ALEXANDER COUNTY
PLANNING DEPARTMENT
(828) 632-1000 – planning@alexandercountync.gov
www.alexandercountync.gov/departments/planning

STAFF REPORT

RZ-26-08

Prepared by Patrick Creech, Planning Director

October 1st, 2026

PETITION	RZ-26-08
APPLICANT	Scott Ballard
OWNERS	LCN MGB TAYLORSVILLE NC LLC % LCN CAPITAL PARTNERS
PIN	3758-72-6472
ADDRESS	804 Old Landfill Rd
LOCATION	Taylorsville
ACREAGE	12.149
REQUESTED ACTION	Rezone parcel from **(I)** to **(OI)**

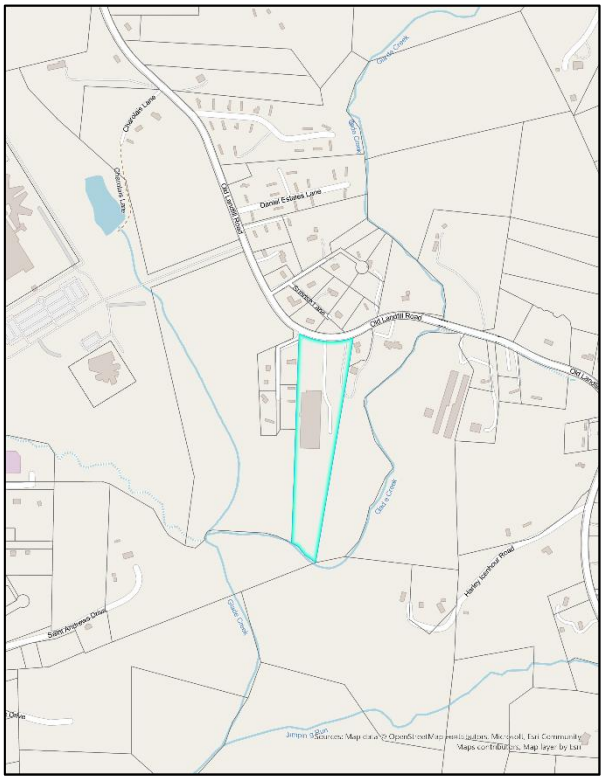


Table of Contents

- **BACKGROUND** 2
- **REVIEW CRITERIA** 3
- **TRC and DEPARTMENT FEEDBACK** 4
- **CITIZEN INPUT** 4
- **NOTIFICATION/INPUT REQUIREMENTS** 4
- **RECOMMENDED ACTION** 5
- **RZ-26-08 APPENDIX A – LOCATION MAP** 6
- **RZ-26-08 APPENDIX B – ZONING MAP** 7
- **RZ-26-08 APPENDIX C – FUTURE LAND USE MAP** 8
- **RZ-26-08 APPENDIX D - APPLICATION** 9
- **RZ-26-08 APPENDIX E – SECTIONS FROM THE COMPREHENSIVE PLAN** 10
- **RZ-26-08 APPENDIX F – SECTIONS FROM THE LAND DEVELOPMENT CODE** 12
- **RZ-26-08 APPENDIX G – PERMITTED USAGE TABLE** 17

BACKGROUND

The applicant, Millersville Baptist Church, is in the process of purchasing this property from LCN Capital Partners. This property was previously the site of a Mitchell Gold manufacturing site. Millersville Baptist Church seeks to use the property to house the private school associated with them.

PROPERTY INFORMATION

- **Vicinity**
  - **North:** The northern edge of the property is bounded by Old Landfill Rd. Across the road are the following properties:
    - 3758-73-6302: A single-family residence on 1 acre of land owned by Jerry and Mindy Pyatte at 56 Sunrise Ln.
    - 3758-73-7264: A single-family residence on 0.53 acres of land owned by Michael Minton at 70 Sunrise Ln.
    - 3758-83-0324: A single-family residence on 1 acre of land owned by Patricia and Jerry Glazebrook 901 Old Landfill Rd.
  - **South:** The following properties abut the parcel to the south:
    - 3758-61-6329: A single-family residence on 20.492 acres of land owned by Carolyn Jenkins at 271 St. Andrews Dr.
    - 3758-80-0811: A vacant parcel of 34.4 acres owned by Warren White with no assigned address which is zoned R2R.
  - **East:** The following properties abut the parcel to the east:
    - 3758-83-0019: A single-family residence on 0.86 acres of land owned by Mark Dellinger at 886 Old Landfill Rd which is zoned R2.
    - 3758-72-9244: A single-family residence on 14.25 acres of land owned by Treva Pope at 926 Old Landfill Rd which is zoned R2R.
  - **West:** The following properties abut the parcel to the east:
    - 3758-72-4966: A single-family residence on 1 acre of land owned by Storm Phillips at 61 Amber Marie Lane which is zoned R2.
    - 3758-72-4653: A 1 acre parcel containing three manufactured homes owned by Lonnie and Doris Estep at 115, 125, and 135 Amber Marie Ln which is zoned R2.
    - 3758-62-9679: A vacant parcel of 37.989 acres owned by Casey & Tiffany Richey with no assigned address which is zoned R2R.



