Required Buffers: After the effective date of this Ordinance, the establishment of any business use in the business district where it abuts a lot in a residential district or land occupied by any residential use permitted by this Ordinance, shall provide and maintain along said property line, a continuous visual buffer. The buffer shall be a compact evergreen hedge or other type of evergreen foliage screening, or shall be a combined fence and shrubbery screen, the latter facing the residential use.

3.4 Off-Street Parking Off-street parking shall be provided according to the provisions set forth in Section 7 of this Article.

## Section 4. IND-I Industrial District.

The IND-I Industrial District is established as a district in which the principal use of land is for industries which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential, institutional, or business districts.

#### 4.1 Permitted Uses:

Animal hospitals

Assembly of farm products such as granaries and storage bins, but not fertilizer or tallow plants.

Automobile service

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Building materials, storage and sale, but not including saw mills.

Carpenter shops

Construction contractor's office and/or storage yards

Dairy products processing

Dry cleaning and laundry plants

Electrical and industrial equipment repair and servicing

Farm machinery assembly, repair and sales

Food processing

Gasoline or fuel oil storage or bulk terminal plants for any flammable gases or liquids, provided that: 1) no storage takes place closer than fifty (50) feet to any boundary line of the lot on which said storage is located and 2) the uses are in conformity with the codes and regulations applicable to the storage of gasoline or fuel oil in the area.

Industrial research and educational facilities

Laboratories for research and testing

Machine shops

Printing, publishing and reproduction establishments

Public utilities

Repair and servicing of office and household equipment

Service stations

Signs, accessory and independent

Storage warehouses

Storage yards, not including automobile salvage facilities, provided such yards are enclosed by a solid wall or fence at least six (6) feet in height.

Textile manufacturing plants

Warehouse including tobacco warehouses

Welding shops



Wholesale establishments

Wood working shops, millwork

Uses and buildings customarily accessory to the above permitted uses.

#### 4.2 Dimensional Requirements

4.21 Lot Width: Minimum required lot width shall be one hundred (100) feet

4.22 Yard Requirements:

Minimum front yard depth shall be fifteen (15) feet which shall be devoted for sidewalks, grass, and plants, and the necessary driveways.

Off-street parking shall not be permitted in this area.

Minimum required width of side yard shall be fifteen (15) feet.

Minimum required depth of rear yard shall be twenty (20) feet.

4.23 Visibility at Intersections. On a corner lot nothing shall be erected, placed, Visibility planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, twenty (20) feet from where they intersect.

4.3 Required Buffers. After the effective date of this Ordinance, the establishment of any industrial use in this industrial district where it abuts a lot in a residential district or land occupied by any residential use permitted by this Ordinance, shall provide and maintain along said property line. The buffer shall be a compact evergreen foliage screening, or shall be a combined fence and shrubbery screen, the latter facing the residential use.

4.4 Off-Street Parking and Loading. Off-street parking and loading shall be provided according to the provisions set forth in Section 7 of this Article.

### Section 5. IND-2 Industrial District.

The IND-2 Industrial District is established as a district in which the principal use of land is for heavy industries that by their nature may create some nuisance and which are not properly associated with nor compatible with residential, institutional, or business establishments.

#### 5.1 Permitted Uses

Any use permitted in the IND-1 Industrial district

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Automobile wrecking and salvage operations and similar types of uses when conducted within a structure or on a lot enclosed by a solid fence at least six (6) feet in height, provided such fence shall not be less than fifty (50) feet from any public right-of-way line.

Blacksmith's shops

Foundries producing iron and steel products

Chemical manufacture and sales

Machine tool manufacture

Metal fabrication plants using plate and structural shapes and including boiler or tank works.

Mixing plants for concrete, or paving materials and manufacture of concrete products.

Paper, pulp, cardboard and building board manufacture.

Railroad freight yard, terminals or classification yards, car repairs, and manufacture.

Signs, accessory and independent.

Truck terminals, repair shop, hauling and storage yards.

### 5.2 Dimensional Requirements

5.21 Lot Width. Minimum required lot width shall be one hundred (100) feet.

5.22 Yard Requirements. Minimum front yard depth shall be fifteen (15) feet which shall be devoted for sidewalks, grass, and plants, and the necessary driveways. Off-street parking shall not be permitted in this area.

Minimum required width of side yard shall be fifteen (15) feet.

Minimum required depth of rear yard shall be twenty (20) feet.

5.23 Visibility on a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (21) feet and ten (10) feet in a triangular area formed by a diagonal line between two points on the rights-of-way lines, twenty (20) feet from where they intersect.

5.3 Required Buffers. After the effective date of this Ordinance,' the establishment of any industrial use in this industrial district where it abuts a lot in a residential district or land

occupied by any residential use permitted by this Ordinance, shall provide and maintain along said property line. The buffer shall be a compact evergreen hedge or other type of evergreen foliage screening, or shall be a combined fence and shrubbery screen, the latter facing the residential use.

5.4 Off-Street Parking Off-street parking shall be provided according to the provisions set forth in Section 7 of this Article.

Section 6. Mobile Home District.

Groupings of more than two (2) mobile homes shall be permitted only in a mobile home court in a mobile home district subject to the requirements of Standard C, Manufactured/ Mobile Home Park Ordinance, of this Chapter.

Section 7. Off-Street Parking Requirements.

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seat, or floor area; or before conversion from one type of use of occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be, provided in a parking garage or properly graded open space.

7.1 Certification of Minimum Parking Requirements Each application for a zoning permit submitted to the Zoning Enforcement Officer as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of entrance and exit to such space. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this section are met.

7.2 Minimum Off-Street Parking Requirements: The following off-street parking space shall be required:

<u>Residential and Related Uses</u>	<u>Required Off-Street Parking</u>
Any residential use consisting of one or more dwelling units	One (1) parking space on the same lot for each unit
Rooming or boarding houses	One (1) parking space for each two (2) rooms to be rented
Home Occupation	Addition to residence requirements: one (1) parking space per 100 square feet of floor space devoted to the home occupation use

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Public/Semi-Public Uses, Hospitals	One parking space per two (2) beds intended for patient use, exclusive of bassinets
Medical Clinics	Four (4) parking spaces for each doctor plus one (1) parking space for each employee
Nursing Homes	One (1) parking space for each five (5) beds intended for patient use
Churches	One (1) parking space for each four (4) seats in the sanctuary
Elementary and Junior High Schools	One parking spaces for each classroom and administrative office
Senior High Schools	One (1) parking space for each twenty (20) students for which the building was designed plus one (1) parking space for each classroom and administrative office
Colleges and similar institutions	One (1) parking space for each five (5) students for which the building was designed plus one (1) parking space for each classroom and administrative office
<u>Nonresidential and Related Uses</u>	<u>Required Off-Street Parking</u>
Stadiums	One (1) parking space for each eight (8) spectator seats
Auditoriums	One (1) parking space for each four (4) seats in the largest assembly room
Public or private clubs	One (1) parking space for each two hundred (200) square feet of gross floor space
Public Utility Building	One (1) parking space for each employee
<u>Business Uses</u>	<u>Required Off-Street Parking</u>
Tourist Homes	One (1) parking space for each room to be rented plus one (1) additional parking space for each three (3) employees
Motels or Motor Courts	One (1) parking space for each room to be rented plus

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	one (1) additional parking space for each three (3) employees
Offices, General	One (1) parking space for each two hundred (200) square feet of gross floor space
Offices, Medical, Dental	One (1) parking space for each employee plus three (3) spaces per medical doctor or dentist
Offices, Professional (other than medical and dental)	One (1) parking space for each employee plus three (3) spaces per professional on staff
Banks	One (1) parking space for each two hundred (200) square feet of gross floor space plus one (1) for each two (2) employees
Filling Stations	Five (5) parking spaces for each grease rack and five (5) parking spaces for each wash rack
Funeral Homes	One (1) parking space for each four (4) seats in the chapel or parlor
Retail uses not otherwise indicated	One (1) parking space for each one hundred (100) square feet or floor area
<i><u>Industrial and Wholesale</u></i>	<i><u>Required Off-Street Parking</u></i>
Wholesale Uses	One (1) parking space for each two (2) employees on the largest shift
Industrial Uses	One (1) parking space for each two (2) employees on the largest shift

Section 8. Off-Street Loading for Industrial Uses.

The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section an off-street loading berth shall have minimum plan dimensions of twelve feet by twenty-five feet and fourteen feet overhead clearance with adequate means for entrance and exits.

Square Feet of Gross Floor Area

Required Number of Berths

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0 – 25,000	1
25,000 – 40,000	2
40,000 -100,000	3
100,000 -160,000	4
160,000 -240,000	5
240,000 -320,000	6
320,000 -400,000	7
Each 90,000 above 400,000	1

**ARTICLE 8. GENERAL USE DISTRICT ZONING AREA REGULATIONS**

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For the purpose of this Ordinance, the General Use District Zoning Area is hereby designated as General Use District (G-U).

Section 1. General Use District (G-U).

The General Use District is established as a zoning district in which the principal use of land is for uses that are in harmony with residential, agricultural, and commercial development in Columbus County. Any use not discussed in Section 2 is a permitted use in the (G-U) district if it can be properly identified and determined to be a classified land use by the Planning Director. If a land use cannot be determined by the Planning Director or his designee, the use is not permitted, and a text amendment to this ordinance will be required before the use will be approved and permitted.

Section 2. Regulated Uses.

Special Use permits are only required for the land uses listed below:

Heavy Industrial uses (unless in an area already zoned as I-II -Heavy Industrial)

Light Industrial Uses (unless in an area already zoned as I-I -Light Industrial)

Industrial Parks

Private and Public Utilities and related operations

Solar Energy Generation Facilities (Subject to STANDARD A)

Propane, Fuel Oil, Gasoline, or Other Hydrocarbon Bulk Storage Facilities

Junk, Storage, Recycling, Reclamation, or Salvage Yards

Electronic Gaming Operations

Wireless Communication Towers or other steel frame structures/towers

Firing Range (Indoor/Outdoor)

Landfill (Demolition and Sanitary)

Mining/Quarrying, Borrow Pits, and/or Extraction Operations

Go-Cart, Motor Cross, and or other categories of race tracks.

Meat Packing Facilities

Land Application of Animal and Human Waste

Adult Businesses (Subject to Columbus County Code of Ordinances Chapter 6 - Regulation of Certain Businesses, specifically Article 1 - Masseurs, Massage Parlors, Health Salons and Clubs and Article 2 – Sexually Oriented Businesses)

Resort Vehicle Campgrounds (Subject to STANDARD “B” herein)

Manufactured / Mobile Home Parks (Subject to STANDARD “C” herein)

Subdivisions where more than 10 lots are created

Multi-family Dwelling Units where multi-family is defined as three or more homes on a

single parcel or are constructed within a single building

Section 3. Purpose and Procedures.

Special Use Permits shall be granted by the Columbus County Board of Adjustment as permitted by 153A-340(c) for the uses listed as special uses in Section 2.

The owner of the property or his agent who is requesting a Special Use Permit shall submit a Special Use Permit application to the Planning Director at least three weeks prior to a public hearing on the application scheduled before the Planning Board. The Special Use permit application can be found on the Columbus County Planning Department website found at columbusco.org. Such application shall include all of the requirements pertaining to this Ordinance including any proposed site plans, the names and addresses of all adjacent property owners including property owners that are directly across from any public or private street or roadway, and the requisite fee established by the Columbus County Planning Department Fee Schedule. After a public hearing, the Columbus County Planning Board shall forward a recommendation to the Columbus County Board of Adjustment for their consideration.

Planning Department Administrative Review:

1. Pre-Development Conference: All applicants shall meet with the Planning Director to discuss the permit application, proposed site plans, and additional information needed for approval process.
2. Technical Review Committee: The Planning Director shall make and distribute copies of the proposed site plan to the Chairman of the Planning Board, the Clerk to the Board of Commissioners, the Columbus County Health Department, the Columbus County Board of Education (*only, if the project involves multi-family housing*), the Columbus County Inspections Department, the Columbus County Soil and Water Conservation District, the Columbus County Fire Marshal, the Columbus County Tax Administrator and the local District Engineer of the State Department of Transportation. The Technical Review Committee shall be given ten (10) days to review and respond with comments. The Technical Review Committee shall forward their comments, if any, to the Planning Director. The Planning Director shall consider any reasonable request submitted by the committee member in writing which will be reviewed by the Planning Director and/or the Planning Board Chairman, who then shall grant or deny the request. Upon receipt of comments from the Technical Review Committee, the Planning Director shall prepare a report summarizing the comments, if any, for review by the Planning Board and the applicant. The applicant may then submit a revised site plan to the Planning Department at least five (5) days prior to the public hearing before the Planning Board.



3. Prior to approval of the site plan, the Planning Director may consult with other qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

Section 4. Planning Board Action.

1. After the Pre-Development Conference, the Planning Director shall set a date and time for a public hearing before the Planning Board. Notice of the public hearing shall be given once a week for two successive calendar weeks in a local newspaper of general circulation, said notice to be published the first time at least ten (10) days, but not more than twenty-five (25) days, prior to the date fixed for said public hearing. In addition to the newspaper advertisement, the property concerned shall be posted indicating that a public hearing will take place regarding a proposed zoning change/permitting action by the Columbus County Planning Department, at least one week before the public hearing. The posting shall also include the phone number of the Planning Department so that more information can be provided upon request.
2. The Planning Board shall consider the application, the comments of the applicant, and any comments of any interested persons attending the public hearing. In conducting the public hearing, the Planning Board shall follow the same rules and procedures as employed in the conduct of public hearings held before the Columbus County Board of Commissioners. Following the public hearing, the Planning Board shall forward a recommendation to grant, deny, or grant with conditions the Special Use permit to the Board of Adjustment.
3. No Planning Board member shall participate in a manner that would violate an affected person's constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself/herself, the remaining members shall by majority vote rule on the objection. Vacant positions on the Planning Board and members who are disqualified from voting on the matter shall not be considered "members of the Board" for calculation of the requisite majority.
4. In deciding whether or not to recommend the issuance of a Special Use permit, the Planning Board shall use as a guide the specific conditions outlined in this Article for each use proposed. In making their recommendation to the Board of Adjustment, the Planning Board shall consider the following criteria:
  - A. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;

- B. That the use meets all required conditions and specifications;
- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Columbus County Land Use Plan.

Based above criteria, the Planning Board shall then forward a recommendation to the Board of Adjustment regarding the Special Use Permit.

Section 5. Board of Adjustment Action.

1. After the public hearing before the Planning Board, the Planning Director shall schedule an evidentiary hearing before the Board of Adjustment.
2. Prior to the hearing before the Board of Adjustment, the Planning Director shall pursuant to NCGS 160A-388(a2) notify by first class mail all owners of property abutting the property that is the subject of the hearing and to owners of property across any public or private street from the subject property. Within that same time period, the property concerned shall be posted indicating that a public hearing will take place regarding a proposed zoning change/permitting action by the Columbus County Planning Department, at least one week before the public hearing. The posting shall also include the phone number of the Planning Department so that more information can be provided upon request.
3. The Planning Director shall provide to the Board of Adjustment, copies of the application, site plans, reports and any other written administrative material relevant to the evidentiary hearing. The administrative materials may be submitted at the hearing or distributed, in written or electronic form, to the Board prior to the evidentiary hearing. At the same time a copy of the administrative materials shall be submitted to the applicant or landowner, if he is not the applicant. The administrative materials shall become part of the hearing record. Any objections to the inclusion or exclusion of administrative materials shall be made at the hearing.
4. At the evidentiary hearing the applicant, the owner of the subject property, local government, adjacent landowners and any other interested person who has relevant evidence to offer, shall have the right to present evidence and participate in the hearing.

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5. At the evidentiary hearing, the Board of Adjustment shall consider the application and other relevant evidence, including sworn testimony and exhibits and may deny, grant or grant with reasonable and appropriate conditions the Special Use permit. In conducting the evidentiary hearing, the Board of Adjustment shall follow quasi-judicial procedures as set forth in NCGS 153A and 160A.
6. The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members of the Board shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. Vacant positions on the Board and members who are disqualified from voting on the matter shall not be considered "members of the Board" for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
7. No Board of Adjustment member shall participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself/herself, the remaining members shall by majority vote rule on the objection.
8. In rendering a decision on a Special Use permit, the Board of Adjustment shall consider the following conditions for each proposed use:
  - A. Whether or not the use materially endangers the public health or safety;
  - B. Whether or not the use meets all required conditions and specifications;
  - C. Whether or not the use will substantially injure the value of adjoining or abutting property or will be a public necessity; and
  - D. Whether or not the location and character of the use, will be in harmony with the area in which it is located and be in general conformity with the Columbus County Land Use Plan.
9. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing reflecting the Board's determination of any contested facts and their application to the applicable standards. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board of Commissioners. The decision of the Board shall be delivered within a reasonable time by personal delivery, electronic mail, or by first class mail to the

applicant, property owner, and to any other person who has submitted a written request for copy prior to the date the decision becomes effective.

10. In granting the Special Use Permit the Board of Adjustment may designate conditions which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the hearing at which the Special Use Permit is granted, on the Special Use Permit itself, and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the Special Use permit, their heirs, successors and assigns. The Special Use permit shall be kept on file in the office of the Planning Department, including in the Planning Department's electronic data files.

#### Section 6. Denials and Appeals.

If the Board of Adjustment denies the Special Use Permit, the Board shall enter the reason for their action in the minutes of the meeting at which the action is taken.

No appeal may be taken from the action of the Board of Adjustment in granting or denying a Special Use permit except through the Columbus County Superior Court within thirty (30) days.

If denied, the applicant must wait for a period of six (6) months before a new application can be submitted.

#### Section 7. Failure to Comply/Notification of Adjacent Property Owners.

In the event of failure to comply with the plans approved by the Board of Adjustment, or with any other conditions imposed upon the Special Use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Special Use permit is no longer in effect.

#### Section 8. Expiration of Special Use Permit.

In any case where a Special Use permit has not been exercised within the time limit set by the Board of Adjustment, or within one year if no specific time limit has been set, then without further action, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in absence of contracts that the main building is under construction to a substantial degree; or that pre-requisite conditions involving substantial investment are contracted for, in substantial development; or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that

the use is in operation in compliance with the conditions set forth in the permit.

Section 9. Modifications of Plans.

Where plans are required to be submitted and approved as part of the application for a Special Use permit, the Board of Adjustment may authorize modifications of the original plans.

Section 10. General Requirements for Special Uses.

A site plan must be submitted with the Special Use Permit Application and may be prepared by the applicant. The site plan must include the following:

1. The shape and dimensions of the lot on which the proposed building(s) is to be erected;
2. The location of said lot with respect to adjacent rights-of-way;
3. The shape, dimensions, and location of all buildings, existing and proposed, and required setbacks;
4. The nature of the proposed use of the building or land, including the extent and location of the use;
5. The location and dimensions of off-street parking and loading space and means of ingress and egress;
6. The square feet and percentage of lot as built upon area if the lot is located in a Watershed;
7. The location and type of all required buffers;
8. Required Driveway Permits from the Department of Transportation;
9. A landscape plan that meets requirements of the Highway Corridor Overlay District (if applicable);
10. A Sedimentation and Erosion Control Plan (if applicable) as submitted to the Land Quality Section, Department of Environment and Natural Resources; and,
11. The location and dimensions of outdoor activity areas including outdoor storage.
12. location and type of outdoor lighting, and areas of environmental concern such as flood plains, surface water, and drainage ways.
13. Any other information, which the Planning Staff may deem necessary for consideration in enforcing all provisions of this Ordinance.