- **Road Access**
  - Direct access to the property is available from Old Landfill Rd.
- **Sewer and Water Access**
  - The property has access to public water. The site does not have access to public sewer. The applicant will be required to get approval from the county Department of Environmental Health for septic system.

- **Development Potential**
  - With an existing manufacturing building on site, the property has some development potential for industrial projects. However, it is limited by the lack of public sewer on site.

REVIEW CRITERIA

In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1) Consistency of the proposed zoning with the Alexander County Comprehensive Plan

Planning staff finds the proposed rezoning to be consistent with the Alexander County 2045 Comprehensive Plan. The property is located within a Rural/Urban Transition Area (RTA), which is defined as an area currently rural in character with existing pockets of limited higher density residential and commercial development. While commercial development and community facilities are encouraged to be located within defined Community Service Centers Community Service Centers, this project intends to utilize and repurpose an existing structure.

See Appendix E for more information from the Comprehensive Plan.

2) Consistency of the proposed zoning with the purpose and intent of the zoning ordinance.

Existing Zone: Industrial (I)	Proposed Zone: (OI)
I Zoning Purpose: The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide industrial and heavy commercial development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made).	OI Zoning Purpose The purpose of the Office Institutional District (OI) is to foster orderly growth where the principal use of land is a mixture of office, institutional, and residential. The intent of this district is to allow for office, institutional and residential development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide office, institutional, and residential development that: (1) is directed largely to Community Service Centers as defined in the Comprehensive Plan; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.

See Appendix F for more information from the Land Development Code.

3) The full range of uses permitted in the proposed district.

OI is designed for offices, institutions, public services, and other uses that can generally coexist with nearby residential and commercial development. I is designed for production, warehousing, transportation, storage, and other industrial activities that typically require greater separation from residential uses.

Appendix G contains a complete list of permitted uses for (**OI**) and (**I**) zones, with differences highlighted.

4) **If the zoning is considered spot zoning, and if so whether or not the spot zoning is reasonable.**
Spot zoning generally occurs when a relatively small tract is rezoned differently from a much larger area of surrounding property that is uniformly zoned. While spot zoning is not automatically unlawful in North Carolina, there must be a reasonable basis for treating the property differently from surrounding properties.

Relevant factors include the size of the tract, consistency with the Comprehensive Plan, the relationship between the proposed and surrounding uses, and the benefits or detriments of the rezoning.

The proposed five-acre OI district would be surrounded immediately by residential zoning and therefore could be considered spot zoning. However, Planning staff finds a reasonable basis for the proposed zoning. The rezoning would change the property from Industrial (I) to Office and Institutional (OI), resulting in a less intensive zoning classification that is more compatible with the surrounding residential area. The OI district permits schools as well as offices, institutional uses, public facilities, and other uses that generally have fewer potential impacts on adjoining residential properties than the manufacturing, warehousing, transportation, and other industrial uses permitted within the I district.

A zoning map can be seen in **Appendix B**.

TRC and DEPARTMENT FEEDBACK

This rezoning was forwarded to the TRC, Economic Development and the Tax Office for comment.

Environmental Health noted that the applicant will need to go through all applicable permits for septic for final approval.

CITIZEN INPUT

As of October 1st, 2026, no citizens have contacted the department to provide input on the potential rezoning.

NOTIFICATION/INPUT REQUIREMENTS

Planning Staff	
Completeness Review	Application and Payment reviewed and approved as complete: **9/17/2026**

TRC	
Meeting Date	Files sent online for commentary on: **10/1/2026**

Planning Board		
Meeting Date	**Thursday, October 8th, 2026**	
Notice Requirements	Mailed Notice – Properties within 400 ft (at least 7 days prior)	Letters mailed: **9/18/2026**

RECOMMENDED ACTION

Planning staff recommends that the Alexander County Planning Board provide a positive recommendation to the Board of Commissioners for approval of the rezoning request from I (Industrial) to OI (Office and Institutional). The proposed rezoning would reduce the intensity of uses permitted on the property and establish a zoning district that is more compatible with the surrounding residential area. The OI district is intended to accommodate office, institutional, governmental, educational, and similar uses, including public, private, and charter schools.

Although the five-acre parcel would be immediately surrounded by residential zoning and could therefore be considered spot zoning, Planning staff finds a reasonable basis for treating the property differently. The property is currently zoned Industrial, which permits a substantially broader range of manufacturing, processing, warehousing, transportation, and other potentially higher-impact uses. Rezoning the property to OI would limit those industrial opportunities and replace them with a district whose permitted uses are generally more compatible with nearby residential development.