**ARTICLE 9. SPECIAL DEVELOPMENT STANDARDS**

The following Special Development Standards shall apply to the uses specified in addition to the general standards:

Standard A – Minimum Solar Farm Requirements	62
Standard B – Resort Vehicle Park/Campground Ordinance	63
Standard C – Manufactured/Mobile Home Park Ordinance	75

**STANDARD A - MINIMUM SOLAR FARM REQUIREMENTS**

1. All solar farms must be set back from an adjacent highway right-of-way at least 50 feet. Similarly, a side or rear set-back distance of 30 feet from any property line is required.
2. A vegetative buffer consisting of either one or two rows of staggered evergreen vegetation is required as per the vegetative buffer design specification sheet available from the Columbus County Planning Department. A vegetative buffer may be constructed using any of those evergreen varieties identified or an approved equivalent. A staggered two row buffer is to be located between any solar farm fencing and an adjacent highway. Similarly, a two-row vegetative buffer is required to screen the farm from the direct view of adjacent residential housing units. Where required, a single row vegetative buffer is required along perimeter fencing as noted in item three (3) below.
3. A vegetative buffer consisting of one row of evergreen vegetation is required along all perimeter areas not covered under item number 2 above (i.e. where two-row vegetative buffering is called for) but with the following exceptions:
  - a. Where a natural vegetative buffer already exists on the property and which allows for said natural vegetative buffer to remain and be maintained in an undisturbed natural state which provides adequate screening to adjacent parcels on the side or sides, or along the back fence line of the solar farm.
  - b. When a solar farm is located over 250 feet from an adjacent highway such that only minimal vegetative screening is needed to prevent the farm from becoming a distraction to drivers on the adjacent highway or to adjacent landowners.
4. Vegetative buffers may be located within the required setback areas.
5. The maximum height for a ground mounted solar system under these guidelines is 15 feet above ground level.
6. General Standards:

- a. All Solar Farms shall comply with all Building and Electrical Codes.
- b. Shall not create a visual safety hazard for any passing motorist or aircraft.
- c. Shall be removed, at the property owner's expense, or at the solar farm owner's expense within one hundred and eighty (180) days of determination by the Planning Department that the facility is no longer being maintained in an operable state of good repair or is no longer supplying solar power.
- d. All solar farms must be maintained in a reasonable fashion with regard to the facility grounds such that the facility does not become a public eyesore or contain undergrowth which may harbor vermin due to the excessive length of grass and other vegetation located inside or outside of the perimeter fencing.

**STANDARD B - RESORT VEHICLE PARK/CAMPGROUND ORDINANCE**

**A. PURPOSE**

The purpose of this Ordinance is to regulate and guide the establishment of campgrounds in order to promote the public health, safety and general welfare of the citizens of Columbus County, North Carolina. This Ordinance is designed to accomplish the following specific objectives: (a) to further the orderly layout of campgrounds; (b) to secure safety from fire, panic and other danger; (c) to provide adequate light and air; and (d) to ensure that facilities for transportation, parking, water, sewage and recreation are provided for campground visitors.

**B. AREA GOVERNED**

These regulations shall govern the establishment of each and every new campground and the alteration or expansion of existing campgrounds lying within the jurisdiction of Columbus County and which is not governed by a municipality within Columbus County.

**C. AUTHORITY**

Columbus County hereby exercises its authority to adopt and enforce a Campground Ordinance pursuant to the authority granted to Columbus County by Chapter 153A, Article Six of the General Statutes of North Carolina.

**D. SHORT TITLE**

This Ordinance shall be known as the CAMPGROUND ORDINANCE, COLUMBUS COUNTY, and may be cited as the Campground Ordinance.

**E. DEFINITIONS**

When used in this Ordinance, the following words and phrases shall have the meaning given in this section. Terms not herein defined shall have their customary definitions where not inconsistent with the context. The term shall is mandatory and words used in the singular include the plural and those in the present include the future tense.

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1. Columbus County Health Department: Health Director or his/her designated agent(s).
2. Camper: A folding structure manufactured of metal, wood, canvas, plastic or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation or vacation use. A camper is not designed or intended to be used as a permanent dwelling. Campers may also include the following:
  - a) Travel Trailer: A vehicular, portable structure built on chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation or vacation purposes. A travel trailer is not designed or meant to be used as a permanent dwelling.
  - b) Recreational Vehicle: A self-propelled vehicle or portable structure mounted on such a vehicle designed as a temporary dwelling for travel, recreation and vacation.
  - c) Tent: A portable shelter of canvas, plastic or skins stretched over a supporting framework of poles with skins stretched over a supporting framework of poles with ropes and pegs.
3. Camper Space: A plot of land within a campground designed for the accommodation of one (1) camper or tent.
4. Campground: Any lot which fifteen (15) or more camper or tent spaces are provided for temporary occupancy according to requirements as set forth in this Ordinance. A campground shall also be known as a recreational vehicle park or travel trailer park.
5. Cul-de-sac: A street with only one (1) end to traffic and the other end being permanently terminated and a vehicular turnaround provided for the safe and convenient reversal of traffic movement. Length is measured from the center point of the turnaround to the center line of the connecting non-cul-de-sac street.
6. Developer: Any person, firm, trust, partnership, association or corporation engaged in development or proposed development of a Campground, as defined herein.
7. Easement: The right to use another person's property, but only for a limited and specifically named purpose, the owner generally continues to make use of such land since he/she has given up only certain and not all ownership rights.
8. Sanitary Sewage System: A complete system of sewage collection, treatment and disposal, including approved privies, septic tank systems, connection to public or community sewage systems, incinerators, mechanical toilets, composting toilets, recycling toilets, mechanical aeration systems or other such systems.
9. Public Street: A dedicated and accepted public right-of-way which affords access to abutting property and meets the standards of this Ordinance and the most recent North Carolina Department of Transportation's minimum construction standards for subdivision roads.
10. Public Water Supply: Any water supply furnishing potable water to fifteen (15) connections or combination of twenty-five (25) residences or businesses so approved and designated by the appropriate agent of the State of North Carolina. This definition is not to be inferred as limited to publicly owned or operated systems, as such systems may be owned and operated by either public or private enterprise.



11. Septic Tank System: A subsurface sanitary sewage system consisting of a settling tank and a subsurface disposal field and other appurtenances required for proper collection, distribution, treatment, disposal, operation and performance.
12. Service Building: A building housing toilet and bathing facilities for men and women, with laundry tray.
13. Setbacks: The distance between a structure and the space or boundary line.
14. Surveyor: A qualified land surveyor or engineer registered and currently licensed to practice surveying in the State of North Carolina.
15. Board Designate: an agent(cies) and/or representative appointed by the Board of County Commissioners to represent their interest and act on their behalf.
16. Board of County Commissioners: governing body for the County of Columbus with equal representation from all districts.
17. Nude: A situation involving a condition of individuals being unclothed or devoid of clothing.

#### F. PROCEDURE FOR SECURING APPROVAL OF CAMPGROUNDS

##### Section F.1: Approval Required.

Campgrounds, as permissible uses, may be established upon the approval of the Board of County Commissioners or their Designate. The Board of County Commissioners or their Designate shall have approval authority of such Campgrounds.

##### Section F.2: Campground Plan Submission.

1. Prior to the construction of a campground or the expansion of an existing campground, the developer shall submit a campground plan to the Columbus County Administrator. Ten (10) copies of the proposed campground plan must be received at least thirty (30) days prior to a regularly scheduled meeting of the Columbus County Board of Commissioners if the plans are to be reviewed by the Board at that time. New campgrounds or the expansion of an existing campground regardless of site numbers will be approved by the Board of County Commissioners or their Designate.
2. All park plans shall be prepared by a registered land surveyor currently licensed and registered in the State of North Carolina, or the owner or his/her authorized agent and shall be drawn legibly at a scale of one hundred (100') feet to one (1 ") inch, or larger, and shall include the following plan requirements:
  - a. Name of the park, developer, scale, date and tax map, block and parcel number;
  - b. Vicinity Map, sketch showing relationship between campground and surrounding area;
  - c. The location of existing property lines, streets, service buildings, natural and manmade water courses, existing wells and septic tanks, railroads, transmission lines, sewers, bridges, culverts and drain pipes, water mains, city and County lines (if adjoining),

- drainage easements and public utility easements, all structures to be located on the park site;
- d. The outside boundaries of the tract of land on which the park will be built and approximate bearings and distances of each line;
  - e. Proposed camper spaces well defined, indicating accurate dimensions and site numbers;
  - f. All existing structures and proposed structures;
  - g. The proposed location of all streets, driveways, open recreational areas, parking areas, service buildings, easement and camper spaces;
  - h. Water distribution system which will connect to County system, if applicable (should be designed to minimum County standards and submitted for review);
  - i. Surface and/or subsurface drainage plan;
  - j. Classification of the property;
  - k. Site data:
    - 1. Acreage in total tract;
    - 2. Acreage in campgrounds, if applicable;
    - 3. Total number of spaces; and
    - 4. Lineal feet in streets;
  - l. Flood plain information, if necessary;
  - m. Landscaping and buffering;
  - n. Adjoining property owners;
  - o. Sign location, setback and dimensions;
  - p. Title, date, graphic scale, north arrow;
  - q. Sedimentation control plan information in accordance with North Carolina State Law;
  - r. Uses on adjacent properties;
  - s. Off-street parking, loading areas and their dimensions;
  - t. The location and dimensions of present and proposed campground streets and adjacent highways;
  - u. Method of garbage disposal; and
  - v. Water/Utility systems.

Section F.3: Review of the Proposed Campground Plan.

The County Administrator shall review the proposed campground plan. The County Administrator shall also forward a copy of the proposed campground plan to the Columbus County Health Department and all other appropriate agencies for review and comments. Following the evaluation period, a review meeting shall be set with the applicant and appropriate agencies, not less than thirty (30) days prior to a regular scheduled Board of County Commissioners' Meeting, to discuss the plan. If deficiencies are found with the plan, the plan will then be returned to the developer for correction. If the Board of County Commissioners or their Designate determines no inconsistencies

with applicable regulations, the County Administrator shall then ask for the plan to be approved. The matter will not be heard before the County Commissioners until all requirements are met and approved.

1. The County Administrator shall determine if the proposed campground plan is in accordance with the design standards set forth in this Ordinance, including, but not limited to the following:
  - a. Title information;
  - b. Location map;
  - c. Recreation areas;
  - d. Street and lot design;
  - e. Surface water drainage;
  - f. Other features of the campground;
  - g. Columbus County Health Department's report;
  - h. County Inspections Department;
  - i. Buffering; and
  - j. Other approvals as may be required.
2. The Columbus County Health Department shall review the proposed campground plan to determine if the plan is in accordance with the minimum health standards and regulations as follows:
  - a. Source of water and water distribution system;
  - b. Sanitary sewage system: owner/developer shall submit plans for proposed sanitary sewerage system to the Columbus County Health Department for its review. Each campground intended for the use of septic systems will require an application for a site evaluation. An operations permit must be maintained in order for the campground to remain operational;
  - c. Adequate space size, if septic tanks are to be used; and
  - d. Each well located so as to provide a minimum pollution-free radius as specified in Title 15A, Subchapter 18C, Section .0203 of the North Carolina 'Administrative Code.
3. Each agency's review shall be completed within a reasonable time. Should any agency find deficiencies in the proposed campground plan, the developer or his agent shall be notified by the County Administrator to correct such deficiencies in the plan. Each agency shall notify the County Administrator after reviewing the proposed campground plan and shall provide a written statement of approval or disapproval. If disapproved, then the reasons therefore shall be stated.
4. If any permitting agency should disapprove the proposed campground plan, the reasons for such action and recommended changes shall be given to the developer or his agent.

Section F.4: Plan Approval.

1. Plan Review; Procedure by the Board of County Commissioners or Their Designate:  
The Columbus County Board of Commissioners or their Designate shall make a decision on a final plan approval based on all required final agency reviews and other available pertinent information.
2. Notification of Final Approval:  
After receiving approval of the campground plan from the Board of County Commissioners or their Designate, Health Department and other relevant County agencies, the County Administrator is authorized to write a letter of approval to the developer. The County Administrator shall notify the owner as shown on the plan of this approval within ten (10) days of the action. The intent of the letter of approval is to enable the execution of the campground plan in the field and shall not be construed to entitle the recipient to offer spaces for rent or lease, or to operate a campground as defined in this Ordinance. Spaces can only be occupied after all required improvements have been installed and Certificates of Occupancy have been issued by the County Inspections Department.
3. Issuance of a Certificate of Compliance:
  - A. After receiving approval of the campground plan by the Board of County Commissioners or their Designate, the Health Department and the County Inspections Department, the County Administrator's office is authorized to issue a compliance permit. The intent of this permit is to enable the execution of the campground plan in the field and shall not be construed to entitle the recipient to offer spaces for rent or lease or to operate a campground as defined in this Ordinance.
  - B. When the developer has completed the construction of the campground, he/she shall apply to the County Administrator for a Certificate of Compliance. The County Inspections representative and a representative from the Health Department shall make an on-site inspection of the campground.
    - i. If the plan conforms to the campground plan approved by the Board of County Commissioners or their Designate and other agencies, the County Administrator shall issue the developer a Certificate of Compliance.
    - ii. If the plan does not conform with the approved plan, the County Administrator shall delay issuance of the Certificate of Compliance until it comes into conformity.
  - C. The Certificate of Compliance issued to the developer shall constitute authority to lease or rent spaces in the campground.
  - D. When a campground is to be developed in stages, the proposed plan may be submitted for the entire development or application for a Certificate of Compliance may be made for each stage developed.
4. Development Time Frame:

If the construction of the campground has not begun within twelve (12) months from the issue date of the letter of approval, the Board of County Commissioners may grant an extension of this approval if the developer appears before the Board and shows cause. If cause is not shown, the developer must repeat all the required steps of procedure for securing approval of a campground as required by this Ordinance.

When a campground is to be developed in stages, the preliminary campground plan shall be submitted for the entire development, and an application for approval shall be made for each stage of development.

## G. DESIGN STANDARDS

The following standards shall be considered the minimum requirements for all new campgrounds.

### Section G.1: General Requirements.

1. Every campground shall contain at least fifteen (15) spaces.
2. No more than one (1) camper may be parked on anyone (1) space. Campers shall not be permitted on parcels, lots or spaces other than those approved through these regulations.
3. No space shall have direct vehicular access to a public road.
4. All spaces shall be located on sites with elevations that are not susceptible to flooding. The spaces shall be graded to prevent any water from ponding or accumulating within the park. Each space shall be properly graded to obtain a reasonably flat site for a campground and to provide adequate drainage away from the space. The requirement is not intended to circumvent FEMA regulations or the County Flood Management Plans.
5. Pursuant to the North Carolina State Building Code, each campground shall have at least one (1) service building to provide necessary sanitation and laundry tray. This structure may also contain a retail sales counter and/or coin operated machine for the campground residents' use, provided there is no exterior advertising. Vending machines also may be permitted in a sheltered area. All service buildings shall be provided and maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible and conveniently located. All service buildings shall be accessible to the County Health Department and shall be in conformity with all County codes. All buildings shall be constructed in accordance with the North Carolina State Building Code, and shall meet the North Carolina State Building Code setback requirements.
6. No swimming pool or bathing area shall be installed, altered, improved or used without compliance with applicable Columbus County Health Department regulations. No bathing area shall be used without the approval of the Columbus County Health Department.
7. The campground owner is responsible for refuse collection. Storage, collection and disposal of refuse shall be so managed as not to create health hazards, rodent harborage, insect-breeding areas, accident, fire hazards or air pollution. The method of garbage

disposal shall be noted on the plan and approved by the Board of County Commissioners or their Designate.

8. It shall be unlawful to park or store a manufactured home in a campground. However, two (2) manufactured homes may be allowed within a campground to be used as residences of persons responsible for the operation and/or maintenance of the campground.
9. The transfer of title of a camper space or spaces either by sale or by any other manner shall be prohibited within a campground as long as the campground is in operation.
10. All camping units must be placed individually on approved camper spaces where all design standards and utilities have been completed.
11. Junked or wrecked vehicles are prohibited in campgrounds.

Section G.2: Streets and Parking.

1. Off-Street Parking Requirements

Two (2) off-street parking spaces shall be provided and maintained for each camper space. Required parking spaces may be included within the minimum required space area for each camper space.

2. Public Street Access

No camper space within a campground shall directly access a public road. Access to all campers and accessory structures within the campground shall be made using internal streets.

3. Internal Street Standards

A. One (1) or two (2) way streets shall be used throughout the campground. One (1) way streets shall have a minimum width of sixteen (16') feet. Two (2) way streets shall have a minimum width of eighteen (18') feet. Such streets shall be well maintained and clearly identified. All streets within the campground shall be privately owned and maintained. Each camper space shall abut an internal street within the campground.

B. All internal streets that dead end shall be provided with a permanent turnaround.

C. All parking within the campground shall take place off the internal street within designated parking areas only. All internal streets within the campground shall be equipped with adequate and suitable drainage facilities.

D. Maintenance of all internal streets and drainage facilities shall be the responsibility of the owner of the campground. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, \_ ponding of water and associated problems which would impede or cause hazards to motor vehicles. Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the speed reduction bump must be placed along the street.

4. Ingress and Egress

Campgrounds shall not be located on through lots unless the campground is designed in a manner which does not encourage motorists from using the campground as a means of traveling from one (1) public street to another.

Campgrounds requiring only one (1) entrance and exit area shall provide at least one (1) permanent turnaround within the campground. All campground entrances must be approved by the North Carolina Department of Transportation.

Section G.3: Campground Space.

1. Minimum Campground Area All campgrounds shall have a gross land area of at least three (3) acres.
2. Minimum Space Design
  - a. The following minimum space requirements also takes into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light and air, etc.
    - i. Minimum space size, square feet: 1,250
    - ii. Minimum space width, feet: 25
  - b. Where public, municipal or community water or sewer systems exist within one thousand (1,000') feet of the park, the developer shall connect to such system. If the water distribution system is installed in accordance with minimum County standards, the developer could dedicate the system to the County to operate. The County will have the "right to accept or not accept such water systems.
  - c. A minimum of eight (8%) percent of the total land area shall be devoted to accessible common open space intended for recreational use. These areas are separate from the camper spaces and shall be grouped and of character suitable for active and passive recreation and shall be reasonably located for safe and convenient access to residents.
  - d. Each camper shall be located at least thirty (30') feet from the edge of any publicly-maintained street or road.
3. Spaces Numbered

Each camper space shall be identified by a permanent number which shall not be changed. The appropriate number of each camper space must be permanent and visibly displayed on each space. Each number shall be placed on a concrete, wood, metal or any permanent post and conspicuously located on the lot.

Section G.4: Utility Requirements.

1. An accessible, adequate, safe and potable supply of water shall be provided in each campground. Where a public supply is available, connection shall be made thereto and its supply used exclusively. When a public water supply is not available, a community water supply may be developed and its supply used exclusively in accordance with local and state

regulations and standards of the Division of Environmental Management, North Carolina Department of Environment, Health and Natural Resources codified in 15A NCAC 2C. Siting well locations will be designated by the Columbus County Health Department.

2. Adequate and safe sewage disposal facilities shall be provided in all campgrounds. A public sewage disposal system and sewage treatment plant complying with the requirements of the North Carolina Department of Environment, Health and Natural

Resources shall be provided in every campground. Individual septic tank systems are permissible in accordance with the requirement of the State Health Sewage Disposal Regulations.