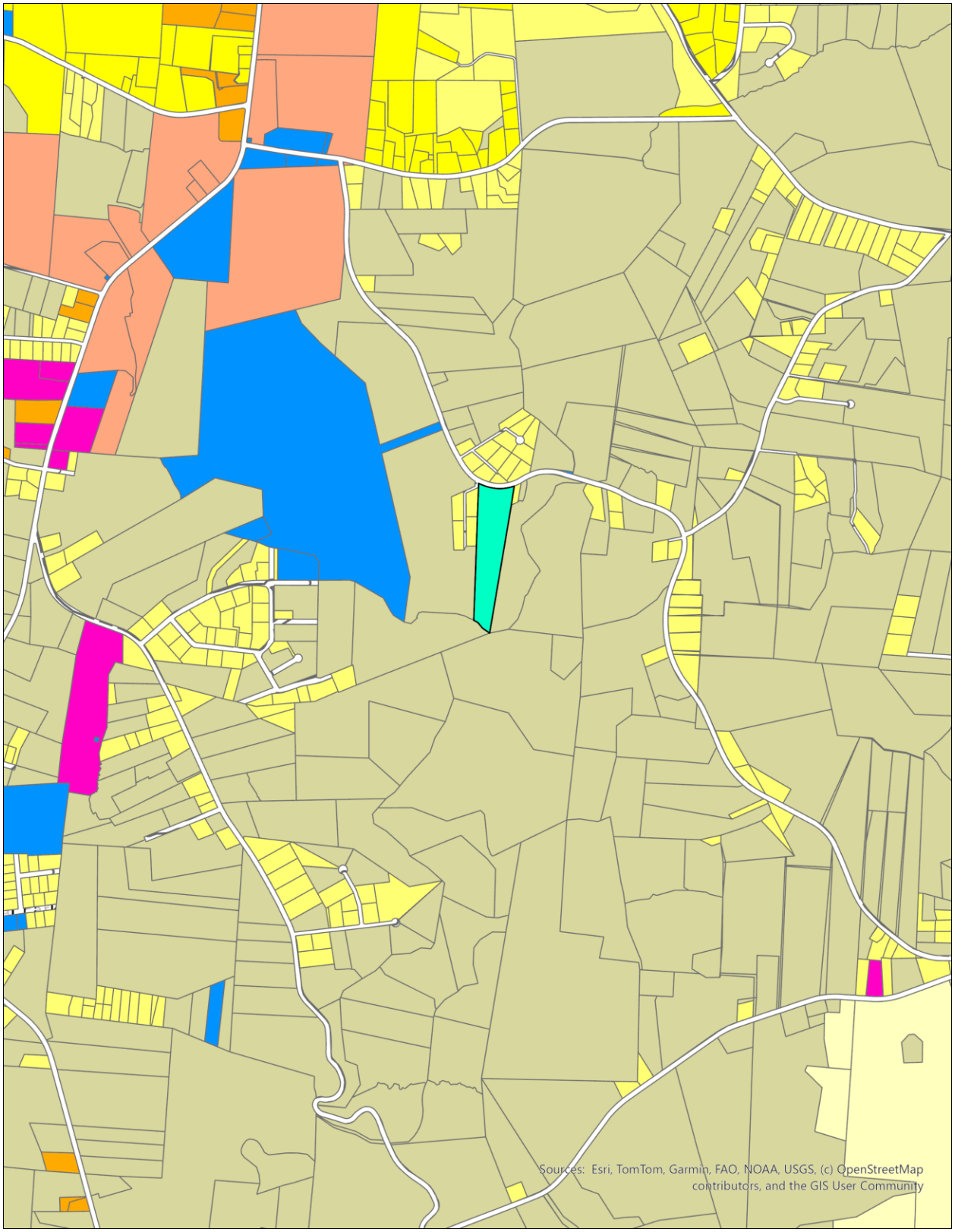
RZ-26-08 APPENDIX A

Location Map



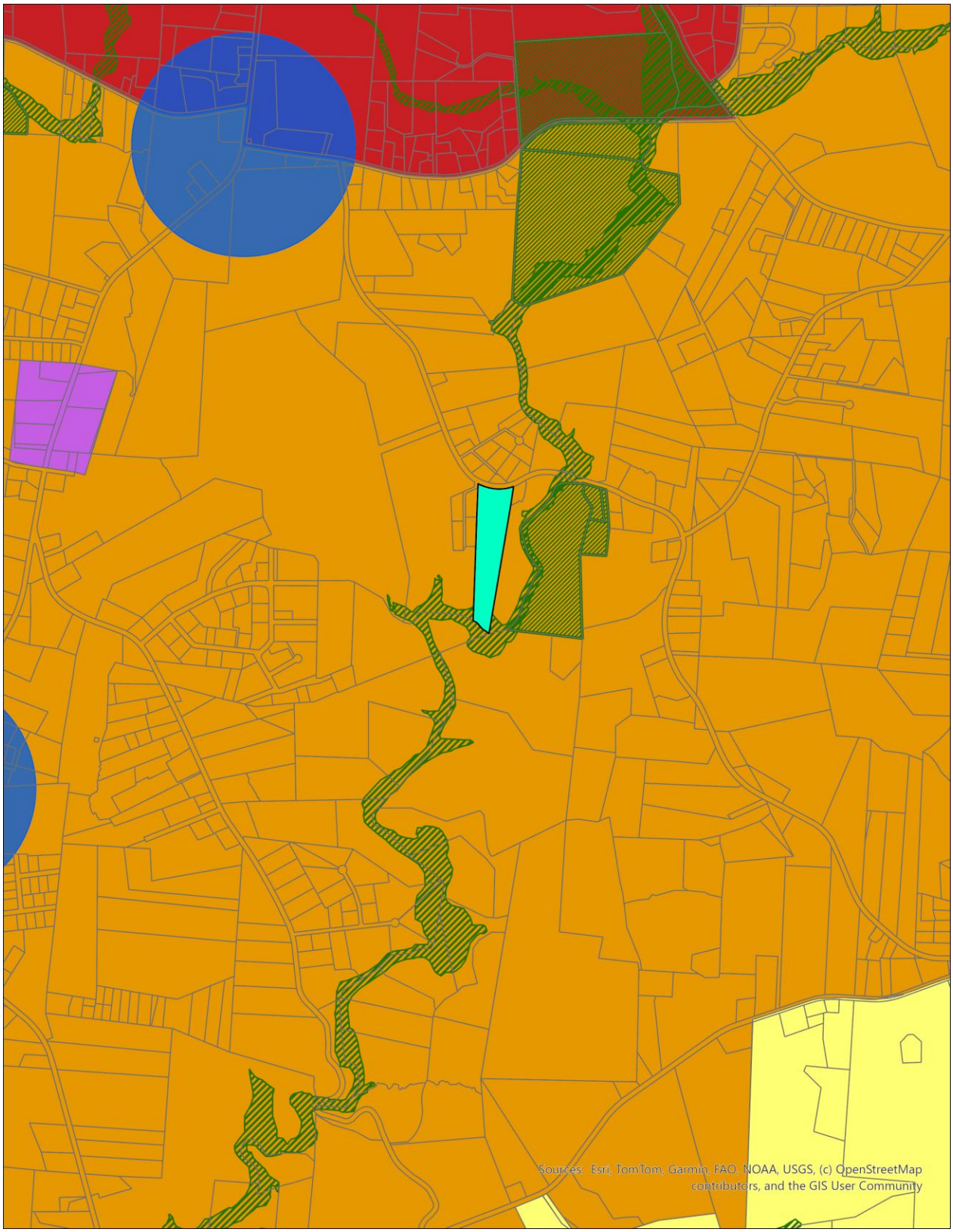
RZ-26-08 APPENDIX B

Zoning Map



RZ-26-08 APPENDIX C

Future Land Use Map



RZ-26-08 APPENDIX D

Application

ALEXANDER COUNTY
North Carolina
General Rezoning Application

Case #: _____
Tax PIN#: _____
Date Submitted: _____

A) OWNER/APPLICANT OR AGENT INFORMATION:

1) APPLICANT: Millersville Baptist Church - Scott Ballard
ADDRESS: 130 Millersville Church Rd., Taylorsville, NC 28681
TELEPHONE #: 828-612-4632 EMAIL: tgiballard@gmail.com

2) PROPERTY OWNER: Millersville Baptist Church- Purchaser
ADDRESS: 130 Millersville Church Rd., Taylorsville, NC 28681
TELEPHONE #: 828-612-4632 EMAIL: tgiballard@gmail.com

☐ Check here if there are additional property owners, and attach their names, addresses and telephone numbers.

3) Will an attorney, engineer, realtor or other agent represent the applicant/property owner in this matter?
REPRESENTATIVE: _____
ADDRESS: _____
TELEPHONE #: _____ EMAIL: _____

B) PROPERTY INFORMATION:

1) PROPERTY LOCATION (Address or Description): 804 Old Landfill Rd., Taylorsville, NC 28681

DEED BOOK/PAGE: 616/1183 TAX PIN# 3758726472 SIZE (sqft./acres): 12.149 acres

____ Check here if there are more than two lots and attach a list of the properties to be considered for rezoning.

4) UTILITIES (please circle): Public Water Well Public Sewer Septic System
5) AMOUNT OF ROAD FRONTAGE: 425' CURRENT LAND USE: vacant bld
6) METES AND BOUNDS DESCRIPTION ATTACHED: YES NO

C) REZONING REQUEST:

1) CURRENT ZONING DISTRICT: ~~Light Indust.~~ I PROPOSED ZONING DISTRICT: ~~School/Institutional~~ OI

PLEASE NOTE: THE PLANNING & ZONING COMMISSION AND BOARD OF COMMISSIONERS MUST CONSIDER ALL USES WITHIN THE REQUESTED ZONING DISTRICT, NOT MERELY THE USE OF WHICH YOU ARE PROPOSING.

D) REQUIRED SIGNATURES:

I/We, the undersigned, do hereby make application and petition to amend the Official Zoning Map of Alexander County/Town of Taylorsville as herein requested. I/We, the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge, and do hereby request the Board of Commissioners or Town Council take action as sought by this application.

1)	Scott Ballard for MBC (Owner's Name-*please print*)	 (Owner's Signature)	9/17/26 (Date)
2)	_____ (Owner's Name-*please print*)	_____ (Owner's Signature)	_____ (Date)
3)	_____ (Applicant's Name-*please print*)	_____ (Applicant's Signature)	_____ (Date)
4)	_____ (Representative's Name-*please print*)	_____ (Representative's Signature)	_____ (Date)

If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures. If the applicant is different from the property owner, both parties must sign the application.