- A. Sewage dumping stations shall be approved by the Columbus County Health Department. Each campground shall provide at least one (1) sewage dumping station for each fifty (50) camper spaces, which are not equipped with individual sewer and water connections. Each campground shall also provide a sewer outlet to accommodate any dependent campers for emptying containers of human waste.
  - B. No method of sewage disposal shall be installed, altered or used without the approval of the Columbus County Health Department. All sewage waste from each park, including waste from toilets, showers, bathtubs, lavatories, wash basins, sinks and water-using appliances not herein mentioned, shall be piped into an approved sewage disposal system.
3. Building and grounds shall be maintained free of rodent/insect harborage and infestation. Extermination methods and other control measures shall be in accordance with the requirements of licensed pest control operators. The campground owner shall be responsible for pest extermination and pest control measures to prevent the development of unsanitary conditions.

#### Section G.5: Buffering.

A buffer strip at least ten (10') feet in width shall be maintained. This strip shall be free of all encroachment by buildings, park areas or impervious coverage. No designated camper spaces shall include any areas required for buffering in accordance with this Ordinance.

#### Section G.6: Registration of Occupants.

Every campground owner or operator shall maintain an accurate register containing a record of all occupants and owners of campers in the campground. The register shall be available for inspection at all times by authorized County representatives. The register shall contain the following information:

- a. Name and address of the occupants of each space;
- b. Camper space number; and



- c. Date when occupancy within the campground begins and date when occupancy within the campground ceases.

Section G.7: Permanent Occupancy Prohibited.

No camper space shall be used as a permanent place of abode. Any action toward removal of wheels of a camper except for temporary purposes of repair is hereby prohibited.

Section G.8: Inspection.

1. The County Administrator, the Columbus County Health Department, the Columbus County Building Inspections Department and the Columbus County Board of Commissioners are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance. If connecting to County water, the developer must comply with minimum County standards. It shall be the duty of the owners of campgrounds to give these agencies free access to such premises at reasonable times for inspections.
2. The person to whom an operating permit for a campground is issued shall operate the campground in compliance with this Ordinance and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.
3. The campground owner shall notify campground visitors of all applicable provisions of this Ordinance and inform them of their responsibilities under this Ordinance.

**H. PRIVATE ORGANIZATIONS OPERATING AS NUDE CAMPGROUNDS, COLONY, RESORT OR OTHER SIMILAR FACILITIES**

Private organizations operating as nude campgrounds, colonies, resorts or similar facilities, must operate with the following minimum requirements:

1. Must meet all applicable County and State regulations including, but not limited to, campground, mobile home park and PUD ordinances;
2. Must operate as private organization with no access by the general public. Only members or guest of members may be permitted on site;
3. Must provide adequate visual and noise screening and/or buffering; and
4. No part of any facility or structure shall be:
  - a. Located within one thousand five hundred (1,500') feet in any direction from a building used as a dwelling.
  - b. Located within one thousand five hundred (1,500') feet in any direction from a building in which an adult business or asexually oriented business is located.
  - c. Located within one thousand five/hundred (1,500') feet in any direction from a building used as a church, synagogue, other house of worship or cemeteries.

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- d. Located within one thousand five hundred (1,500') feet in any direction from a building used as a public school or as a state licensed day care center.
- e. Located within one thousand five hundred (1,500') feet in in any direction from any lot or parcel on which a public playground, public swimming pool or public park is located.
- f. Located within one thousand five hundred (1,500') feet in any direction of any publicly owned or operated facility.

I. ADMINISTRATION

Section I.1: Variances.

Where strict adherence to the provisions of this Ordinance would cause an unnecessary hardship because of topographical or other conditions peculiar to the site, the Board of County Commissioners or their Designate may authorize a variance, if such variance can be made without destroying the intent of the Ordinance. Any variance this authorized shall be entered into the minutes of the Board of County Commissioners or their Designate and the reasoning on which the departure was justified shall be set forth.

Section I.2: Conformance Requirements.

Campgrounds shall be permitted only in conformance with the regulations of this Ordinance.

Section I.3: Criminal Violations.

Any person violating the provisions of this Ordinance shall be guilty of a Class Three misdemeanor and is punishable by a fine up to five hundred and 00/100 (\$500.00) dollars per violation in accordance with NCGS 14-4. Each day that the violation continues to exist shall be considered a separate and distinct offense. For the purpose of this Ordinance, a violation begins from the date of first notification.

Section I.4: Civil Penalties.

In addition to the other remedies cited in this Ordinance for the enforcement of these provisions, these regulations may be enforced through the issuance of citations by Columbus County. These citations shall be in the form of a civil penalty. The County may recover this penalty within seventy-two (72) hours after being cited for a violation. In' addition, failure to pay the civil penalty within the seventy-two (72) hour period, may subject the violator to criminal charges.

The following civil penalties are established for violations under this Section:

VIOLATION	CHARGE
Warning Citation	None, correct within ten (10) days
First Citation	\$25.00

Second Citation for Same Offense	\$50.00
Third and Sequential Citation for Same Offense	\$50.00

These civil penalties are in addition to any other penalties which may be imposed by the court of law for violations of the provisions of this Ordinance.

In addition to the foregoing enforcement provisions, this Ordinance may be enforced by any remedy provided in North Carolina General Statute 153-A-123, including, but not limited to, all appropriate equitable remedies issued from a court of competent jurisdiction as provided in General Statute 153A-123(d) and particularly the remedy of injunction and order of abatement as allowed by North Carolina General Statute 153A~123(e).

This Ordinance specifically provides that each day's continuing violation is a separate and distinct offense.

Section I.5: Separability.

Should any section or provision of these regulations be held void or invalid by the courts for any reason, it shall not affect the validity of any other section or provision hereof which is not itself held void and invalid.

Wherever the provision of any other law, ordinance or regulation impose higher standards than are required by the provision of this Ordinance, the provisions of such law, ordinance or regulations shall govern.

Section I.6: Amendment Procedure.

This Ordinance may be amended from time to time by the Board of County Commissioners as provided by the General Statutes. No amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Board of County Commissioners or their Designee's review and recommendation.

**STANDARD C - MANUFACTURED/MOBILE HOME PARK ORDINANCE**

**A. GENERAL PROVISIONS**

Section A.1: Purpose.

The purpose of this Ordinance is to regulate and guide the establishment of manufactured/mobile home parks in order to promote the health, safety and general welfare of the citizens of Columbus County, North Carolina. This Ordinance is designed to accomplish the following specific objectives:

- 1) To further the orderly layout of manufactured/mobile home parks;

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- 2) To secure safety from fire, panic and other danger;
- 3) To provide adequate light and air; and
- 4) To ensure that facilities for transportation, parking, water, sewage and recreation are provided for manufactured/mobile home park residents and visitors.

Section A.2: Jurisdiction.

These regulations shall govern the establishment of each and every new manufactured/mobile home park and the alteration or expansion of existing manufactured/mobile home parks lying within the jurisdiction of Columbus County. Facilities developed within a municipal limit or extra-territorial jurisdiction will come under the authority of that particular municipality.

Section A.3: Authority.

Columbus County hereby exercises its authority to adopt and enforce a Manufactured/Mobile Home Park Ordinance pursuant to the authority granted to Columbus County by North Carolina General Statutes 153A-121 and 153A-341.1.

Section A.4: Short Title.

This Ordinance shall be known as the MANUFACTURED/MOBILE HOME PARK ORDINANCE FOR COLUMBUS COUNTY, and may be cited as the Manufactured/Mobile Home Park Ordinance.

Section A.5: Administration.

The Planning Department shall administer and enforce this Ordinance. The Planning Department may be provided with assistance of such other persons as necessary.

**B. DEFINITIONS**

Section B.1: Word Usage.

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural and words used the plural number include the singular.
3. The word "shall" is always mandatory and not merely directory.
4. The word "may" is permissive.
5. The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied.
6. Masculine includes feminine and neuter.

Section B.2: Definitions.

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1. Abandoned Vehicle: A motor vehicle which is left on private property without the consent of the owner, occupant or lessee of the property.
2. Adjacent: Having a common border such as a space or lot line or street right-of-way.
3. Building Inspections Department: Columbus County Building Inspector or designee.
4. Community or Municipal Sewage Disposal System: A sewage disposal system which is a single system of sewage collection, treatment and disposal owned and operated by a public utility or community association constructed and operated in compliance with applicable requirements of the North Carolina Department of Environment and Natural Resources.
5. County: Columbus County, North Carolina acting by and through its Board of County Commissioners or duly authorized designee(s).
6. Family: Members of the same family, which shall be limited to spouse, parents, step-parents, grandparents, step-grandparents, children, step-children, brothers, step-brothers, sisters, step-sisters, aunts, uncles, father-in-law, step-father-in-law, mother-in-law, step-mother-in-law, brother-in-law, step-brother-in-law, sister-in-law, step-sister-in-law.
7. Farm: Farming operations that include growing crops, raising livestock and poultry, and growing nursery plants. A farm does not include commercial operations related to agriculture, such as a store selling fertilizer, a meat-packing operation, or a commercial grain-drying operation.
8. Health Director: The Columbus County Health Director or authorized designee.
9. Household Solid Waste: Waste normally generated by households.
10. Human Habitation: Used or intended to be used by human beings for occupancy.
11. Individual Sewage Disposal System: A septic tank and absorption field sewage system approved by the Environmental Division of the Columbus County Health Department.
12. Junk: (i) Any motor vehicle that is partially dismantled or wrecked and cannot be self-propelled or moved in the manner in which it was originally intended to move; or (ii) machinery and/or materials in which no specific or expressly written purpose can be provided.
13. Letter Permitting Construction: A notice issued by the Planning Department upon approval of the proposed manufactured/mobile home park plan allowing the Operator to begin construction of the manufactured/mobile home park in conformity with the approved manufactured/mobile home park plan.
14. Letter of Compliance: A notice issued at the completion of the construction of the Manufactured/Mobile Home Park and annually thereafter by the Planning Department certifying that the Manufactured/Mobile Home Park has been inspected and found to be in compliance with this Ordinance.
15. Manufactured/Mobile Home: A movable or portable dwelling over 32 feet in length and over 8 feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one

- integral unit and not complying with the N.C. State Uniform Residential Building Code.
16. Manufactured/Mobile Home Park: Any lot or part thereof, or any parcel of land under common ownership, regardless of the number of separate tracts, upon where more than two (2) manufactured homes will be used for the purpose of renting a space with or without a manufactured home will be or are used for human habitation purposes, whether the manufactured/mobile homes are owned by the Operator of the manufactured/ mobile home park or owned by individual occupants. More than two (2) manufactured/mobile homes on land under common ownership for the purpose of renting a manufactured/mobile home or space where the placement of a third manufactured/mobile home is located within five hundred (500') feet of any manufactured/mobile home(s) on property under common ownership is defined as a manufactured/mobile home park. This definition does not apply to manufactured/mobile home(s) that are exempt by farm or family status as defined within this ordinance.
  17. Manufactured/Mobile Home Space: A plot of land within a manufactured/mobile home park designed for the accommodation of a single manufactured home in accordance with the requirements set forth in this Ordinance.
  18. Operator: The person who owns or IS responsible for the operation of a manufactured/mobile home park.
  19. Person: Any individual, firm, corporation, association or partnership.
  20. Planning Board: The Board appointed by the Columbus County Board of Commissioners pursuant to NCGS 153A-321.
  21. Planning Department: Columbus County Planning Director or designee.
  22. Pre-existing Mobile Home Parks: A manufacture/mobile home park, as defined by this Ordinance, that was in operation and occupied at the time of the effective date of this Ordinance.
  23. Public Water System: As defined by Article 10, Chapter 130A, and Section 313 (10) of the North Carolina General Statutes.
  24. Recreation Area or Park: An area of land and/or water resource that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.
  25. Solid Waste: Garbage, refuse, rubble, trash or other discarded materials resulting from industrial, commercial and agricultural operations, from community activities and from household use of products and materials, but does not include solids or dissolved materials and domestic sewage or other significant pollutants and water resources such as silt, dissolved or suspended solids and industrial pollutants, dissolved or suspended solids and industrial waste effluents, dissolved materials and irrigation, return flows or other common water pollutants.
  26. Technical Review Committee (TRC): A committee of representatives chosen by the Planning Department from various county and state departments and agencies involved with development to serve as a review resource of proposed development.

27. Tie Downs: Galvanized steel cables or strapping which "tie" a manufactured/mobile home and its steel frame to anchors embedded in the ground.
28. Tract: A piece of land whose boundaries have been described or delineated in a legal instrument or on a map submitted to the Planning Department as part of the application for a permit to construct or expand a manufactured/mobile home park.
29. Travel Trailer: A wheeled vehicular portable structure built on a chassis designed to be used as a temporary dwelling including, but not limited to, structures mounted on auto or truck bodies that are commonly referred to as campers.
30. Variance: A modification of the terms of this Ordinance where, as a result of conditions peculiar to the property, a literal enforcement of this Ordinance would result in an unnecessary hardship.
31. Wind Zone II: Structures built to withstand one hundred (100) miles per hour winds.
32. Wind Zone II Declaration Sticker: Map of the United States placed in a manufactured/mobile home by manufacturer designating Wind Zone placement areas.
33. Wind Zone II Designation: Minimum rating designation required for all manufactured/mobile homes to be set up in Columbus County.

C. NON-CONFORMING MANUFACTURED/MOBILE HOME PARKS (PRE-EXISTING PARKS)

Section C.1: Minimum Standards.

Manufactured/mobile home parks existing at the time of adoption of this Manufactured/Mobile Home Park Ordinance for which the Operator is not applying for expansion of or an addition or alteration to such pre-existing manufactured/mobile home park, and do not meet the minimum standards contained in Section D. Minimum Standards shall have sixty (60) days from the effective date of this Ordinance to comply with the following requirements:

1. Provide street names to be used in the parks;
2. Signage for park;
3. Solid waste disposal plan;
4. Register with the Columbus County Tax Office;
5. Register with the Columbus County Health Director;
6. Register with Columbus County Planning Department; and
7. Provide a road maintenance disclosure statement.

Section C.2: Letter of Compliance.

1. Upon compliance with A. 1. Through 7 above and the payment of the appropriate fees, the Letter of Compliance will be issued.
2. Operators of all Manufactured/Mobile Home Parks existing at the time of adoption of this Ordinance shall be required to obtain and maintain a current Letter of Compliance. Failure

of an Operator to renew the Letter of Compliance within thirty (30) days following the expiration of such Letter shall result in the permanent loss of the existing status. Once the Ordinance is adopted, Operators will have not more than sixty (60) days after adoption to obtain a Letter of Compliance. Any expansion of the manufactured/mobile home park, either in area or in the number of homes, shall also immediately result in the loss of existing status. Any manufactured/mobile home park which loses its existing status shall be required to meet all minimum standards contained in Section D: Minimum Standards before a new Letter of Compliance will be issued.

**D. MINIMUM STANDARDS OF DESIGN, CONSTRUCTION AND LAYOUT FOR OTHER THAN PRE-EXISTING MANUFACTURED/MOBILE HOME PARKS**

Section D.1: Minimum Manufactured/Mobile Home Park Size: All manufactured/mobile home parks created after the effective date of this Ordinance shall contain a gross land area of at least two (2) acres and shall contain at least three (3) manufactured/mobile home spaces for occupancy.

Section D.2: Phases of Development: Manufactured/Mobile Home Parks developed in phases shall be required to develop a minimum of three (3) spaces in the first phase and a minimum of four (4) spaces in all additional phases except where the remaining spaces to be developed are less than four (4). In such case, all remaining spaces must be developed in the final phase.

Section D.3: Drainage: No manufactured/mobile home park shall be so located that the drainage of the manufactured/mobile home park area will endanger any public or private water supply.

Section D.4: Flood Hazard: Manufactured/mobile home parks shall not be located in areas that are susceptible to regular flooding as noted on FEMA Maps. Existing manufactured/mobile home parks located in flood hazard areas shall not be allowed to add additional spaces or manufactured/mobile homes. Manufactured/mobile home spaces shall be graded so as to prevent water from ponding or accumulating on the premises.

Section D.5: Spaces: All new manufactured/mobile home parks or additions to existing manufactured/mobile home parks shall have manufactured/mobile home spaces complying with the following:

1. Where a community or municipal sewage disposal system is used, each manufactured/mobile home space shall be at least than forty (40) feet wide and not less than four thousand (4,000) square feet in size.
2. Where individual sewage disposal system is used, unless it is determined by the Health Director that additional area is needed, each manufactured/mobile home space shall be at least sixty (60) feet wide and not less than seven thousand two hundred (7,200) square feet in size for a single-wide unit; and no less than nine thousand six hundred (9,600) square feet in size for a double or triple-wide unit.



3. In all cases, the corners of every manufactured/mobile home space shall be plainly marked by corner markers. The distance between manufactured/mobile homes, including any enclosed extension thereof, shall be at least than fifteen (15) feet. No manufactured/mobile home shall be located closer than fifteen (15) feet to any property line of the manufactured/mobile home park or to any other structure on the premises and not closer than twenty-five (25) feet to any public street or highway right-of-way.

Section D.6: Access and Streets.

1. All manufactured/mobile home parks shall be provided with a network of streets, roads or driveways that will allow safe and convenient vehicular access to an improved public street from each manufactured/mobile home space. No Manufactured/Mobile Home Park space may have direct driveway access to public roads. Direct driveway access may not be misconstrued in the meaning as to serve other manufactured/mobile home park spaces as an entrance or a primary Manufactured/Mobile Home Park road.
2. All manufactured/mobile home park roads, streets, driveways and parking areas shall be constructed and maintained with an all-weather surface. The design and construction of the road cross section and associated drainage features shall be in compliance with the Division of Highways, North Carolina Board of Transportation Subdivision Roads / Minimum Design Standards with the exception that pavement surface (S9.5A or S9.5B) will not be required. Appropriate construction testing reports certifying compliance with N C DOT standards shall be provided to the Planning Department. As an alternative cross section to that specified in the referenced NCDOT standards, four (4") inches of ABC with a test certified sub-grade at ninety-eight (98%) percent compaction or six (6") inches of ABC with a non-certified compacted sub grade may be used.
3. Roads and streets within the manufactured/mobile home park shall have a minimum travel-way width of eighteen (18) feet and be aligned and graded to provide adequate drainage.
4. The intersection of the public street with the entrance way or private access road to the manufactured/mobile home park shall be designed to facilitate the free movement of traffic on the public street and to minimize the hazards caused by traffic entering or leaving the manufactured/mobile home park. All park entrance ways shall be hard surface, approved by the North Carolina Department of Transportation, and shall be well marked and lighted. All manufactured/mobile home spaces must be accessed through the use of the interior road network of the manufactured/mobile home park.
5. Through streets connecting two (2) public thoroughfares or extending to adjacent properties shall be built to minimum construction standards required by the North Carolina Department of Transportation for acceptance to the State Highway System. All through streets shall have approval by the North Carolina Department of Transportation.

Section D.7: Parking.

1. Each manufactured/mobile home park shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of a manufactured/mobile home shall not necessitate the use of any public street, sidewalk or right-of-way or any private grounds not part of the manufactured/mobile home park.
2. Each manufactured/mobile home space shall have parking space a minimum of 10' x 20' in size, sufficient to accommodate at least two (2) passenger vehicles, on four (4) inches of compacted well graded aggregate base course.

Section D.8: Exterior Lighting.

Adequate lights shall be provided to illuminate streets, common driveways, walkways and dead-end streets for the safe movement of vehicles and pedestrians at night. Minimum requirements will be based on 0.4 foot candles per light, spaced at a maximum of two hundred (200) feet between lights, and nine thousand five hundred (9500) lumens at a twenty-five (25) foot mounting height. Utility Company (Progress Energy or BEMC) lighting shall be acceptable as exterior lighting.

Section D.9: Planting Strip.

The manufactured/mobile home park shall have a planting strip not less than ten (10) feet wide adjacent to the manufactured/mobile home park property line extending along the entire perimeter of the manufactured/mobile home park. The planting strip shall not be a portion of any manufactured/mobile home space, street or private drive. It shall be planted with evergreen and/or deciduous trees not more than eight (8) feet apart and must be at least four (4) feet in height when planted, and a minimum of eight (8) feet tall at maturity. Dead trees must be replaced. It shall be adequately landscaped with grass and shrubbery in such a manner as to be harmonious with the landscaping and/or adjacent properties and in keeping with the general character of the surrounding neighborhood. A privacy fence at least six (6) feet in height may meet the planting strip requirements in such instances where landscaping is impracticable or in instances where the Planning Department determines that a fence would be the most effective buffer. All required planting strips must be continually maintained by the Operator. Failure to maintain any required planting strip may cause the manufactured/mobile home park Letter of Compliance to be withheld or revoked. The planting strip requirement may be waived where a property line of the manufactured/mobile home park abuts a natural vegetative area.

Section D.11: Numbering and Park Signs.

1. The Operator is responsible for obtaining manufactured/mobile home park space numbers from the Columbus County E-911 Addressing Office.
2. The Operator shall be required to install manufactured/mobile home space numbers. These numbers shall be at least six (6) inches in height and three (3) inches in width so as to clearly identify each manufactured/mobile home space from the street. These numbers

shall be displayed either on the manufactured/mobile home or on a post placed within the manufactured/mobile home space.

3. All streets within the manufactured/mobile home park will be named. The Operator shall obtain approval of all street names from Columbus County E-911 Addressing Office.
4. The Operator shall purchase all street signs through the Columbus County E-911 Addressing Office.
5. The Operator shall install such street signs in a manner so that the signs are visible and clearly identify the individual streets within the manufactured/mobile home park.
6. Street signs shall be erected before any manufactured/mobile homes enter the manufactured/mobile home park.
7. The Operator shall also be required to install a reflective or lighted manufactured/ mobile home park sign at all entrances which identifies the name of the manufactured/ mobile home park and lists a telephone number at which the Operator may be contacted. The sign must be visible from the road adjacent to the manufactured/mobile home park.
8. Each manufactured/mobile home park sign shall be a minimum of three (3) feet high and four (4) feet wide with letter/numbers at least six (6) inches high and three (3) inches wide, visible to traffic at entrances.

#### E. ADDITIONAL REQUIREMENTS AND RESTRICTIONS

##### Section E.1: Manufacture Date.

No manufactured/mobile home manufactured prior to July 1, 1976 shall be placed in a Manufactured/Mobile Home Park. A manufactured/mobile home that was manufactured prior to July 1, 1976, and is located in Columbus County as of the adoption of this Ordinance, may be moved to a new Manufactured/Mobile Home Park provided that all other regulations and codes are met.

##### Section E.2: Responsibilities and Duties of Operator.

1. The Operator shall be required to provide adequate supervision to maintain the manufactured/mobile home park in compliance with the requirements of this Ordinance. The Operator shall keep all park -owned facilities, improvements, equipment and all common areas in good repair and maintained in such a manner as to prevent the accumulation of storage of materials which could constitute a fire hazard or would cause insect or rodent breeding and harborage. Abandoned vehicle storage, the accumulation of junk, or the storage of possessions and/or equipment in the area beneath the manufactured/mobile homes is expressly prohibited in pre-existing and/or new manufacture/mobile home parks.
2. The Operator will use extermination methods and other measures that conform with the

- requirements of the Health Director to control insects and rodents.
3. The Operator will cause all lumber, pipes, and other building materials to be stored at least one (1) foot above the ground.
  4. Where the potential for insect and rodent infestation exists, the Operator will cause all exterior openings in or beneath any structure to be appropriately screened with wire, mesh or other suitable materials.
  5. The Operator will control the growth of brush, weeds, and grass so as to prevent harborage of ticks, chiggers, and other noxious insects. The manufactured/mobile home park will be maintained in such a manner as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
  6. Prior to the issuance of a Letter of Compliance, the Operator will provide in writing a road disclosure statement regarding the maintenance of manufactured/mobile home park roads. The disclosure will outline the Operator's plan for road upkeep and maintenance. The disclosure statement is required for pre-existing manufactured/ mobile home parks as well as new Manufactured/Mobile Home Parks.
  7. The Operator will ensure that all manufactured/Mobile Home Park roads will allow for unencumbered access for emergency and safety vehicles to enter and service emergency and safety needs of the residents of the manufactured/mobile home park.
  8. The Operator shall be required to observe the placement of all manufactured/mobile homes and to guarantee that no home is occupied until a current Certificate of Occupancy is issued by the Building Inspections Department.
  9. All applicable health regulations shall apply to manufactured/mobile home parks except where such regulations are in conflict with the provisions of this Ordinance, in which case the more restrictive provisions shall apply.
  10. The Operator shall pay all applicable fees as set out in the "Schedule of Fees for Manufactured/Mobile Home Parks." These fees are determined by the Planning Department and prominently posted in the Planning Department. Such schedule shall be prepared and posted by the Planning Department no later than the first Monday after the adoption of this Ordinance. Fees are subject to change with the most recent fee changes shown on a new "Schedule of Fees for Manufactured/Mobile Home Parks," which shall be posted within five (5) days of the effective date of the change.
  11. Failure to comply with any of these responsibilities and duties shall be cause to revoke or deny a manufactured/mobile home park Letter of Compliance.

Section E.3: Placement and Anchoring.

1. All manufactured/mobile homes within a manufactured/mobile home park shall be properly anchored, or provided with tie downs, in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, manufacturer's instructions and meet all code requirements.

2. All manufactured/mobile homes within a manufactured/mobile home park shall be a minimum of Wind Zone II Certified as designated by the North Carolina Department of Insurance.

Section E.4: Skirting.

Each manufactured/mobile home shall be properly installed with skirting that is anchored down and of the type that is manufactured specifically for such use. The skirting shall be made of a material compatible with the siding of the manufactured/mobile home.

Section E.5: Utility and Solid Waste Disposal Requirements

1. Sewage Disposal: Every manufactured/mobile home shall be provided with an adequate sewage disposal system by connection to a public sewage system or a septic tank system constructed in compliance with State regulations and approved by the Health Director.
2. Solid Waste Collection and Disposal:
  - a) The Operators of manufactured/mobile home parks shall provide for the collection of solid waste from the containers furnished by Operator, and transport of solid waste to certified disposal sites.
  - b) All garbage and refuse in every manufactured/mobile home park shall be stored in suitable water-tight and fly-tight metal receptacles (commercial dumpsters), which shall be kept covered with tight-fitting metal covers or other methods approved by the Health Director. It shall be the responsibility of the Operator to see that all garbage and refuse is disposed of regularly and in a sanitary manner.

Section E.6: Residential Units Not to Be Travel Trailers.

The Operator shall not permit a travel trailer to locate within the manufactured/mobile home park if used for any dwelling purpose whatsoever.

Section E.7: Non-Residential Uses.

No part of the manufactured/mobile home park may be used for non-residential purposes, except uses that are required for the direct servicing and wellbeing of the manufactured/mobile home park residents and for the management and maintenance of the manufactured/mobile home park.

Section E.8: Assist County Tax Assessor.

The Operator shall be required to comply with North Carolina General Statute 105-316 (a) (1) which requires that as of January 1st, of each year, the Operator of the manufactured/mobile home park renting spaces for three (3) or more manufactured/mobile homes, furnish to the County Tax Assessor the name of the owner of and a description of each manufactured/mobile home located

in the manufactured/mobile home park.

## F. COMPLIANCE

### Section F.1: Approval Required.

Until proper application has been made and approval granted by the Planning Board, no person shall:

1. construct or engage in the construction of any manufactured/mobile home park;
2. make any expansion of or addition or alteration to a manufactured/mobile home park that increases/decreases the number of manufactured/mobile homes within the manufactured/mobile home park;
3. alters the number of spaces available for manufactured/mobile homes within the manufactured/mobile home park; or
4. affects the facilities required within the manufactured/mobile home park.

### Section F.2: Exception for Farms.

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter any farm, as defined within this Ordinance. The farm owner may request that his farm be exempt from this Ordinance by submitting to the Planning Department a notarized statement stating that the manufactured/mobile homes on the farm property will be used for farm labor housing, which also includes NC Department of Labor certified "Migrant Camps", or family. The farm owner shall provide additional documentation as requested by the Planning Board as supporting proof of the notarized statement.

### Section F.3: Exception for Families.

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter families from occupying more than two (2) manufactured/mobile homes on a single tract of land. The family may request that the homes be exempt from this Ordinance by submitting to the Planning Department a notarized statement stating each and every manufactured/mobile home on the tract is owned and occupied by a family member as defined by in this Ordinance.

### Section F.4: Enforcement.

1. If the Planning Department shall find that any of the provisions of this Ordinance are being violated, it shall notify the Operator of the violation in writing, specifying the nature of the violation and what corrective actions must be taken. The Operator shall take the corrective actions within thirty (30) days of receipt of the notice.
2. The Building Inspections Department shall take any action authorized by law to ensure compliance with or to prevent violation of the provisions of this Ordinance.

3. An annual inspection of all Manufactured/Mobile Home Parks shall be conducted by the Planning Department to ensure that all provisions of this Ordinance are being met. The Operator shall be advised, in writing, of any deficiencies. Once the deficiencies are corrected and the inspection fee is paid, a Letter of Compliance shall be issued by the Planning Department.
4. All manufactured/mobile home parks shall be inspected annually by the Health Director.
5. Violation of any provision of this Ordinance constitutes grounds for refusing to issue, renew, or to revoke a Letter of Compliance.

Section F.5: Variances.

The Planning Board may grant a variance from this Ordinance when the Planning Board determines that compliance with this Ordinance will create an undue hardship. In granting any variance, the Planning Board shall make the findings below, taking into account the nature of the proposed manufactured/mobile home park and the probable effect of the manufactured/mobile home park upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds the following facts:

1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the Operator of the reasonable use of the property; and
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the Operator; and
3. The circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance; and
4. The granting of the variance will not be detrimental to the health, safety and welfare of the public or injurious to adjacent property; and
5. The granting of the variance will not confer on the Operator any special privileges; and
6. The granting of the variance will not be in contradiction to other local, state or federal regulations.

Section F.6: Penalties/Fines.

1. Criminal: The Operator who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than two hundred dollars (\$200.00) or imprisonment not to exceed thirty (30) days, as provided by NCGS 14-4(a).
2. Civil: In lieu of or in addition to the criminal penalties outlined above, the Operator who violates any provision of this Ordinance may be subject to a civil penalty under NCGS 153-AI23(c), not to exceed two hundred dollars (\$200.00). Each day such violation shall be permitted to exist shall constitute a separate offense. If the Operator does not pay such penalty within thirty (30) days of notification of its assessment, it may be recovered by the

County in a civil action in the nature of a debt. The Operator may contest said penalty in the court of appropriate jurisdiction.

Section F.7: Right of Appeal.

If a Letter of Compliance is denied or revoked, the Operator may appeal the action of the Planning Department to the Planning Board. Such appeal may be made by submitting written notice to the Planning Department. The Planning Board decisions may be appealed to the court of appropriate jurisdiction as provided by law.

G. APPLICATION PROCEDURE

Section G.1: Application for Approval.

1. Sketch Plan: Prior to a formal application, the Operator is encouraged to meet with the Planning Department in order to discuss the proposed manufactured/mobile home park. At or prior to such meeting, the Operator shall provide to the Planning Department three (3) copies of a sketch plan of the proposed manufactured/mobile home park. The plan shall show existing and proposed roads, proposed spaces, significant natural features (such as, but not limited to, watercourses, wetlands, floodplains, steep slopes), proposed solid waste facilities and any proposed amenities. The sketch plan must be to a scale and in such detail to convey the intent of the proposed manufactured/mobile home park. The sketch plan may be prepared by the Operator or his/her designee. The sketch plan does not require a Professional Engineer's nor a Licensed Surveyor's seal. The Planning Department may request that the sketch plan be reviewed by the Technical Review Committee but such review is not a required step in the approval process.
2. Application: Prior to the construction of a manufactured/mobile home park, or the expansion of an existing manufactured/mobile home park, the Operator shall make application to the Planning Department for a permit to construct or expand such manufactured/mobile home park. The application shall be complete when accompanied by three (3) copies of the proposed manufactured/mobile home park plan and any associated fee remitted to the Planning Department. Such proposed manufactured/mobile home park plan must meet the requirements of Section 2 herein below. The complete application shall become a permanent part of the records of the Planning Board.
3. Proposed Manufactured/Mobile Home Park Plan Requirements: The proposed manufactured/mobile home park plan shall be drawn at a scale no smaller than one (1) inch = one hundred (100) feet and must be drawn and sealed by a registered engineer or licensed surveyor and shall include the following:
  - a. The name of the manufactured/mobile home park, the names and addresses of the



- Operator and the registered engineer or licensed surveyor;
- b. Date, scale and approximate North arrow;
  - c. Boundaries of the tract shown with bearings and distances;
  - d. Streets, traffic circulation, walkways, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured/mobile home spaces and numbers, all structures to be located in the manufactured/mobile home park and total acreage of the manufactured/mobile home park;
  - e. Vicinity map showing the location of the manufactured/mobile home park and the surrounding land usage;
  - f. Names of adjacent property owners;
  - g. The existing and proposed plans for surface water drainage, street lights, water supply and solid waste and sewage disposal facilities;
  - h. A detailed plan for electrical installations prepared to meet the state and county codes;
  - i. A detailed drawing to scale of not less than one (1) inch = ten (10) feet shall be prepared of a typical manufactured/mobile home space showing the location of the manufactured/mobile home, all utilities, the patio, concrete footing, walks, parking spaces, driveways, and all other improvements; and
  - j. As necessary, provide information concerning phases of development.

Section G.2: Review.

1. Planning Department: The Planning Department shall present the proposed manufactured/mobile home park plan for review to the Technical Review Committee (TRC) within fifteen (15) days of receipt of the complete application.
2. Technical Review Committee: The TRC shall make any comments and suggestions concerning the proposed manufactured/mobile home park and return the proposed manufactured/mobile home park plan along with such comments and suggestions to the Planning Department within fifteen (15) days of the TRC receiving the plan. The Planning Department shall present the complete application with the TRC's comments and suggestions to the Planning Board at its next regularly scheduled Planning Board meeting.
3. Planning Board: The Planning Board shall review the complete application to determine if the proposed manufactured/mobile home park plan is in accordance with the requirements set forth in this Ordinance.
  1. If the Planning Board determines that the complete application does not comply with the requirements herein, then the Planning Board shall disapprove the complete application, state the reasons for such disapproval and make recommended changes. The disapproval, the reasons for disapproval and the recommended changes shall be given to the Operator.
  2. If the Planning Board approves the complete application, one (1) approved copy of the proposed manufactured/mobile home park plan shall be sent to the Building

Inspections Department and one (1) approved copy of the proposed manufactured/mobile home park plan shall be given to the Operator. The Planning Board shall also notify the Planning Department of its approval of the complete application.

4. Appeal: The Operator may appeal the decision of the Planning Board disapproving the complete application by making written request for a hearing before the Planning Board. Such appeal must be received by the Planning Department within ten (10) calendar days from the date of such disapproval. Failure to make such appeal within the time specified causes the Operator to lose all right to appeal the decision of the Planning Board. The Planning Department shall submit such appeal to the Chairman of the Planning Board within seven (7) days of receipt of such appeal. A hearing shall be scheduled within forty-five (45) days from the receipt of the notice of appeal. Notice of such hearing shall be mailed by certified mail, return receipt requested at least fifteen (15) days prior to the scheduled hearing. At the hearing the Planning Board shall allow the Operator and any person(s) the Operator wishes to present to the Planning Board to give information to the Planning Board concerning whether the Planning Board should reverse its decision. If the Planning Board upholds its decision to disapprove the complete application, the Operator is precluded from resubmitting the complete application for a 12-month period from the date of the hearing.

### Section G.3: Permits.

1. Letter Permitting Construction
  - a. After receiving notice of the approval of the proposed manufactured/mobile home park plan from the Planning Board, the Planning Department shall issue a letter informing the Operator that he may proceed with the construction of the manufactured/mobile home park according to the plan as approved by the Planning Board. The letter allowing construction shall not be construed to entitle the Operator to offer space for rent or lease, or to operate a manufactured/mobile home park.
  - b. The letter permitting construction shall be valid for twelve (12) months from the date of issuance. The Operator shall begin construction of the manufactured/mobile home park within twelve (12) months from the issuance date of the initial letter permitting construction. If the Operator has not begun construction within twelve (12) months from the issuance letter allowing construction, the Operator may request in writing to the Planning Board for an extension of time to begin construction by showing reasonable cause for the delay in beginning construction. The Planning Board may grant an extension of time to the Operator upon a showing of reasonable cause. If the Planning Board denies the Operator's request for an extension of time, the letter permitting construction expires and the Operator must

then resubmit the complete application.

2. Letter of Compliance

- a. When the Operator has completed the construction of the manufactured/mobile home park, he shall notify the Planning Department in writing. The Planning Department shall make an onsite inspection.
- b. If the manufactured/mobile home park conforms to the manufactured/mobile home park plan approved by the Planning Board, the Planning Department shall issue the Operator a Letter of Compliance. The Letter of Compliance issued to the Operator shall constitute authority to operate the manufactured/mobile home park.
- c. If the manufactured/mobile home park does not conform to the approved manufactured/mobile home park plan, the Planning Department shall not issue the Letter of Compliance until the manufactured/mobile home park comes into conformity.
- d. The Building Inspections Department shall not issue a Certificate of Occupancy until after the Letter of Compliance has been issued by the Planning Department.

Section G.4: Annual Review.

The Letter of Compliance shall expire after a one (1) year period and must be renewed annually. For manufactured/mobile homes without a Certificate of Occupancy, the Building Inspections Department shall withhold Certificate of Occupancy Permits until a current Letter of Compliance is issued.

Section G.5: Development in Phases.

When a manufactured/mobile home park is to be developed in phases, the proposed manufactured/mobile home park plan may be submitted for the entire development. All existing phases of a manufactured/mobile home park must have a current Letter of Compliance in order for any additional phases to be approved. The Operator may request a Letter of Compliance be issued for each phase completed.

Section G.6: Appeal.

If a Letter of Compliance is denied or revoked, the Operator may appeal the action of the Planning Department to the Planning Board. Such appeal may be made by submitting written notice to the Planning Department. The Planning Board decisions may be appealed to the courts of appropriate jurisdiction as provided by law.

H. AMENDMENT

1. The provisions of this Ordinance may be amended, supplemented, changed, modified or repealed by the County.

2. The Planning Board shall consider and make recommendations to the County concerning each proposed amendment.

## **ARTICLE 10. DEFINITIONS**

Definitions are presented in two (2) parts; Definitions Related to the Southeastern Community College Zoning Area; and Definitions Related to the General Use District Zoning Area. Some definitions are also included in the text of Article 9, Standards B and C.