Corporations, Limited Liability Corporations, Partnerships or other similar entities: please include a notarized Official Corporate Certification authorizing a representative to sign on behalf of the corporation.

STAFF USE ONLY – APPLICANT: DO NOT WRITE BELOW THIS LINE

Staff Initials: _____ Date: _____ Receipt #: _____

PB Meeting Date:	_____	BOC Meeting Date:	_____
Published on:	_____	Published on:	_____
Letters Mailed:	_____	Letters Mailed:	_____
Sign posted:	_____	Sign posted:	_____

PZC Recommendation: Approved Denied Applicant Notified: _____

BOC Action: Approved Denied Applicant Notified: _____

Staff Signature: _____ Date: _____

Staff Comments: _____

_____

RZ-26-08 APPENDIX E

Relevant Sections from the Comprehensive Plan

Chapter 2: Land Use

active participation by all units of local government within the Urban Services Area.

13. Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development that would damage them or diminish their integrity.

14. Sewer and water infrastructure investments should be focused within the USA first and foremost. Priority should be given to economic development sites, commercial districts, dense residential areas, schools, and existing areas prone to septic failure within the USA. Investments in sewer and water infrastructure outside of the USA should be made cautiously.

15. The precise extent of the USA and the Rural / Urban Transition Area (RTA; see below) should be periodically reviewed in light of any changes in sewer and water capacity or other factors. As urban densities within the USA and development pressures within the RTA increase and as sewer and water capacities within the RTA are developed, areas of the RTA should be pulled into the USA, and allowable densities substantially increased.

16. Farmland protection measures should be aggressively pursued within the USA.

Rural / Urban Transition Area (RTA)

The following is a description of the patterns of development envisioned within the RTA.

1. The RTA is currently rural in character, with existing pockets of limited higher density residential and commercial development. Slopes vary across the RTA, although the area can be considered to be generally developable. The primary factor preventing urban development in the RTA is the absence of sewer and water service. The RTA will continue to experience extensive development over the operational timeframe of this Comprehensive Plan.

2. Population and residential densities should be generally lower than the more urban population densities found within the USA and should be generally in keeping with topography, septic limitations, and school and transportation capacities. Land development ordinances in the RTA should strive for a general, average density of 4 or fewer residential dwelling units per acre. Actual densities as defined by zoning requirements should vary across the RTA according to constraints and community characteristics. As infrastructure is expanded and becomes available, the RTA should have an average density no more than 4 units per acre.

3. At the same time, it should be recognized that growth has steadily increased in the RTA during the preceding decade and that the RTA will remain in a state of transition and will absorb much of the development pressure in

27

the USA. As such, it will be necessary to allow for more dense development where appropriate.

4. Land uses should be regulated via rigorous regulations in much the same way as in the USA, albeit at lower densities.

5. Land use policies and regulations will encourage moderate to low-density residential development that is consistent with a rural setting, with more dense residential development around defined Community Service Centers. Community Service Centers are located at key nodes / intersections and traditional locations and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl (see definition below).

6. Clustering and conservation design will be encouraged with the intent of maintaining a rural environment, protecting sensitive natural areas, and reserving land for future development with the expansion of the USA.

7. Commercial development and community facilities (see definition below) will be encouraged within defined Community Service Centers (see definition below). Commercial development will be at Local and Community scales (see definitions below), while Regional Commercial development will be strongly discouraged within the RTA.

8. At the present time, much of the RTA does not have sewer or water services. Future expansions of sewer and water infrastructure into the RTA should be consistent with the Sewer and Water Master Plan as envisioned in the Public Facilities chapter of this Comprehensive Plan and should be timed to coincide with deliberate expansions of the USA.

9. The Residential-Agriculture Zoning district covers much of the RTA. While the basic structure of Residential-Agriculture Zoning may remain, certain established residential communities should be protected with more traditional zoning.

10. Public economic development investments should be focused within the USA, although economic development activities may take place within the RTA in limited form, within properly zoned areas. Most Industrial and Regional Commercial land uses should be discouraged, except in limited circumstances.

11. Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development which would damage such resources or diminish their integrity.

12. Substantial incentives should be incorporated into the County's land development ordinances in order to encourage the protection of sensitive natural areas and key farmland.

13. Farmland protection measures should be aggressively pursued within the RTA.

14. The precise extent of the USA and RTA should be periodically reviewed in light of any changes in sewer and water capacity or other factors. As urban densities within the USA and development pressures within the RTA increase and as sewer and water capacities within the RTA are developed, areas of the RTA should be pulled into the USA and allowable densities substantially increased.

15. Limited public transportation within the RTA should be focused on defined Community Service Centers.

Rural / Agriculture Areas (RAA)

The following is a description of the patterns of development envisioned within the RAA:

1. The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.

2. Slopes may be steep, often exceeding 10%, with significant areas greater than 20%.

3. Most sections of the RAA are so far from sewer services as to make their extension largely impossible. Land development regulations should recognize this by not permitting densities that would require sewer services or introduce traffic capacity problems and by encouraging densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.