### Section 1. Rules of Construction:

- A. Words used in the present tense shall include the future tense.
- B. Words used in the singular number shall include the plural number and the plural singular.
- C. The word "shall" and "will" are mandatory and not discretionary.
- D. The word "may" is permissive.
- E. The word "lot" shall include the words "parcel", "plot" and "tract".
- F. The word "building" and "structures" are synonymous.
- G. The phrase "used for" shall include the terms "intended to be used", or "intended for" and "designed for" and "occupied for".
- H. Words used here in the masculine gender shall be interpreted to include the feminine gender.

### Section 2. Definitions Related to Southeastern Community College Zoning Area.

Except where specifically defined herein, all words used in this Ordinance shall carry their customary meanings. Words used in the present tense include the future tense; the singular number includes the plural. The word shall is mandatory, not directory.

***Accessory Use.*** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

***Building.*** Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purpose, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, and mobile homes, and similar structures whether stationary or moveable.

***Building Accessory.*** A subordinate building, the use of which is incidental to that of a principal building on the same plot.

***Building, Principal.*** A building in which is conducted the principal use of the plot on which it is situated.

**Building Setback Line.** A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters, and similar fixtures, and the property line when measured perpendicularly thereto.

**Building Height.** The vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof.

**District.** Any section of the Southeastern Community College Area in which zoning regulations are uniform.

**Dwelling.** A building or portion thereof designed, arranged or used for permanent living quarters for one or more families. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, house trailer, or other structures designed for transient resident.

**Dwelling Unit.** A building or portion thereof designed, arranged or used for living quarters for one family.

**Dwelling, Single Family.** A detached building designed or occupied exclusively by one family.

**Dwelling, Two Family.** A building or portion thereof designed for or occupied exclusively by two families living independently of each other and doing their own cooking therein, including apartment houses.

**Family.** One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel.

**Garage, Private.** A garage used for storage purposes only and having a capacity of not more than three automobiles or not more than one automobile per family housed in the building to which such garage is accessory, whichever is the greater.

**Home Occupation.** Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and no person, not a resident of the premises, is employed in connection with the home occupation. Such occupation shall be carried on solely within the main dwelling and shall not occupy more than twenty-five (25) percent of the floor area the dwelling. Off-street parking shall be required.

**Junk Yard.** Any 1 and or area used, in whole or in part for commercial storage and/or sale of waste paper, rags, scrap, metal or other junk, and including storage of vehicles and machinery and dismantling or such vehicles or machinery.

**Lot.** A parcel of land occupied or to be occupied by one (1) main building or use, with its

accessories and including the open spaces necessary to it. No area shall be counted as accessory to more than one (1) main building or use, and no area necessary for compliance with the open space requirements for one (1) main building or use shall be included or counted in the calculation of the open space accessory to any other main building or use. For the purpose of this Ordinance the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one (1) principal building and its accessory buildings is located or intended to be located.

***Lot, Depth of.*** The mean horizontal distance between the front and rear lot lines.

***Lot, Corner.*** A lot or portion of a lot at the junction and abutting upon two (2) or more streets.

***Lot Lines.*** The lines bounding a lot as defined herein.

***Lot, Width.*** The mean horizontal distance between side lot lines.

***Nonconforming Use.*** A building or land occupied by a use that does not conform with the use regulations of the district in which it is situated.

***Parking Space.*** The storage space for one automobile of not less than eight (8) feet by twenty (20) feet plus the necessary access space. It shall always be located outside of the dedicated street right-of-way.

***Service Station.*** Any building or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station.

***Sign.*** An advertising or announcement device used to attract attention or to disseminate information. Sign restrictions in this Ordinance shall not apply to the following: traffic control devices; legal notices, noncommercial use of flags and insignias; mailbox numbers and names; house numbers and names; and noncommercial names of premises or occupants thereof which have areas of one (1) square foot or less.

***Sign, Accessory.*** An advertising service used to disseminate information concerning a person, place or thing, pertaining to the use of the land upon which it is located.

***Sign, Area.*** The sign shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof, which will encompass the entire advertising copy area.

***Sign, Independent.*** One (1) advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.

***Story.*** That portion of a building included between the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

**Street or Road.** A thoroughfare which affords the principal means of access to abutting property and has been accepted for maintenance by the State Highway Commission.

**Structures.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having more or less permanent location on the ground.

**Tourist Home.** A dwelling wherein rooms are rented as a home occupation to provide overnight accommodations for transient guests.

**Yard.** An open space on the same lot with a principal building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**Yard, Front.** An open space on the same lot with a principal building between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot. The depth or the front yard shall be measured between the front line of the building and the front line of the lot. Covered porches, whether enclosed or unenclosed shall be considered as part of the main building and shall not project into a required yard.

**Yard, Rear.** An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory buildings. The depth of the rear yard shall be measured between the rear line of the lot or the center line of the alley, if there be an alley, and the rear line of the main building.

**Yard, Side.** An open unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the front yard line to the rear line. If there be no front yard the front boundary of the side yard shall be the front line of the lot and if there be no rear yard the rear boundary of the side yard shall be the rear line of the lot.

**Zoning Enforcement Officer.** The official charged with the enforcement of the Zoning Ordinance.

### Section 3. Definitions Related to the General Use District Zoning Area.

Words and terms set forth below shall have the meanings ascribed to them. Any word, term(s) or phrase used in this Ordinance not defined below shall have the meaning ascribed to such word, term or phrase in the most recent editions of Merriam-Webster's Dictionary, Black's Law Dictionary unless, in the opinion of the Administrator, established customs or practices in Columbus County justify a different or additional meaning. Furthermore, for the purpose of this Ordinance, certain words, terms and phrases are herein defined as follows:

**Adult Business.** An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons. This includes any establishment

that, as their primary business, is involved in the sale of adult oriented literature, video recordings, etc.

***Asphalt Plants.*** A plant used for the manufacture of asphalt, macadam and other forms of coated road stone, sometimes collectively known as blacktop.

***Bona Fide Farms.*** A commercial agricultural use of a tract of five (5) or more acres used exclusively for the raising of crops, livestock, or other plants and animals, including orchards, vineyards, and nurseries, along with any buildings and structures that are customarily and necessarily incidental to such activities, as set forth in NCGS 105-277.1 et seq. This shall include the retail sale of agricultural products grown or raised on the premises or agricultural products purchased for resale. In addition, this Ordinance does not impose nor exercise any controls over croplands, timber lands, pasture lands, orchards, or idle or other farmlands. Nor does it exercise control over any farmhouse, bam, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm. Residences for non-farm use or occupancy and other non-farm uses shall be subject to the provisions of this Ordinance.

***Cement Mixing Facilities.*** A facility that combines various ingredients to form concrete. Some of these inputs include sand, water, aggregate (rocks, gravel, etc.), fly ash, potash, and cement. This includes ready mix and central mix plants.

***Chemical Manufacturing.*** The mechanical or chemical transformation of materials and substances into new products, including the assembly of component parts and the blending of materials.

***Chemical Storage Facility.*** Chemical storage facilities are places for bulk storage of any raw chemicals not covered by other categories. They may be either gas, liquid, or solid. This does not include warehouse storage of packaged chemicals or chemical products.

***Comprehensive Land Use Plan.*** A general plan for the future development of Columbus County, adopted by the Columbus County Board of Commissioners according to the provisions of the North Carolina General Statutes.

***Chipping Mill.*** The conversion of wood or logs into wood chips.

***Electronic Gaming Ordinance.*** A business enterprise, whether principal or accessory, where persons may play games on on-site machines/terminals/computers that reveal the results of sweepstakes or similar contests associated with the on-site purchase of internet time, phone time, office supply or other retail good; and where redeemable cash sweepstakes awards (government issued coins and bills in hand) in amounts of \$10.00 or more may be received. This definition does not apply to any game or process prohibited by N.C.G.S. §§ 14-304 through 14-309 or to any game



regulated by the North Carolina Education Lottery Commission.

**Electrical Generating Facility.** An industrial facility also referred to as a power station, generating stations, power plants, power house or generating plant is an industrial facility for the generation of power.

**Explosive Manufacturing.** Explosive and emulsion manufacturing projects.

**Firing Range.** A specialized facility designed for firearms practice where ammunition is used. May be indoor or outdoor.

**Fuel Oil Bulk Storage.** Storage facilities where 30,000 gallons or greater of fuel is stored.

**Industrial Uses.** Any use or category of uses that meet the criteria set forth below for Heavy, Light, or Industrial Park uses:

1. Heavy Industrial -Intensive industrial processes that encompass more than one acre and generate EPA controlled discharges as part of their by product, and by their nature, create high decibel noise, smoke, or dust. May also include mining and related excavations and extractions of material for sale off site, asphalt plants, explosive manufacturing, chemical manufacturing, paper mills, and large scale wood processing operations.
2. Light Industrial -Industry that is less intensive and not otherwise covered by the definition of Heavy Industry. Examples may include, but not be limited to, small manufacturing, small spinning/sewing operations, solar farms, cement mixing facilities, warehousing, small scale craft and wood working facilities.
3. Industrial Park -Large tracts of land that are designated as an industrial park, typically operated by the County, that has water and sewer available to it.

**Junk, Storage, Recycling, Reclamation, or Salvage Yards.** Any area, in whole or in part, where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled, or handled, including, however not limited to: scrap iron and other metals, scrap building/construction materials, plastic pipe, paper, rags, vehicles, vehicle parts and components, rubber tires, bottles, cans and household goods. The term includes junkyards and auto wrecking yards but does not include uses established entirely within enclosed buildings.

**Landfill (Demolition & Sanitary).** A sanitary landfill is a site used for the disposal of solid wastes beneath layers of soil and other materials. A demolition landfill is a site that is used for the disposal of stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth and other solid wastes resulting from construction, demolition or land clearing.

**Land Application of Waste.** Land application of any human or animal waste, treated or untreated.

**Manufactured Mobile Home.** A structure defined by the Manufactured/Mobile Home Park Ordinance for Columbus County as approved November 3, 2009 and as may be amended.

**Manufactured Home Park.** A parcel (or contiguous parcels) of land as defined by the Manufactured/Mobile Home Park Ordinance for Columbus County as approved November 3, 2009 and as may be amended.

**Meat Packing Facility.** A facility used for processing and packing meats to be sold for wholesale.

**Mining.** The breaking or disturbing of surface soil or rock in order to remove minerals to make them suitable for commercial, industrial or construction use.

Mining does not include:

- Those aspects of deep mining not having significant effect on the surface, where the affected land does not exceed one acre in area;
- Excavation or grading when conducted solely in aid of on-site farming or of on-site construction for purposes other than mining, such as constructing a residence, garage, commercial or industrial building;
- Excavation or grading when conducted in aid of construction borrow pits in conjunction with site prep for an approved development;
- Mining operations where the affected land does not exceed one (1) acre in area;
- Plants engaged in processing minerals produced elsewhere and whose refuse does not affect more than one (1) acre of land; or,
- Removal of overburden and mining of limited amounts of any ores or mineral solids when done only for the purpose of and to the extent necessary to determine the location, quantity, or quality of any natural deposit, provided that no ores or mineral solids removed during exploratory excavation or mining are sold, processed for sale, or consumed in the regular operation of a business, and provided further that the affected land resulting from any exploratory excavation does not exceed one (1) acre in area.

**Nonconforming Use.** The use of a building, mobile home, or land which does not conform to the use regulation of this Ordinance, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated. Any building or land use covered by this Ordinance that is not operational during a one (1) year period from adoption of this Ordinance shall be considered a nonconforming use.

**Propane or Gasoline Bulk Storage.** The storage of product at 30,000 gallons or greater for the

purpose of an individual or corporation to sell various quantities for profit.

**Race Tracks (Includes Go-Cart, Motocross, etc.).** Any facility used for the purpose of racing vehicles such as cars, four-wheelers, dirt bikes, go-carts, etc.

**Recreation Vehicle (RV) Campgrounds.** Any site or tract of land upon which fifteen (15) or more recreational vehicle spaces are provided for temporary occupancy. A recreational vehicle park shall also be known as a campground or travel trailer park.

**Site Plan.** A specific and detailed plan of development meeting the requirements of this ordinance.

**Solar Farm/Park.** Any parcel of land one (1) acre or greater where solar panels are located for the purpose of selling power. (See Light Industrial)

**Wireless Communication Facility.** A Wireless Communication Facility is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

**Wireless Telecommunication Tower.** Any tower or structure erected for the purpose of supporting, including, but not limited to, one or more antennas designed to transmit or receive television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. Alternative structures, as defined by this Ordinance, are considered towers by this definition. The following shall not be included in this definition:

- Amateur radio facilities with antennas mounted on supporting structures less than 100 feet in height;
- Residential antennas for receiving television or AM/FM radio broadcasts;
- Residential satellite dishes; or,
- Commercial or industrial satellite dishes that are less than 20 feet in height.”

Approved and Adopted by the Columbus County Board of Commissioners on the 21st day of February, 2022.

### **PART 3 – SUBDIVISION REGULATIONS ORDINANCE**

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**ARTICLE 1 - INTRODUCTORY PROVISIONS**

Section 1. Title.

This ordinance shall be known and may be cited as the Subdivision Regulations of Columbus County, North Carolina, and may be referred to as the Subdivision Regulations.

Section 2. Purpose.

The Purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Columbus County. It is further designed to provide for the orderly growth and development of Columbus County: for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote the public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

Section 3. Authority.

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

Section 4. Jurisdiction.

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern each and every subdivision within Columbus County outside of the jurisdiction of any incorporated municipality.

Section 5. Prerequisite to Plat Recordation.

After the effective date of this ordinance, each individual subdivision plat of land within Columbus County's jurisdiction shall be approved by the Columbus County Planning Board.

Section 6. Acceptance of Streets.

Reserved.

Section 7. Thoroughfare Plans.

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of Columbus County, such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this ordinance.

Section 8. Adequate Public Facilities.

To insure public health, safety, and welfare, the Columbus County Planning Board and the Technical Review Committee shall review each proposed subdivision to determine if public facilities are adequate to serve the development. The public facilities include, but are not limited to schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining whether facilities are adequate. The Planning Board may recommend denial of a proposed subdivision if it determines that existing public facilities are not adequate.

Section 9. Zoning and Other Plans.

Proposed subdivisions must comply in all respects with the requirements of the zoning ordinance if in effect in the area to be subdivided, and other officially adopted plans.

**ARTICLE 2 - LEGAL PROVISIONS**

Section 1. General Procedure for Plat Approval.

After the effective date of this ordinance, except for as provided for in Article 5, Section 1, no subdivision plat of land within Columbus County jurisdiction shall be filed or recorded until it has been submitted to and approved by the Columbus County Planning Board as set forth in Article 1, Section 5, and until this approval is entered in writing on the face of the plat by the Chairman and attested by Columbus County Clerk. The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Columbus County that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

Section 2. Statement of Owner.

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of Columbus County.

Section 3. Effect of Plat Approval on Dedications.

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat shall not be construed to do so.

Section 4. Penalties for Violation.

- A. After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Columbus County Register of Deeds (excepting the presale or pre-leasing of unrecorded lots referencing an approved Preliminary Plat and subject to the requirements of Article 3, Section 3) shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County through its attorney or other official designated by the Board of Commissioners may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.
- B. The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$500.00 to be recovered by Columbus County. Violators shall be issued a written citation, which must be paid within ten (10) days.
- C. Each day's continuing violation of this ordinance shall be a separate and distinct offense.
- D. Notwithstanding Subsection 4.B above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.
- E. The County may cause building permits to be denied for lots that have been illegally subdivided.
- F. Nothing in this section shall be construed to limit the use of remedies available to Columbus County. Columbus County may seek to enforce this ordinance by using anyone, all, or a combination of remedies. In addition to other remedies, the County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

Section 5. Severability.

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 6. Variances.

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, upon the written request of the subdivider, the Planning Board may recommend a variance hearing be set to consider such variance to the terms of this ordinance only to the extent that is absolutely necessary and not to an extent which violates the intent of this ordinance. The variance process shall follow the Developers Agreement process set by G.S. 160A-400.20 to 400.32 including all required public hearings and associated fees. The Board of Commissioners prior to making a decision regarding the variance request shall seek the written recommendation of the Technical Review Committee and the Planning Board. The schedule of fees for all variance requests shall be approved by the Board of Commissioners and posted in the Planning Department.

Section 7. Amendments.

The Board of Commissioners may from time-to-time amend the terms of this ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation). The Planning Board shall have sixty (60) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment. The governing body shall adopt no amendment until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) to twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

Section 8. Development Moratoria.

The County may adopt temporary moratoria on any County development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

- A. Notice of Public Hearing. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of sixty (60) days or any shorter period, the Board of County Commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in

the area not less than seven (7) days before the date set for the hearing. A development moratorium with a duration of sixty-one (61) days or longer, and any extension of a moratorium so that the total duration is sixty-one (61) days or longer, is subject to the published newspaper notice and hearing requirements required for an amendment to this ordinance as found in Section 7.

- B. Application of Moratorium on Existing/Pending Permits and Approvals. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Section shall not apply to development set forth in a site-specific or phased development plan approved pursuant to a granted vested right, or to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the County prior to the call for the public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the County prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.
- C. Contents of Ordinance Adopting Moratorium. Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:
- 1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the County and why those alternative courses of action were not deemed adequate.
  - 2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
  - 3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
  - 4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the County during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.
- D. Extension of Moratorium. No moratorium may be subsequently renewed or extended for any additional period unless the County shall have taken all reasonable and feasible steps proposed to be taken by the County in its ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in Section 8.C, including what new facts or conditions warrant the extension.



E. Judicial Review. Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this Section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the County shall have the burden of showing compliance with the procedural requirements of this Section.

Section 9. Abrogation.

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 10. Re-Enactment and Repeal of Existing Subdivision Ordinance.

Reserved.

Section 11. Administrator.

The holder of the office of Columbus County Planning Director is hereby appointed to serve as Subdivision Administrator.

**ARTICLE 3 - PROCEDURE FOR REVIEW AND APPROVAL  
OF SUBDIVISION PLATS**

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Section 1. Plat Shall Be Required on Any Subdivision of Land.

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

Section 2. Approval Prerequisite to Plat Recordation.

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Columbus County as established in Section 104 of this ordinance shall be recorded by the Register of Deeds of Columbus County until it has been approved as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

Section 3. Presale/Prelease of Unrecorded Lots Permitted Upon Approval of Preliminary Plan/Plat.

- A. The subdivider, upon approval of a preliminary plan/plat, may enter into contracts to sell or lease the lots shown on the approved preliminary plan/plat, provided that the contract does all of the following:
- 1) Incorporates as an attachment a copy of the approved preliminary plan/plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the approved and recorded final plat prior to closing and conveyance.
  - 2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plans/plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final approved and recorded plat differs in any material respect from the approved preliminary plan/plat.
  - 3) Provides that if the approved and approved and recorded final plat does not differ in any material respect from the plan/plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor or to close any earlier than five (5) days after the delivery of a copy of the final approved and recorded plat.
  - 4) Provides that if the approved and recorded final plat differs in any material respect from the approved preliminary plan/plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen (15) days after the delivery of the final approved and recorded plat, during which fifteen (15) day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

- B. The provisions of this Section shall not prohibit any owner or his/her agent from entering into contracts to sell or lease land by reference to an approved preliminary plan/plat for which a final plat has not been properly approved under this ordinance or recorded with the Office of the Columbus County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the requirements of this ordinance and recorded in the Office of the Columbus County Register of Deeds.