4. Densities should be considerably lower than that of the USA or the RTA. The suitability of land within these regions of the county should be a principal consideration in determining developmental densities and segregation of incompatible land uses. Land development ordinances in the RAA should strive for a general, average density of 1½ or more acres per residential dwelling unit, but due to topography and land use constraints, some areas in the RAA should have densities of 1 unit per 5 or more acres. Actual densities as defined by zoning requirements should vary across the RAA according to constraints and community characteristics.

5. Extraordinary care should be taken in these areas to preserve their rural character and to protect valuable farmlands as well as environmental and cultural resources. Farmland protection measures should be aggressively pursued within the RAA.

6. Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development which would damage such resources or diminish their integrity.

§154-35. Industrial District (I)

A. Purpose. The purpose of the Industrial District (I) is to foster orderly growth where the *principal use* of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for *industrial* and heavy *commercial development* consistent with the recommendations of the *Comprehensive Plan*. In accordance with the *Comprehensive Plan*, the district will allow for and provide *industrial* and heavy *commercial development* that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land *uses*; and (3) is sensitive to its impact on surrounding land *uses* and the environment (natural and man-made).

B. **Density and Dimensional Requirements**. Each *use* allowed in this district shall at a minimum conform to the following requirements. In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §154-60 (Supplemental Requirements).

Table 2.10. I Density and Dimensional Requirements

Maximum Impervious Surface (%)			80
Maximum *Floor Area* (sq ft)			Unlimited
Yard Setbacks (feet)	*Front* or *ROW*	*Local*	20
		Collector	30
		Arterial	40
		Thoroughfare	50
		Expressway	50
		Freeway	60
	Side		20
	Rear		20
Maximum Height (feet)			72

1. Accessory structures may be located in the side, rear or front yards and may be setback a minimum of five (5) feet from the side or rear property lines and ten (10) feet from the front or Right of Way (ROW).

§154-31. Office Institutional District (OI)

A. Purpose. The purpose of the Office Institutional District (OI) is to foster orderly growth where the *principal use* of land is a mixture of *office*, *institutional*, and residential. The intent of this district is to allow for office, institutional and *residential development* consistent with the recommendations of the *Comprehensive Plan*. In accordance with the *Comprehensive Plan*, the district will allow for and provide *office*, *institutional*, and *residential development* that: (1) is directed largely to Community Service Centers as defined in the *Comprehensive Plan*; (2) is compatible with adjacent development and the surrounding community; and (3) will minimize congestion and sprawl.

B. **Density and Dimensional Requirements.** Each *use* allowed in this district shall at a minimum conform to the following requirements (in the case of a nonresidential *use* the *residential density* requirements shall not apply). In some cases a specific *use* may be required to meet the Supplemental Requirements as set forth in §154-60 (Supplemental Requirements).

Table 2.6. OI Density and Dimensional Requirements			
(1) *Residential Density* (units/acre)		(2) Standard	4
		(3) Maximum	16
Maximum Impervious Surface (%)			80
(4) *Yard Setbacks* (feet)	*Front* or *ROW*	*Local*	20
		Collector	25
		Arterial	35
		Thoroughfare	45
		Expressway	55
		Freeway	60
	Side		10
	Rear		10
Maximum Height (feet)			50

(1) *Residential density* shall be calculated utilizing the entire acreage of a *tract* of land. Under this scenario, *residential density* shall be determined based on the following formula:

Lot size x allowable units per acre = permitted *dwelling units*

The following example assumes a 5 acre tract with an allowable density of 4 units/acre:

5 acres x 4 units per acre = **20 permitted *dwelling units***

The maximum *residential density* for portions of the *tract* with a *slope* of 60 percent or greater (where such *slope* areas of the *tract* account for ten (10) percent or more of the *tract*) shall be one-half (½) the eligible density.

(2) Standard *residential density* shall be applied:

a. On a *lot* existing at the time of the initial adoption of this Chapter, where there is not adequate area to comply with the applicable standard *residential density* requirement.

b. To single-family residential *uses*.

(3) Maximum residential density shall be available to applicants proposing multifamily developments with three (3) or more units (specifically excluding single-family units) where:

a. A total of at least five (5) units would be permitted by standard residential density, and

b. Such dwellings shall be served by both: (1) a *public water supply system* and (2) a *sewage disposal system* (of the following types: municipal, approved public, or approved community)which meet the requirements of the local or State authorities having jurisdiction thereof.

(4) Accessory structures may be located in the side, rear or front yards and may be setback a minimum of five (5) feet from the side or rear property lines and ten (10) feet from the front or Right of Way (ROW).

RZ-26-08 APPENDIX G

Permitted Uses Table

Changes in permitted uses that would result from this rezoning petition are highlighted in yellow.