Section 4. Procedures for Review of Major and Minor Subdivisions.

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in Sections 6 through 7. Minor subdivisions shall be reviewed in accordance with the provisions in Section 5. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the abbreviated procedure. Furthermore, the abbreviated procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary or final plat approval. A minor subdivision is defined as one involving no new public or private street or roads, or, right-of-way dedication, no easements, no extension of public water and/or sanitary sewerage systems other than to serve individual lots, where the entire tract to be subdivided will result in ten (10) or fewer lots after the subdivision is completed.

**CATEGORY: MINOR SUBDIVISIONS**

Section 5. Procedure for Review of Minor Subdivision.

- A. Preliminary Plan for Minor Subdivisions. Prior to submission of a final plat, the subdivider shall submit to the Administrator five (5) copies of a Preliminary Plan of the proposed subdivision containing the following information:
- 1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions roads, and waterways;
  - 2) The boundaries of the tract and the portion of the tract to be subdivided;
  - 3) The total acreage to be subdivided;
  - 4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;

- 5) The existing street layout and right-of-way width, lot layout and size of lots;
- 6) The name, address and telephone number of the owner;
- 7) The name, if any, of the proposed subdivision;
- 8) Streets and lots of adjacent developed or platted properties;
- 9) The zoning classification (if applicable) of the tract and of adjacent properties;
- 10) A Statement from the Columbus County Health Department that a copy of the Preliminary Plan has been submitted to them, if septic tanks or other onsite water or waste water systems are to be used in the subdivision, and that all lots meet applicable requirements.

The Preliminary Plan shall be submitted to the Planning Director or his designee for review. The Planning Director or his designee shall review the Preliminary Plan for general compliance with the requirements of this ordinance and the zoning ordinance if applicable. The Planning Director shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat. One (1) copy of the Preliminary Plan will be retained in the Planning Department's records and the remaining copies will be returned to the subdivider.

- B. Final Plat for Minor Subdivisions. Upon approval of the Preliminary Plan by the Planning Director or his designee, the subdivider may proceed with the preparation of the final plat in accordance with the requirements of this ordinance.

The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.

Five (5) copies of the final plat shall be submitted, two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina where applicable, and the requirements of the Columbus County Register of Deeds. The final plat shall be of a size suitable for recording with the Columbus County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines. Submission of the final plat shall be accompanied by a filing fee of \$50.00. This final plat shall meet the specifications in Section 308.

The following signed certificates shall appear on all five (5) copies of the final plat:

- 1) Certificate of Ownership and Dedication

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“I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Columbus and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

\_\_\_\_\_”  
Date \_\_\_\_\_ Owner \_\_\_\_\_

The certificate of the Notary to the owner's signature shall read as follows:

“State of \_\_\_\_\_  
County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the State and County aforesaid, hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Notary Public Seal Stamp

My Commission expires: \_\_\_\_\_ “

2) Certificate of Survey and Accuracy in accordance with G.S. 47-30:

There shall appear on each plat a certificate by the person under whose supervision such surveyor such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgements by the Professional Land Surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed. The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plate before adjustments and shall be in substantially the following form:

"I \_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book \_\_, Page \_\_, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book, Page \_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this \_\_ day of, A.D. 2010.

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Surveyor Seal or Stamp  
Registration Number \_\_\_\_\_”

3) Certificate of Review Officer

“I, \_\_\_\_ Review Officer of Columbus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer Date

4) Certificate of Approval for Recording

“I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the County of Columbus, North Carolina and that this plat has been approved by the Columbus County Planning Director for recording in the Office of the Register of Deeds of Columbus County.

\_\_\_\_\_  
Planning Director Date

If the final plat is disapproved by the Planning Director the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Planning Director as part of the proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by Planning Director. If the final plat is approved by the Planning Director, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the County Clerk, and one (1) print shall be returned to the Planning Department for its records. The subdivider shall file the approved final plat with the Register of Deeds of Columbus County within 90 days of Planning Board approval; otherwise such approval shall be null and void.

- C. Utilities. Any minor subdivision approved administratively by the person designated as the Planning Director and not defined as a major subdivision will be required to hookup to an existing county water (and/or sanitary sewer system) where available within three hundred (300') feet of the subdivision property boundary. The provision does not apply to lots with an existing well at the time of adoption of this ordinance. If an existing well requires replacement,

the property owner will be required to hookup to an existing county water system where available.

### **CATEGORY: MAJOR SUBDIVISIONS**

#### **Section 6. Sketch Plan Submission and Review for Major Subdivisions.**

- A. For every subdivision within the territorial jurisdiction established by Section 104 of this ordinance, the subdivider shall meet with the Planning Department in order to discuss the proposed subdivision. At or prior to such meeting, the Subdivider shall provide to the Planning Department three (3) copies of a Sketch Plan of the proposed subdivision.
- B. The sketch plan shall provide the required information as indicated on the "Plan / Plat Information Chart" in Section 308 and shall be to a scale and in such detail to convey the intent of the proposed subdivision. The sketch plan may be prepared by the subdivider or his/her designee.
- C. The sketch plan does not require a Professional Engineer's nor a Licensed Surveyor's seal.
- D. The Planning Department may request that the sketch plan be reviewed by the Technical Review Committee (TRC) but such review is not a required step in the approval process and is the option of the Planning Department.
- E. Review comments will be provided during the meeting and in writing within seven (7) days after the meeting unless the Planning Department requires that the TRC review the plan, in which case their comments shall be provided in writing within 15 days of initial submittal.

#### **Section 7. Preliminary Plat Submission and Review for Major Subdivisions.**

##### **A. Submission Procedure**

- 1) For every subdivision within the territorial jurisdiction established by Article 1, Section 4 of this ordinance and after Sketch Plan comments have been provided as per Section 6, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the Board of County Commissioners before any construction or installation of improvements may begin.
- 2) Five (5) copies of the preliminary plat and any additional copies which the subdivision administrator determines are needed to be sent to other agencies shall be submitted to the administrator of this ordinance at least 21 days prior to the Planning Board meeting at which the subdivider desires the review of the preliminary plat.
- 3) Preliminary plats shall meet the specifications in Article 3, Section 8 and contain the following information:
  - a) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
  - b) The boundaries of the tract and the portion of the tract to be subdivided;
  - c) The total acreage to be subdivided;

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- d) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
  - e) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
  - f) The name, address, and telephone number of the owner;
  - g) The name, if any, of the proposed subdivision;
  - h) Streets and lots of adjacent developed or platted properties.
  - i) The zoning classification (if applicable) of the tract and of adjacent properties;
  - j) A statement from the Columbus County Health Department that a copy of the Preliminary Plan has been submitted to them, if septic tanks or other onsite water or waste-water systems are to be used in the subdivision.
- B. Review by Other Agencies. After having received the preliminary plat from the subdivider, the subdivision administrator shall submit copies of the preliminary plat and any accompanying material to the Technical Review Committee (TRC). The TRC shall have ten (10) days to review and provide comments to the administrator. At the option of the administrator a meeting of the TRC may be required.
- C. Procedure:
- 1) The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least 21 days after the Administrator receives the preliminary plat from the subdivider.
  - 2) The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within 45 days of its first consideration of the plat.
  - 3) If the Planning Board recommends approval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit three (3) copies of the plat to the administrator with its recommendation, and return the final copy to the subdivider.
  - 4) If the Planning Board recommends conditional approval of the preliminary plat it shall keep one (1) copy of the plat for its minutes, transmit three (3) copies of the plat and its recommendation to the administrator, and return the remaining copy of the plat and its recommendation to the subdivider.
  - 5) If the Planning Board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit three (3) copies of the plat and its recommendation to the administrator, and return the remaining copy of the plat and its recommendation to the subdivider.
  - 6) If the preliminary plat is disapproved, the subdivider may make the recommended changes and submit a revised preliminary plat, or appeal the decision to the Board of County Commissioners.



- 7) If the Planning Board does not make a written recommendation within 45 days after its first consideration of the plat, the subdivider may apply to the Board of County Commissioners for approval or disapproval.
- 8) Once the Planning Board has provided the recommended action of the preliminary plat the subdivider shall request in writing that the Administrator place the Preliminary Plat on the agenda of next available Board of County Commissioner meeting. During such meeting the Administrator shall present the TRC comments and the Planning Board's recommendation. The subdivider shall be provided time for comments. The Board of Commissioners shall have 30 days to decide the status of the Preliminary Plat.

Section 8. Final Plat Submission and Review for Major Subdivisions.

A. Preparation of Final Plat and Installation of Improvements. Upon approval of the preliminary plat by the Board of County Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of, or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. No final plat will be accepted or reviewed by the Planning Board unless accompanied by written notice by the County Clerk acknowledging compliance with any applicable improvement or guarantee standards of this ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

B. Improvement Guarantee:

- 1) Agreement and Security Required. In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the County of Columbus may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the County Commissioners, a performance guarantee authorized by N.C.G.S 153-A-331 not exceeding 1.25 times the entire cost as provided herein.

If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the County Commissioners an agreement between the financial institution and himself guaranteeing the following:

- a) That said escrow account shall be held in trust until released by the County Commissioners and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
  - b) That in the case of a failure on the part of the subdivider to complete said improvements the financial institution shall, upon notification by the County Commissioners, and submission by the County Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvement up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.
- 2) Default. Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance guarantee the financial institution holding the escrow account shall, if requested by the County Commissioners pay all or any portion of the performance guarantee to the County of Columbus up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the County Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all improvements.
- 3) Release of Guarantee Security. The County Commissioners may release a portion of any performance guarantee posted as the improvements are completed and recommended for approval by the Planning Board. Within 45 days after receiving the Planning Board recommendation, the County Commissioners shall approve said improvements. If the County Commissioners approve said improvements, then it shall immediately release any security posted.
- C. Submission Procedure. If the final plat is the same as the preliminary plat, with no changes, or if the preliminary plat was conditionally approved and those conditions are met in the final plat, the final plat may be administratively approved by the Planning Director or his designee. Otherwise, the subdivider shall submit the final plat, so marked, to the Administrator not less than ten (10) working days prior to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Planning Board on or before the twelfth month anniversary of the approval. The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina. Five (5) copies of the final plat shall be submitted; two (2) of these shall be

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on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Columbus County Register of Deeds. The final plat shall be of a size suitable for recording with the Columbus County Register of Deeds and shall be at scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee of \$100.00. The final plat shall meet the specifications in Section 8 of this ordinance.

The following signed certificates shall appear on all five (5) copies of the final plat:

1) Certificate of Ownership and Dedication

“I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Columbus and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer and water lines, if any, to the Utility entity.

\_\_\_\_\_”  
Owner Date

The certificate of the Notary to the owner's signature shall read as follows:

“State of \_\_\_\_\_  
County of \_\_\_\_\_

I, \_\_\_\_\_ a Notary Public of the State and County aforesaid, hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this the \_\_ day of \_\_\_\_\_, 20\_\_.

Seal Stamp \_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_”

2) Certificate of Survey and Accuracy

In accordance with G.S. 47-30 there shall appear on each plat a certificate by the person under whose supervision such surveyor such plat was made, stating the origin of the information shown on the plat, including a recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be

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clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the Professional Land Surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed. The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments and shall be in substantially the following form:

"I \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book \_\_, Page \_\_, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_, Page \_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this \_\_ day of \_\_\_\_\_, 20 \_\_  
Surveyor Seal or Stamp  
Registration Number \_\_\_\_\_"

3) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements and Payment of Filing Fee

"I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to County specifications and standards in the \_\_\_\_\_ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the County of Columbus has been received, and that the filing fee for this plat, in the amount of \$ \_\_\_\_\_ has been paid.

\_\_\_\_\_  
Subdivision Administrator for Columbus County      Date

4) Certificate of Review Officer

"I, \_\_\_\_\_, Review Officer of Columbus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer      Date

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least 25 days after the Administrator receives the final plat. The Planning Board shall recommend approval, conditional approval with modifications to bring the plat into compliance, or disapproval of the final plat with reasons within 25 days of its first consideration of the plat. If the Planning Board recommends approval of the final plat it shall



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Section 9. Information to be Contained in or Depicted on Final Plats for Minor Subdivisions and Preliminary and Final Plats for Major Subdivisions.

The sketch, preliminary and final plats shall depict or contain the information indicated in the following table. An “X” indicates that the information is required.

<b>INFORMATION TITLE BLOCK CONTAINING:</b>	<b>SKETCH PLAN</b>	<b>PRELIMINARY PLAT</b>	<b>FINAL PLAT</b>
Property Designation	X	X	X
Name of Owner		X	X
Location (including township, county, state)	X	X	X
Dates of survey and drawing		X	X
Scale (feet per inch)	X	X	X
Bar Graph		X	X
Name, Address, Registration Number and Seal of Professional Land Surveyor		X	X
Name of Subdivider		X	X
A sketch vicinity map showing the relationship between the proposed subdivider and surrounding area	X	X	X
Corporate limits, township boundaries, county lines if on the subdivision tract	X	X	X
The names, address and telephone numbers of all owners, mortgages, Professional Land Surveyor, land planner architects, landscape architects, and professional engineers responsible for the subdivision		X	X
The registration numbers and seals of the professional engineers		X	X

<b>INFORMATION</b>	<b>SKETCH PLAN</b>	<b>PRELIMINARY PLAT</b>	<b>FINAL PLAT</b>
Date of plat preparation		X	X
North arrow and orientation	X	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown Note: 1 approximate on sketch plan	X	X	X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X	X
The names of owners of adjoining properties		X	X
The names of any adjoining subdivisions of record or proposed and under review	X	X	X

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Minimum building setback lines		X	X
The zoning classifications of the tract to be subdivided and adjoining properties (if applicable)	X	X	X
Existing property lines on the tract to be subdivided and on adjoining properties		X	X
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X	
Proposed lot lines, lot and block numbers, and approximate dimensions	X	X	
The lots numbered consecutively throughout the subdivision		X	
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	X	X	
The exact location of the flood hazard, floodway and floodway fringe areas from the county's FHBM or other FEMA maps		X	X
The following data concerning streets:			
Proposed streets	X	X	X
Existing and platted streets on adjoining properties and in the proposed subdivision	X	X	X
Rights-of-way, location and dimensions		X	X
Pavement widths		X	
Approximate grades		X	
Design engineering data for all comers and curves			X
Typical street cross sections		X	
Street names		X	X
Street maintenance agreement in accordance with Article 4, Section 5.A. of this Ordinance		X	X

<b>INFORMATION</b>	<b>SKETCH PLAN</b>	<b>PRELIMINARY PLAT</b>	<b>FINAL PLAT</b>
Type of street dedication; all streets must be designated either "public" or "private" Where all public streets are involved which will not be dedicated to a municipality, the subdivider must submit the following documents to the N.C. Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal I alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for		X	X

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either the curb and gutter or the shoulder and ditch proposed, drainage facilities and drainage areas.			
Where streets are dedicated to public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Article 4, Section 5. B. of this ordinance Where streets are dedicated to public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Article 4, Section 5. B. of this ordinance.		X	X
If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the N.C. Department of Transportation, Division of Highways' Manual on Driveway Regulations. Evidence that the subdivider has obtained approval.		X	X
<b>The location and dimensions of all:</b> Utility and other easements		X	X
Areas to be dedicated to or reserved for public use	X	X	X
Areas to be used for purposes other than residential with the areas to be used for purposes other than residential with purpose of each stated		X	
The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands		X	X
<b>The plans for utility layouts including:</b> Sanitary sewers	X	X	
Storm Sewers		X	
Other drainage facilities, if any		X	
Water distribution lines	X	X	
Natural gas lines		X	
Telephone lines		X	

INFORMATION	SKETCH PLAN	PRELIMINARY PLAT	FINAL PLAT
Electric lines Note: 1 Required on final plat only of minor subdivision		X	
Illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blow-offs, manholes, force mains and gate valves		X	
Plans for individual water supply and sewage disposal systems, if any		X	
Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers		X	
Site calculations including:			
Acreeage in total tract to be subdivided		X	X



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Acreage in other nonresidential uses		X	X
Total number of parcels created		X	X
Acreage of smallest lot in subdivision Note: 1 On final plat show SF of all lots		X	
Linear feet in streets		X	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	X	X	X
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one tenth of a foot and all angles to the nearest minute.		X	X
The accurate locations and descriptions of all monuments, markers and control points			X
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.		X	X
A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required.		X	
Topographic map if required.		X	
All certifications required in Article 3, Section 7. (For major Subdivisions)		X	X
Any other information considered by either the subdivider, Planning Board, or County Commissioners to be pertinent to the review of the plat.		X	X

Section 10. Recombination of Land.

- A. Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- C. Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force

and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.

- D. When lots have been sold, the plat may be vacated in the manner provided in subsections A through C above by all owners of the lots in such plat joining in the execution of such writing.

Section 11. Re-subdivision Procedures.

For any re-platting or re-subdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

**ARTICLE 4 - REQUIRED IMPROVEMENTS, DEDICATIONS, RESERVATIONS,  
AND MINIMUM STANDARDS OF DESIGN**

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Section 1. General.

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

Section 2. Suitability of Land.

- A. Land which has been determined by the Planning Board on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- B. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Columbus County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

- C. Flood Hazard: Subdivisions and all improvements within the subdivisions be designed, constructed and maintained in compliance with the Columbus County Flood Prevention regulations, Code of Ordinances Chapter 10, Part 1.

Section 3. Name Duplication.

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Columbus County.

Section 4. Subdivision Design.

A. Blocks.

- 1) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements, if any; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- 2) Blocks shall not be less than 400 feet or more than 1,800 feet.
- 3) Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from a collector street or road, a nonresidential use, adjacent to the subdivision boundary, in nonresidential subdivisions, or where abutting a water area.
- 4) Where deemed necessary by Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- 5) Block numbers shall conform to the County street numbering system.

B. Lots.

- 1) If applicable, all lots in new subdivisions shall conform to any zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance.

It is not sufficient merely for the average lot to meet zoning requirements. In un-zoned areas of the County, the following chart provides dimensional requirements.

	<b>PUBLIC WATER PUBLIC SEWER</b>	<b>PUBLIC WATER NO PUBLIC SEWER</b>	<b>NO PUBLIC WATER NO PUBLIC SEWER</b>
Min. Lot Size (Square Feet)	15,000	25,000	43,560
Min. Lot Width (Feet)	50	100	100

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Min. Lot Depth (Feet)	200	200	200
Min. Front Setback (Feet)	50	50	50
Min. Side Setback (Feet)	15	15	15
Min. Side Setback (Abutting Street) (Feet)	20	20	20
Min. Rear Setback (Feet)	25	25	25

- 2) Lots shall meet any applicable requirements of the Columbus County Health Department.
- 3) Double frontage lots shall be avoided wherever possible.
- 4) Side lot lines shall be substantially at right angles to or radial to street lines.
- 5) Minimum lot width shall be measured at the lot's narrowest point. A cul-de-sac lot's width shall be measured at the required front building setback.
- 6) All lots must contain a minimum of 50 feet of road frontage on an existing public street or on a proposed public or private street that the developer is constructing as a part of the subdivision development. However, cul-de-sac lots may have 30 feet of street frontage if the lot is a minimum width of 50 feet at the front building setback.

C. Easements.

- 1) Utility Easements. Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 12 feet wide, or greater if required, for water and sanitary sewer lines and as required by the companies involved, for telephone, cable TV, gas and power lines. The Planning Board will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.
- 2) Drainage Easements. Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

Section 5. Streets.

- A. Type of Street Required. All subdivision lots shall abut on a public street. All public streets shall be designed and constructed to the standards of this ordinance and the Division of Highways, North Carolina Board of Transportation Subdivision Roads / Minimum Design Standards. Under certain circumstances, as approved by the Planning Board, private paved streets may be allowed providing a street disclosure statement is prepared by the seller and signed by the buyer and a homeowner's association is formed. Private streets serving five (5) or fewer lots may substitute compacted crushed aggregate (stone) for the pavement surface (S9.5A or S9.5B). In such cases, appropriate construction testing reports certifying compliance

with NC DOT standards shall be provided to the Planning Department. Also, such alternative cross section to that specified in the referenced NCDOT standards shall be either four (4") inches of ABC with a test certified sub grade at ninety-eight (98%) percent compaction or six (6") inches of ABC with a non-certified compacted sub grade may be used. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standard in this ordinance, whichever is stricter in regard to each particular item, and shall be put on such system. Streets which are not to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the final plat. No lots may be sold until this provision is satisfied.

- B. Subdivisions Street Disclosure Statement. All streets shown on the final plat shall be designated in accordance with G.S. 136-102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, before lots are sold, and statement explaining the status of the street shall be included with the final plat.
- C. Half-Streets. The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.
- D. Marginal Access Streets Frontage Road. Where a tract of land to be subdivided adjoins a principal arterial road Street, the subdivider may be required to provide a marginal access street frontage road parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

- E. Access to Adjacent Properties. Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.
- F. Nonresidential Streets. The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F -4 of the North Carolina Roads, Minimum Construction Standards, July 1, 1985; and the standards in this ordinance, whichever are stricter in regard to each particular item.
- G. Design Standards. The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals, with the exceptions as provided in Article 4, Section 5.A. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1985 shall apply for any items not included in this ordinance, or where stricter than this ordinance. The following signed certificates shall appear on all copies of the final plat:

“Certificate of Ownership and Dedication I hereby certify that I am the owner or the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Columbus and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water. \_\_\_\_\_ Owner”

H. Other Requirements.

- 1) Through Traffic. Discouraged on Residential Collector and Local Streets Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to places of public assembly.
- 2) Sidewalks. Sidewalks may be required by the Planning Board on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of five (5) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.

- 3) Street Names. Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. All street names and addressing shall comply with Columbus County's 911-Addressing requirements. Street names shall be subject to the approval of Columbus County.
- 4) Street Name Signs. The subdivider shall be required to provide and erect street name signs to County standards at all intersections within the subdivision.
- 5) Permits for Connection to State Roads. An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.
- 6) Offsets to Utility Poles. Poles for overhead utilities should be located clear of roadway shoulders, as close to the right-of-way as possible. On streets with curb and gutter, utility poles should be set back a minimum distance of six (6) feet from the face of curb.
- 7) Wheelchair Ramps. In accordance with N.C.G.S. Chapter 136, Article 2A, Section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.
- 8) Curb and Gutter. The subdivider may construct curb and gutter, but it is not required by this ordinance for plat approval.

#### Section 6. Utilities.

- A. Water and Sanitary Sewer Systems. Each proposed lot in all subdivisions within the county's jurisdiction shall be provided with an extension of the county water (and/or sanitary sewer) systems at the subdivider's expense if such system has capacity and is within one thousand feet (1,000') of the subdivision property boundary practical. A subdivision lot in the county's jurisdiction may be provided with extensions to a municipal system in lieu of the County system. Water and sanitary sewer lines, connections, and equipment shall be in accordance with the County standards. All lots in subdivisions not connected to municipal or county water

Columbus County North Carolina - Code of Ordinances

and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal, which complies with the regulations of the appropriate agencies.

- B. Storm Water Drainage System. The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, (1973), subject to review by the County Engineer/County Consulting Engineer.
- C. Streetlights. All subdivisions that have one or more public streets shall have streetlights installed at no more than 200 feet apart along each street. The subdivider is responsible for installation expenses. The long-term maintenance of the streetlights is to be assigned prior to the selling of any lots.
- D. Underground Wiring. Reserved.



Section 7. Buffering, Recreation and Open Space Requirements.

- A. Perennial streams shall be protected with a thirty-five foot (35') undisturbed conservation buffer running adjacent to the stream and indicated on the final plat.
- B. Proposed subdivisions adjacent to land uses other than residential shall establish, along its entire perimeter a twenty-five-foot (25') buffer as defined in Article 5. The Planning Board may consider berming, fencing or open space in lieu of the buffer.
- C. Proposed subdivisions with any lot less than 21,780 square feet shall provide fifteen percent (15%) open space. Such open space shall be designed to provide the conservation of natural features (streams, wetlands, mature trees, etc.), access to recreational spaces including manmade and natural water features, buffering, and stormwater management facilities.

Section 8. Other Requirements.

- A. Placement of Monuments. Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for survey and placement of monuments, control comers, markers, and property comer ties; to determine the location, design, and material of monuments, markers, control comers, and property comer ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.
- B. Construction Procedures. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities. No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the surety.
- C. Oversized Improvements. The County of Columbus may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the County requires the installation of improvements in excess of the standards adopted by reference, the County shall pay the cost differential between the improvement required and the standards in this ordinance.

- D. Soil Erosion and Sediment Control. Prior to the approval of the Preliminary Plan the subdivider shall provide evidence of approval from the North Carolina Department of Environmental and Natural Resources (DENR) of an Erosion and Sediment Control Plan.
- E. Stormwater Management Plan. Any major subdivision must have a stormwater management plan approved by the Columbus County Planning Board as well as the North Carolina Department of Environmental Resources. The stormwater management plan must comply with all Statutes, Rules, and Regulations as found in the Stormwater Rules and Regulations Section of the NC Department of Environmental Quality (or any future successor). At the time of adoption of this amendment, relevant administrative codes, Statutes, and Additional Rules and Laws can be found at: <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-rules-and-regulations>

## ARTICLE 5 - DEFINITIONS

### Section 1. "Subdivision Defined".

For the purposes of this ordinance, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing street; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance.

- a) The combination or recombination of 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 standards of the County as shown in this ordinance.
- b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c) The public acquisition by purchase of strips of land for the widening or opening of streets, and
- d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the county as shown in this ordinance;

### Section 2. Other Definitions.

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

***Block***. A piece of land bounded on one or more sides by streets or roads

**Buffer.** A strip of land of specified width. The buffer must be in addition to and not part of any required lot area. It shall be planted with evergreen and/or deciduous trees not more than eight (8) feet apart and must be at least four (4) feet in height when planted, and a minimum of eight (8) feet tall at maturity. It shall be adequately landscaped with grass and shrubbery in such a manner as to be harmonious with the landscaping and/or adjacent properties and in keeping with the general character of the surrounding neighborhood. A privacy fence at least six (6) feet in height may meet the buffer requirements in such instances where landscaping is impracticable or in instances where the Subdivision Administrator determines that a fence would be the most effective buffer. The planting requirement may be waived where a property line of the subdivision abuts a natural vegetative area that provides equal buffering.

**Building Setback Line.** A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

**Dedication.** A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

**Easement.** A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

**Family.** Members of the same family, which shall be limited to spouse, parents, step-parents, grandparents, step-grandparents, children, step-children, brothers, step-brothers, sisters, step-sisters, aunts, uncles, father-in-law, step-father-in-law, mother-in-law, step-mother-in-law, brother-in-law, step-brother-in-law, sister-in-law, step-sister-in-law.

**Half-Street.** A street whose centerline coincides with a subdivision plat boundary, with one half (1/2) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

**Lot.** A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both.

**Lot of Record.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Columbus County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

**Lot Types:**

**Corner Lot.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lines to the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

**Double Frontage Lot.** A continuous (through) lot which is accessible from both streets upon which it fronts.

**Interior Lot.** A lot other than a corner lot with only one frontage on a street.

**Through Lot or "Double Frontage Lot".** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**Reversed Frontage Lot.** A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

**Single-Tier Lot.** A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

**Official Maps or Plans.** Any maps or plans officially adopted by the Board of Commissioners.

**Open Space.** An area (land and/or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

**Planned Unit Development.** A definition compatible with the local zoning ordinance should be inserted here.

**Plat.** A map or plan of a parcel of land which is to be, or has been subdivided.

**Private Driveway.** A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

**Private Street.** An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

**Reservation.** A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time

**Street.** A dedicated and accepted public right-of-way for vehicular traffic (or a private road only if permitted by this ordinance). The following classifications shall apply:

***Rural Roads:***

***Principal Arterial.*** A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

***Minor Arterial.*** A rural link in a network joining cities and larger towns and providing intrastate and intercounty service a relatively high overall travel speeds with minimum interference to through movement.

***Major Collector.*** A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

***Minor Collector.*** A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

***Local Road.*** A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

***Specific Type Rural Streets:***

***Residential Collector Street.*** A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

***Local Residential Street.*** Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

***Cul-de-sac.*** A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

***Frontage Road.*** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

***Alley.*** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**Subdivider.** Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as here in defined.

Section 3. Word Interpretation.

For the purpose of this ordinance, certain words shall be interpreted as follows:

- Words used in the present tense include the future tense. –
- Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise. –
- The word "person" includes a firm, association, corporation, trust, and company as well as an individual. -The word "used for" shall include the meaning "designed for". –
- The word "structure" shall include the word "building". –
- The word "lot" shall include the words "plot", "parcel", or "tract". –
- The word "shall" is always mandatory and not merely directory.

Section 4. Gift Lots Defined.

For the purpose of interpreting these regulations, when a land owner makes a gift to a family member of a parcel of land divided from the land owner's property, the transaction shall not be deemed to be for the purpose of sale or building development. The resulting transaction shall therefore not be subject to any regulations enacted pursuant to this ordinance. A gift lot shall also be interpreted to include the division of land to heirs of an estate following the death of the land owner. However, this exemption applies to only this original "gift" division of the property and does not exempt any further or future division of the property by the heirs or any other owners of the property. All persons wishing to claim this "gift lot" exemption may be required to provide legal documentation proving the relationship between property grantee and grantor(s) (i.e., birth certificates, death certificates, Social Security records, marriage certificates, tax records, etc.).

**ARTICLE 6 – ENACTMENT**

Approved and Adopted by the Columbus County Board of Commissioners on the 21st day of February, 2022.

**PART 4 – VOLUNTARY AGRICULTURAL DISTRICTS ORDINANCE**

For Columbus County, North Carolina - Non-Coastal Regular Phase

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## **PART 4 – VOLUNTARY AGRICULTURAL DISTRICTS**

### **ARTICLE 1. TITLE**

This program, adopted by the Board of Commissioners of Columbus County, North Carolina, shall be known as the Columbus County Voluntary Agricultural Districts Ordinance.

### **ARTICLE 2. AUTHORITY**

The articles and sections of this program ordinance are adopted pursuant to the authority conferred by Chapter 106, Article 61, Parts 1 and 2 of the North Carolina General Statute.

### **ARTICLE 3. PURPOSE**

The purpose of this program ordinance is to promote the health, safety, rural agricultural values, and general welfare of the County, and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture; increase protection from non-farm development; and increase the protection of farms from suits and other negative impacts on properly managed farms.

### **ARTICLE 4. JURISDICTION**

There will be seven (7) areas from which Voluntary Agricultural District Board members will be selected. Each Voluntary Agricultural District Board member will be selected by the Columbus County Commissioner representing the respective District at the time of selection of the Voluntary

Agricultural District Board. The selection areas will cover all unincorporated land within Columbus County.

## ARTICLE 5. DEFINITIONS

***Agricultural Board:*** The Columbus County Voluntary Agricultural District Board.

***Agricultural Land.*** Land that is a part of a farm unit that is actively engaged in the commercial production or growing of crops, plants, or animals under a sound management program. Agricultural land includes woodland and wasteland that is a part of the farm unit, but the woodland and wasteland included in the unit must be appraised under the use value schedules as woodland or wasteland. A farm unit may consist of more than one tract of agricultural land, but at least one of the tracts must meet the requirements in N. C. General Statute 105-277.3(a)(1), and each tract must be under a sound management program. If the agricultural land includes less than 20 acres of woodland, then the woodland portion is not required to be under a sound management program. Also, woodland is not required to be under a sound management program if it is determined that the highest and best use of the woodland is to diminish wind erosion of adjacent agricultural land, protect water quality of adjacent agricultural land, or serve as buffers for adjacent livestock or poultry operations.

***Agricultural land. (Effective for taxes imposed for taxable years beginning before July 1, 2008)*** Individually owned agricultural land consisting of one or more tracts, one of which consists of at least 10 acres that are in actual production and that, for the three years preceding January 1 of the year for which the benefit of this section is claimed, have produced an average gross income of at least one thousand dollars (\$1,000). Gross income includes income from the sale of the agricultural products produced from the land, any payments received under a governmental soil conservation or land retirement program, and the amount paid to the taxpayer during the taxable year pursuant to P.L. 108 357, Title VI, Fair and Equitable Tobacco Reform Act of 2004. Land in actual production includes land under improvements used in the commercial production or growing of crops, plants, or animals.

***Agricultural land. (Effective for taxes imposed for taxable years beginning on or after July 1, 2008)*** Individually owned agricultural land consisting of one or more tracts, one of which satisfies the requirements of this subdivision. For agricultural land used as a farm for aquatic species, as defined in North Carolina General Statute 106-758, the tract must meet the income requirement for agricultural land and must consist of at least five acres in actual production or produce at least 20,000 pounds of aquatic species for commercial sale annually, regardless of acreage. For all other agricultural land, the tract must meet the income requirement for agricultural land and must consist of at least 10 acres that are in actual production. Land in actual production includes land under improvements used in the commercial production or growing of crops, plants, or animals. To meet the income requirement, agricultural land must, for the three years preceding



January 1 of the year for which the benefit of this section is claimed, have produced an average gross income of at least one thousand dollars (\$1,000). Gross income includes income from the sale of the agricultural products produced from the land, any payments received under a governmental soil conservation or land retirement program, and the amount paid to the taxpayer during the taxable year pursuant to P.L. 108 357, Title VI, Fair and Equitable Tobacco Reform Act of 2004.

**Business entity.** A corporation, a general partnership, a limited partnership, or a limited liability company.

**Chairman:** Chairman of the Columbus County Voluntary Agricultural District Board.

**Conservation Agreement** means a right, whether or not stated in the form of a restriction, reservation, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land or improvement thereon or in any order of taking, appropriate to retaining land or water areas predominantly in their natural, scenic or open condition or in agricultural, horticultural, farming or forest use, to forbid or limit any or all (i) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground, (ii) dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste or unsightly or offensive materials, (iii) removal or destruction of trees, shrubs or other vegetation, (iv) excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface, (v) surface use except for agricultural, farming, forest or outdoor recreational purposes. or purposes permitting the land or water area to remain predominantly in its natural condition, (vi) activities detrimental to drainage, flood control, water conservation, erosion control or soil conservation, or (vii) other acts or uses detrimental to such retention of land or water areas.

**District:** A Voluntary Agricultural District established under the terms and conditions of this program by the Board of Commissioners.

**Forestland.** Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit must be appraised under the use value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in N. C. General Statute 105-277.3(a)(3), and each tract must be under a sound management program.

**Forestland.** Individually owned forestland consisting of one or more tracts, one of which consists of at least 20 acres that are in actual production and are not included in a farm unit.

**Holder** means any public body of this State, including the State, any of its agencies, any city,

county, district or other political subdivision or municipal or public corporation, or any instrumentality of any of the foregoing, any agency, department, or instrumentality of the United States, any nonprofit corporation or trust, or any private corporation or business entity whose purposes include any of those stated in (1) and (3), covering the purposes of preservation and conservation agreements.

***Horticultural land.*** Land that is a part of a horticultural unit that is actively engaged in the commercial production or growing of fruits or vegetables or nursery or floral products under a sound management program. Horticultural land includes woodland and wasteland that is a part of the horticultural unit, but the woodland and wasteland included in the unit must be appraised under the use value schedules as woodland or wasteland. A horticultural unit may consist of more than one tract of horticultural land, but at least one of the tracts must meet the requirements in N. C. General Statutes 105-277.3(a)(2), and each tract must be under a sound management program. If the horticultural land includes less than 20 acres of woodland, then the woodland portion is not required to be under a sound management program. Also, woodland is not required to be under a sound management program if it is determined that the highest and best use of the woodland is to diminish wind erosion of adjacent horticultural land or protect water quality of adjacent horticultural land. Land used to grow horticultural and agricultural crops on a rotating basis or where the horticultural crop is set out or planted and harvested within one growing season, may be treated as agricultural land as described in subdivision (1) of this section when there is determined to be no significant difference in the cash rental rates for the land.

***Horticultural land.*** Individually owned horticultural land consisting of one or more tracts, one of which consists of at least five acres that are in actual production and that, for the three years preceding January 1 of the year for which the benefit of this section is claimed, have met the applicable minimum gross income requirement. Land in actual production includes land under improvements used in the commercial production or growing of fruits or vegetables or nursery or floral products. Land that has been used to produce evergreens intended for use as Christmas trees must have met the minimum gross income requirements established by the Department of Revenue for the land. All other horticultural land must have produced an average gross income of at least one thousand dollars (\$1,000). Gross income includes income from the sale of the horticultural products produced from the land and any payments received under a governmental soil conservation or land retirement program.

***Individually owned.*** Owned by one of the following:

(a) A ***natural person.*** For the purpose of this section, a natural person who is an income beneficiary of a trust that owns land may elect to treat the person's beneficial share of the land as owned by that person. If the person's beneficial interest is not an identifiable share of land but can be established as a proportional interest in the trust income, the person's beneficial share of land is a percentage of the land owned by the trust that corresponds to

the beneficiary's proportional interest in the trust income. For the purpose of this section, a natural person who is a member of a business entity, other than a corporation, that owns land may elect to treat the person's share of the land as owned by that person. The person's share is a percentage of the land owned by the business entity that corresponds to the person's percentage of ownership in the entity.

(b) A **business entity** having as its principal business one of the activities described in subdivisions (1), (2), and (3) and whose members are all natural persons who meet one or more of the conditions listed in this sub subdivision. For the purpose of this sub subdivision, the terms "having as its principal business" and "actively engaged in the business of the entity" include the leasing of the land for one of the activities described in subdivisions 1), (2), and (3) only if all members of the business entity are relatives.

- 1) The member is actively engaged in the business of the entity.
- 2) The member is a relative of a member who is actively engaged in the business of the entity.
- 3) The member is a relative of, and inherited the membership interest from, a decedent who met one or both of the preceding conditions after the land qualified for classification in the hands of the business entity.

(c) A **trust** that was created by a natural person who transferred the land to the trust and each of whose beneficiaries who is currently entitled to receive income or principal meets one of the following conditions:

- 1) Is the creator of the trust or the creator's relative.
- 2) Is a second trust whose beneficiaries who are currently entitled to receive income or principal are all either the creator of the first trust or the creator's relatives.

(d) A **testamentary trust** that meets all of the following conditions:

- 1) It was created by a natural person who transferred to the trust land that qualified in that person's hands for classification under North Carolina General Statute 105-277.3.
- 2) At the time of the creator's death, the creator had no relatives as defined in this section as of the date of death.
- 3) The trust income, less reasonable administrative expenses, is used exclusively for educational, scientific, literary, cultural, charitable, or religious purposes as defined in G.S. 105 278.3(d).