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=*Special Use Permit*		
1. RESIDENTIAL USES	**OI**	**I**	**Supplementary Requirements**
Assisted Living Residence	**P**		1.1
Bed and Breakfast Inn	**P**		1.2
Continuing Care Retirement Community	**P**		1.3
Dwelling, Manufactured Home (multi-section)			1.4
Dwelling, Manufactured Home (singlewide)			1.4
Dwelling, Multifamily	**P**		1.5
Dwelling, Single Family Detached/Attached			1.6
Dwelling, Two Family Attached	**P**		1.7
Family Care Home	**P**		1.8
Fraternity and/or Sorority House	**P**		1.9
Hospice Residential Care Facility	**P**		1.10
Manufactured Home Park			1.11
Nursing Home	**P**		1.12
Rooming and Boarding House			1.13
Upper Story Residential	**P**		

2. ACCESSORY USES	**OI**	**I**	**SR**
Childcare Facility (as an accessory for a principal business)	**P**	**P**	2.1
Drive-Thru Window	**P**		2.2
Dumpster(s)	**P**	**P**	2.3
Dwelling, Single-Family (as an accessory for a principal business)	**P**		2.4
Fuel Pumps		**P**	2.5
Home Occupation, Adult Day Care			2.6
Home Occupation, Childcare Facility			2.7
Home Occupation, General	**P**		2.8
Home School	**P**	**P**	-
Outdoor Storage ≤5000 sq ft		**P**	2.9
Outdoor Storage >5000 sq ft		**P**	2.10
Rural Family Occupation			2.11
Solar Panels	**P**	**P**	2.12

3. ACCESSORY STRUCTURES	**OI**	**I**	**SR**
Airport (Private Accessory)		**S**	3.1
Automatic Teller Machine	**P**	**P**	3.2
Boathouse, Private			3.3
Bulkhead			3.4

Carport	**P**		-
Dock/Pier	**P**		3.5
Dwelling, Accessory Residential	**P**		3.6
Garage, Residential	**P**		-
Gate and/or Guardhouse	**P**	**P**	3.7
Greenhouse	**P**	**P**	3.8
Heliport (Private Accessory)	**P**	**P**	3.9
Loading Bay	**P**	**P**	-
Outdoor Sale Display Areas			3.10
Parking Garage	**P**	**P**	3.11
Planned Seasonal Agricultural Worker Development	**P**	**P**	3.12
Produce Stand, Accessory	**P**	**P**	3.13
Satellite Dish	**P**	**P**	-
Storage Shed	**P**	**P**	3.14
Swimming Pool, Spa, Hot Tub, Residential	**P**		-
Wastewater Treatment Plant, Small Accessory	**P**	**P**	3.15
Wind Mill/Turbine, Accessory ≤ 40 ft height	**P**	**P**	3.16
Wind Mill/Turbine, Accessory > 40 ft height	**S**	**S**	3.17

4. RECREATIONAL USES	**OI**	**I**	**SR**
Amusement Park		**S**	4.1
Camp	**P**		4.2
Campground			4.3
Coin Operated Amusements			4.4
Common Area Recreation and Service Facilities	**P**		4.5
Golf Course and/or Country Club	**P**		4.6
Governmental Recreational Facilities	**P**		4.7
Marina			4.8
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)	**S**		4.9
Motor Sports Facility, Major		**S**	4.10
Motor Sports Facility, Minor		**S**	4.11
Motor Sports Facility, Recreational		**S**	4.12
Park	**P**	**S**	4.13
Recreational Facilities (Indoor/Outdoor)	**P**	**S**	4.14
Recreational Vehicle Park			4.15
Riding Stables			4.16
Commercial *Shooting Ranges*, Indoor		**P**	4.17
Commercial *Shooting Ranges*, Outdoor		**P**	4.18

5. EDUCATIONAL AND INSTITUTIONAL USES	**OI**	**I**	**SR**
Adult Day Care Facility	**P**		5.1
Ambulance Services	**P**	**P**	5.2
Cemetery, Family			5.3

Cemetery/Mausoleum/Columbarium (excluding crematoriums)	**P**	**S**	5.4
Childcare Facility	**P**	**P**	5.5
Club/Lodge	**P**	**S**	5.6
College or University	**P**		5.7
Community Club	**P**		5.8
Correctional Facilities	**P**	**S**	5.9
Fire and Rescue Station	**P**	**P**	5.10
Funeral Home or Crematorium	**P**		5.11
Government Offices	**P**	**P**	5.12
Homeless Shelter	**P**		5.13
Hospital	**P**		5.14
Museum/*Library/Archive*	**P**		5.15
Place of Assembly, Large	**S**	**S**	5.16
Place of Assembly, Small	**P**	**S**	5.17
Police Station	**P**	**P**	5.18
Religious Institution	**P**	**S**	5.19
School (Home)	**P**		-
School (Public/Private/Charter)	**P**		5.20
Youth Center	**P**		5.21

6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES	**OI**	**I**	**SR**
Animal Shelter		**P**	6.1
Automobile and Equipment Service		**P**	6.2
Automotive Towing		**P**	6.3
Broadcasting and Communications Facilities	**P**	**S**	6.4
Car Wash			6.5
Exterminating and Pest Control Services		**S**	6.6
Kennel		**P**	6.7
Motel/Hotel			6.8
Office: Business, Professional and Public	**P**		6.9
School (Technical, Trade and Business)	**P**	**S**	6.10
Theater, Drive-In			6.11
Urgent Care Clinic	**P**		6.12