(e) Tenants in common, if each tenant is either a natural person or a business entity described in sub subdivision b. of this subdivision. Tenants in common may elect to treat

their individual shares as owned by them individually in accordance with North Carolina General Statute 105-302(c)(9). The ownership requirements of North Carolina General Statute 105-277.3(b) apply to each tenant in common who is a natural person, and the ownership requirements of North Carolina General Statute 105-277.3(b1) apply to each tenant in common who is a business entity.

**Member.** A shareholder of a corporation, a partner of a general or limited partnership, or a member of a limited liability company.

**Present use value.** The value of land in its current use as agricultural land, horticultural land, or forestland, based solely on its ability to produce income and assuming an average level of management. A rate of nine percent (9%) shall be used to capitalize the expected net income of forestland. The capitalization rate for agricultural land and horticultural land is to be determined by the Use Value Advisory Board as provided in G.S. North Carolina General Statute 105-277.7.

**Preservation Agreement** means a right, whether or not stated in the form of a restriction, reservation, easement, covenant, condition or otherwise, in any deed, will or other instrument executed by or on behalf of the owner of the land or any improvement thereon, or in any other [order] of taking, appropriate to preservation of a structure or site historically significant for its architecture, archaeology or historical associations, to forbid or limit any or all (i) alteration, (ii) alterations in exterior or interior features of the structure, (iii) changes in appearance or condition of the site, (iv) uses not historically appropriate, or (v) other acts or uses supportive of or detrimental to appropriate preservation of the structure or site.

**Relative.** Any of the following:

- a) A spouse or the spouse's lineal ancestor or descendant.
- b) A lineal ancestor or a lineal descendant.
- c) A brother or sister, or the lineal descendant of a brother or sister. For the purposes of this sub subdivision, the term brother or sister includes stepbrother or stepsister.
- d) An aunt or an uncle.
- e) A spouse of a person listed in paragraphs a. through d. For the purpose of this subdivision, an adoptive or adopted relative is a relative and the term "spouse" includes a surviving spouse.

**Sound management program.** A program of production designed to obtain the greatest net return from the land consistent with its conservation and long term improvement.

**Technical Review Committee:** A five (5) member committee. One (1) member each appointed by the Columbus Soil and Water Conservation District, the Columbus County Cooperative Extension Service, the Columbus County Planning Board, the Columbus County Farm Bureau Board, and the Columbus County USDA Farm Service Agency Committee.

**Unit.** -One or more tracts of agricultural land, horticultural land, or forestland. Multiple tracts must be under the same ownership and be of the same type of classification. If the multiple tracts are located within different counties, they must be within 50 miles of a tract qualifying under Chapter 105, Article 12 of the North Carolina General Statute.

## **ARTICLE 6. QUALIFICATIONS AND CERTIFICATION OF FARMLAND**

### **Section A. Requirements.**

In order for farmland to qualify for participation under the terms of this program, it shall meet all of the following requirements:

- (1) The farmland shall be real property.
- (2) The farm property shall be participating in the farm present-use-value taxation program established by Chapter 105, Article 12 of the North Carolina General Statute.
- (3) The property shall be certified by USDA Farm Service Agency and reviewed by the USDA Natural Resources Conservation Service, the Columbus County Cooperative Extension Service, and the Columbus Soil and Water Conservation District as being a farm on which at least two-thirds of the land is composed of soils that:
  - (a) have good farming qualities.
  - (b) are favorable for crops, livestock, ornamentals, Christmas trees or timber common to Columbus County.
- (4) The property, if highly erodible land exists on the farm, is managed in accordance with the USDA Natural Resources Conservation Service defined erosion control practices that are addressed to said highly erodible land.
- (5) The property is the subject of a conservation agreement, as defined in Chapter 106, Article 61, Part 4 of the North Carolina General Statutes, between the County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County watershed and subdivision regulations, or the regulations of any municipality which apply to the farm property. The property owner may voluntarily revoke this conservation agreement by submitting a written request to the Board in accordance with Article 8 of this Ordinance.

### **Section B. Certification.**

The owner of the farm seeking to qualify his property for participation in this farmland preservation program ordinance shall submit written evidence that the property conforms to the requirements of Article 6 of this program. This written information shall be submitted to the Chairman of the Voluntary Agricultural District Board or the designated staff person on forms

provided by the Board. The certification shall be submitted at the same time the owner applies for inclusion in a district.

**ARTICLE 7. APPLICATION, APPROVAL AND APPEAL PROCEDURES FOR  
VOLUNTARY AGRICULTURAL DISTRICTS**

Section A. Creation of Voluntary Agricultural Districts.

In order to implement the purposes stated in Article 3 in, this program provides for the creation of Voluntary Agricultural Districts, which shall meet all the following standards:

- (1) The landowner(s) requesting inclusion in the district shall execute an agreement with the County to sustain agriculture in the district in accordance with Article 6, Section A (5) of this program. Said agreement shall be in a form which is reviewed and approved by the Voluntary Agricultural District Board.
- (2) For each district created under the terms of this program, one of the existing Voluntary Agricultural District Board members shall be assigned to represent the district.

Section B. Application to Participate.

A landowner may apply to participate in the program by making application to the chairman of the Voluntary Agricultural District Board or to a designated staff person of the Columbus Soil and Water Conservation District, 45 Government Complex Road, Suite B, Whiteville, NC 28472. The application shall be on forms provided and approved by the Columbus County Voluntary Agricultural District Board.

Section C. Membership Fee for Participation.

A onetime membership fee as approved by the Voluntary Agricultural District Board will be due from each participant and shall be submitted with the application. This membership/application fee provides the landowner with one (1) Voluntary Agricultural District Membership sign to be placed on the property. Additional signs may be purchased through the Voluntary Agricultural District. The fee for said signs will be set by the Voluntary Agricultural District Board.

Section D. Approval Process.

Upon review by the technical review committee of the written certification and application submitted by the property owner, the Voluntary Agricultural District Board shall meet within 180 calendar days to review or approve said application. The Voluntary Agricultural District Board or representative agent thereof shall notify the applicants by first class mail of said approval or disapproval of participation in the district.

Notification of new Agricultural Districts shall be sent to the County Tax Assessor quarterly.

Section E. Appeal.

If an application is denied by the Voluntary Agricultural District Board, the petitioner has thirty (30) calendar days to record an appeal of the decision to the Clerk to the Board of the Columbus County Board of Commissioners. Such appeal shall be presented in writing signed by the applicant or his or her Agent and presented to the Clerk to the Board of Commissioners. The decision of the Board of Commissioners is final. If an application is disapproved by the Voluntary Agricultural District Board and the Board of Commissioners, the membership/application fee will be returned to the said applicant.

**ARTICLE 8. REVOCATION OF CONSERVATION AGREEMENTS.**

By written notice to the Voluntary Agricultural District Board, a landowner of qualifying farmland may revoke the preservation agreement formulated pursuant to Article 6, Section A (5) of this program, or the Voluntary Agricultural District Board may revoke same preservation agreement based on noncompliance by the landowner. Such revocation shall result in loss of qualifying farm status, and consequently, loss of eligibility to participate in a Voluntary Agricultural District and the benefits thereof.

Revocation by a landowner of a preservation agreement and the resulting loss of qualifying farmland status for the purpose of participation in a Voluntary Agricultural District shall in no way affect the eligibility of the land to be taxed at its present use value as provided in Chapter 105, Article 12 of the North Carolina General Statute.

If a Voluntary Agricultural District is removed or demised, all signage shall be returned to the Voluntary Agricultural District Board. If a portion of a district is removed for any reason after being established by this program, the remaining qualified farms may remain in the program, provided they meet all other requirements except the minimum area requirements of Article 7, Section A (1).

**ARTICLE 9. AGRICULTURAL BOARD**

Section A. Creation.

In accordance with Chapter 106, Article 61, Parts 1 and 2 of the North Carolina General Statute, the Board of Commissioners hereby establishes a Voluntary Agricultural District Board to implement the provisions of this program ordinance.

Section B. Appointments and Memberships.

The Voluntary Agricultural District Board shall consist of only seven (7) members appointed by the Columbus County Board of Commissioners upon recommendation and nomination by the County Commissioner representing said District.

(1) **Requirements.** Each Voluntary Agricultural District Board member shall be a resident of Columbus County. Each Voluntary Agricultural District Board member shall be actively engaged in farming or own qualifying farmland in Columbus County.

(2) **Membership.**

(a) The Voluntary Agricultural District Board shall consist of no less than seven (7) members which will be appointed by the Columbus County Board of Commissioners. One (1) shall be appointed from each of the seven (7) districts served by each County Commissioner at the time of appointment.

(b) In addition, there will be a five (5) member non-voting advisory Technical Review Committee. One (1) member each appointed by the Columbus Soil and Water Conservation District, the Columbus County Cooperative Extension Service, the Columbus County Planning Board, the Columbus County Farm Bureau Board, and the USDA Farm Service Agency Board.

(c) The seven (7) members may be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Columbus County Cooperative Extension Service, the Columbus Soil and Water Conservation District, the USDA Farm Service Agency Committee, the Columbus County Planning Department, Columbus County Farm Bureau, or other farm related farming organizations, with an effort to have the broadest geographical and commodity representation possible. Said submitted names are advisory only to the Board of Commissioners.

(3) **Tenure.** The initial seven (7) members of the Voluntary Agricultural District Board shall consist of two (2) members appointed for a term of one year, two (2) members appointed for a term of two years, and three (3) members appointed for a term of three years. Thereafter, all appointments to the Voluntary Agricultural District Board will be for a period of three (3) years with reappointment permitted for no more than two consecutive terms. The terms for the appointment of the initial Voluntary Agricultural District Board will be determined by lottery procedure determined by this ordinance.

(4) **Vacancies.** Any vacancy on the Voluntary Agricultural District Board is to be filled by the Board of Commissioners for the remainder of the unexpired term following the same procedure as for the initial appointment.



(5) **Removal for Cause.** Any member of the Voluntary Agricultural District Board may be removed for cause by the Board of Commissioners upon written charges and after a public hearing by the Board of Commissioners.

(6) **Funding.** Appropriations for Performance of Duties. Funds may be appropriated by the Board of Commissioners to the Voluntary Agricultural District Board to perform its duties. As needed, a budget request will be presented to the County Finance Office annually following procedures as determined by the Board of Commissioners.

Section C. Procedures.

The Voluntary Agricultural District Board shall adopt rules of procedure which are consistent with the enabling legislation and other applicable statutes.

(1) **Chairperson.** The Board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairman and vice-chairman shall be subject to re-election. The chairperson shall preside over all regular or special meetings of the Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall have and exercise all the powers of the chairperson so absent or disabled. Additional officers may be elected as needed.

(2) **Jurisdiction and Procedures; Supplementary Rules.** The jurisdiction and procedures of the Board are set out in this article, except that the Board may adopt supplementary rules of procedure not inconsistent with this article or with other provisions of law.

(3) **Board Year.** The Board shall use the County fiscal year (July 1 through June 30) as its meeting year.

(4) **Meetings.** Meetings of the Board, following such notice as required by this article, shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify. A called meeting shall be held at least semi-annually. A quorum shall consist of a majority of the members of the Board.

(5) **Voting.** The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or agency to decide in favor of an applicant or to pass upon any other matter on which it is required to act under this article.

(6) **Records.** The Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Board and shall be a public record.

(7) **Administrative Services.** The Cooperative Extension Service Office shall serve the Voluntary Agricultural District Board for recordkeeping, correspondence, and application procedures under this article together with such other services the Board needs to complete its duties.

(8) **Rules of Procedure.** Other than as specifically differentiated or described by this, or subsequent, Ordinance, the Voluntary Agricultural District Board shall abide procedurally by Suggested Rules of Procedure for the Board of County Commissioners, Third Edition by Joseph S. Ferrell, North Carolina Institute of Government.

Section D. Duties.

The Voluntary Agricultural District Board shall:

- (1) Review and approve applications for qualified farmland and Voluntary Agricultural Districts; and
- (2) Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or activities within the County and that will affect agricultural districts; and
- (3) Perform other related tasks or duties assigned by the Board of Commissioners; and
- (4) Review and make recommendations to the Columbus County Board of Commissioners concerning proposed amendments to this ordinance; and
- (5) Develop a county-wide farmland protection plan as defined in Chapter 106, Article 61, Part 4 of the North Carolina General Statute for presentation to the Board of Commissioners; and
- (6) Study additional methods of farmland preservation and make recommendations to the Board of Commissioners.

**ARTICLE 10. LAND USE INCENTIVES TO VOLUNTARY AGRICULTURAL DISTRICT FORMATION**

Section A. Purpose.

The purpose of this section is to help meet the needs of agriculture as an industry and prevent conflicts between Voluntary Agricultural District participants and non-farm landowners in proximity to districts. Nothing in this document should be viewed as a change in the status of the numerous non-farm landowners currently located throughout the county. Those landowners retain the same rights and standing held prior to the enactment of a Voluntary Agricultural District.

Section B. Public Notification.

- (1) Upon certification of qualifying farmland and designation of real property as a Voluntary Agricultural District, the title to that qualifying farmland and real property, which is contained in the Columbus County Land Records System, shall be changed to include a notice reasonably

calculated to alert any person researching the title of a particular tract that such tract is located within one-half (1/2) aerial mile of a Voluntary Agricultural District. All notice procedures shall be governed by North Carolina law.

(2) The Voluntary Agricultural District Board, in cooperation with the County, shall take measures as set forth below to provide notification to property owners, residents, and other interested persons in and adjacent to any designated Voluntary Agricultural District with a goal of informing all current and potential residents and property owners in and adjacent to a Voluntary Agricultural District that farming and agricultural activities may take place in this district any time during the day or night.

(a) Members of the Voluntary Agricultural District are encouraged to place signs on their individual farms denoting their agricultural district membership in a way calculated to reasonably notify the public and adjoining landowners of the presence of the farm property.

(b) Information identifying approved districts shall be provided to the Columbus County Register of Deeds Office, the Columbus Soil and Water Conservation District, the Cooperative Extension Service Office, the Farm Service Agency, the Columbus County Planning Department, and the Columbus County Tax Department. Notice information for each department listed in this section shall be found at the; Columbus Soil and Water Conservation District 45 Government Complex Road, Suite B Whiteville, NC 28472 Phone: 910-642-2196 Ext. 3 Fax: 910-642-6766

(c) The following notice shall be displayed in a prominent position in the Office of the Register of Deeds and the public access area in the Columbus County Tax Department in accordance with North Carolina law:

**“NOTICE TO REAL ESTATE PURCHASERS IN COLUMBUS COUNTY OF VOLUNTARY AGRICULTURAL DISTRICTS**

Columbus County has established Voluntary Agricultural Districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped to inform all purchasers of real property that certain agricultural activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operations, livestock operations, sawing, and similar activities may take place in these districts any time during the day or night. Maps and/or information on the location and establishment of these districts can be obtained from the Cooperative Extension Service Office, County Planning Department, Register of Deeds, Natural Resources Conservation Service, the Farm Service Agency Office, and the County Tax Department.”

(3) Limit of Liability --In no event shall the County or any of its officers, employees, or agents be

held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith, either intentionally or by negligence, in connection with the duties or obligations imposed by this ordinance.

(4) No Cause of Action --In no event shall any cause of action arise out of the failure of any person, including a person researching the title of a particular tract, to report to any person the proximity of the tract to a qualifying farm or Voluntary Agricultural District as defined in this ordinance.

Section C. Expenditure of County Funds for Non-Farm Uses.

Prior to expending any monies which would convert land in a Voluntary Agricultural District to non-farm uses, the County or any other local unit of government shall submit to the Voluntary Agricultural District Board detailed information showing that said governmental unit has considered alternatives.

Section D. No Districts in Designated Growth Corridors.

Voluntary Agricultural Districts will not be permitted in designated growth corridors as delineated on the official County planning map without the approval of the Board of Commissioners. Upon request, districts located in growth corridors designated after the effective date of this program may be allowed to remain. Upon request, districts located in growth corridors designated after the effective date of this program may be allowed to expand to include adjoining property purchased by a landowner presently participating in the Columbus County Voluntary Agricultural District Ordinance. Any requests made under this Section, should be made through the Planning Board, 111 Washington Street, Whiteville, NC 28472. The approval of the Board of Commissioners will be on a case by case basis.

**ARTICLE 11. SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW**

Developers of major subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the Voluntary Agricultural Districts within one-half (1/2) aerial mile of the proposed development.

**ARTICLE 12. PUBLIC HEARINGS**

Section A. Purpose.

Pursuant to Chapter 106, Article 61, Parts 1 and 2 of the North Carolina General Statute, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a Voluntary Agricultural District until such agency or unit has requested the Voluntary Agricultural District Board to hold a public hearing on the proposed condemnation.

Section B. Procedure.

1. Upon receiving a request, the Voluntary Agricultural District Board shall publish notice describing the proposed action in the appropriate newspapers of Columbus County within five (5) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten (10) calendar days of receipt of the request.
2. The Voluntary Agricultural District Board shall meet to review:
  - a.) Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
  - b) Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
- 3) The Voluntary Agricultural District Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Voluntary Agricultural District Board to be necessary for its review of the proposed action.
- 4) Within five (5) business days after the hearing, the Voluntary Agricultural District Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition. This report will be published describing the action in the appropriate newspapers of Columbus County.
- 5) There will be a period of ten (10) calendar days allowed for public comment on the report of the Voluntary Agricultural District Board.
- 6) After the ten (10) calendar day period for public comment has expired, the Voluntary Agricultural District Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision-making body of the agency proposing the acquisition.
- 7) The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision-making body of the agency proposing the acquisition, shall not exceed thirty (30) calendar days. If the agency agrees to an extension, the agency and the Voluntary Agricultural District Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
- 8) Pursuant to Chapter 106, Article 61, Parts 1 and 2 of the North Carolina General Statute, the

Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Voluntary Agricultural District Board.

### **ARTICLE 13. NORTH CAROLINA AGENCY NOTIFICATION**

#### Section A. Consultation with N.C. Department of Agriculture and Consumer Services and Other Agencies.

The Voluntary Agricultural District Board may consult with the Cooperative Extension Service Office, the USDA Natural Resources Conservation Service Office, the USDA Farm Service Agency Office, the N. C. Department of Agriculture and Consumer Services, and any other such agency the Voluntary Agricultural District Board deems necessary to properly conduct its business.

#### Section B. Recording the Program Ordinance.

An official copy of this program ordinance shall be recorded with the North Carolina Commissioner of Agriculture's Office after adoption. On July 1 of each calendar year, the Voluntary Agricultural District Board shall submit a written report to the Commissioner of Agriculture, including the status, progress and activities of the County's Farmland Preservation program and Voluntary Agricultural Districting information regarding:

- (1) Number of landowners enrolled;
- (2) Number of acres applied;
- (3) Number of acres certified;
- (4) Number of acres denied; and
- (5) Date certified.

### **ARTICLE 14. LEGAL PROVISIONS**

#### Section A. Severability, Conflict with Other Ordinances and Statutes, and Amendments.

(1) **Severability.** If any article, section, subsection, clause, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) **Conflict with other ordinances and statutes.** Pursuant to relevant North Carolina law, whenever the provisions of this ordinance conflict with other ordinances of Columbus County, the Board of Commissioners shall determine which ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.

(3) **Amendments.** This ordinance may be amended from time to time after a public hearing, notice of which shall be sent to program participants by first class mail thirty (30) calendar days prior to the hearing, and in consultation with the Voluntary Agricultural District Board to the Board of Commissioners.

**ARTICLE 15. ENACTMENT**

The ordinance establishing the provisions of this Part was passed by the Board of Commissioners on November 3, 2008.