7. RETAIL TRADE	**OI**	**I**	**SR**
Adult Book and Retail Merchandise Store		**S**	7.1
Adult Theatre and Live Entertainment		**S**	7.2
Cinema Complex			7.3
Convenience Store	**P**	**S**	7.4
Entertainment Complex			7.5
Flea Market			7.6
Fuel Oil Distribution and Sales		**S**	7.7
Landscaping Materials Sales and Storage		**P**	7.8
Manufactured/Mobile Home Sales		**P**	7.9
Motor Vehicle Sales or Leasing			7.10

Open Air Market			**7.11**
Parking Garage or Lot (requiring payment)		**S**	**7.12**
Produce Stand	**P**		**7.13**
Retail Sales and Services ≤50,000 sq ft (of gross floor area)	**P**		**7.14**
Retail Sales and Services >50,000 ≤100,000 sq ft (of gross floor area)			**7.15**
Retail Sales and Services >150,000 sq ft (of gross floor area)			**7.17**
Shopping Mall			**7.18**
Truck Stop		**P**	**7.19**

8. WHOLESALE TRADE	**OI**	**I**	**SR**
Wholesale Trade		**P**	**8.1**

9. TRANSPORTATION, WAREHOUSING AND UTILITIES	**OI**	**I**	**SR**
Airport (Private)		**S**	9.1
Airport (Public)		**S**	9.2
Communication Facilities, Category 1	**P**	**P**	9.3
Communication Facilities, Category 2	**P**	**P**	9.3
Communication Facilities, Category 3		**S**	9.3
Hazardous Waste Disposal Facilities		**S**	9.4
Land Clearing Debris and Inert Debris Storage or Disposal		**S**	9.5
Rail Transportation Facilities and Support Activities		**P**	9.6
Self-Storage Warehousing	**S**	**P**	9.7
Septic Tank and Related Services		**S**	9.8
Solar Energy Generation Facility ≤ 30 acres	**P**	**P**	9.9
Solar Energy Generation Facility > 30 acres	**S**	**S**	9.9
Solid Waste Combustors and Incinerators		**S**	9.10
Solid Waste Facility, County Owned/Operated	**P**	**P**	9.11
Transit and Ground Passenger Transportation		**S**	9.12
Truck Terminals		**P**	9.13
Utility Substation	**P**	**P**	9.14
Warehousing and Storage (Excluding Warehousing of Hazardous Substances)		**P**	9.15
Waste Collection and Transfer Facility (Hazardous)		**S**	9.16
Waste Collection and Transfer Facility (Non-hazardous)		**P**	9.17
Wastewater Treatment Plant	**S**	**P**	9.18
Water Treatment Plant	**S**	**P**	9.19

10. MANUFACTURING & INDUSTRIAL USES	**OI**	**I**	**SR**
Asphalt Plant		**P**	10.1
Battery Manufacturing Facility		**S**	10.2

Chip Mill		**P**	10.3
Concrete Batch Plant		**S**	10.4
Junkyard		**P**	10.5
Landfill, Public or Private		**P**	10.6
Machining and Assembly Operations ≤10,000 sq ft (of *gross floor area*)		**P**	10.7
Machining and Assembly Operations >10,000 sq ft (of *gross floor area*)		**P**	10.7
Manufacturing and Production Operations ≤10,000 sq ft (of *gross floor area*)		**P**	10.8
Manufacturing and Production Operations >10,000 sq ft (of *gross floor area*)		**P**	10.8
Materials Recovery Facilities (Recycling)		**P**	10.9
Mining and Extraction Operations		**S**	10.10
Packaging and Labeling Services		**P**	10.11
Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing		**S**	10.12
Product Processing and Storage Facilities		**P**	10.13
Recycling Centers, Drop-Off Facilities	**P**	**P**	10.14
Research and Development Operations (Hazardous or Biological Materials)		**P**	10.15
Research and Development Operations (Non-hazardous)		**P**	10.16
Sawmill		**P**	10.17
Slaughterhouse		**P**	10.18
Truck Wash		**P**	10.19

11. TEMPORARY USES	**OI**	**I**	**SR**
Christmas Tree Lot Sales	**P**		11.1
Circuses, Carnivals, Fairs, Religious Services (or similar types of events)	**P**	**P**	11.2
Food Trucks	**P**	**P**	-
Model Home Sales Office, Temporary	**P**		11.3
Movie Production	**P**	**P**	-
Portable Sawmill		**P**	11.4
Special Events between 250 and 499 persons	**P**	**P**	11.5
Special Events greater than 500 persons	**P**	**P**	11.6
Yard Sale	**P**		11.7

12. TEMPORARY STRUCTURES	**OI**	**I**	**SR**
Portable Storage Container	**P**	**P**	12.1
Produce Stand, Temporary	**P**	**P**	12.2
Temporary Construction Project Buildings	**P**	**P**	12.3
Tent Sale		**P**	12.4

13. AGRICULTURAL USES	OI	I	SR
Agriculture	**P**	**P**	-
Food Manufacturing	**P**	**P**	-
Forestry	**P**	**P**	-
Forestry Support Services	**P**	**P**	-
Veterinary Services (livestock)	**P**	**P**	-

ALEXANDER COUNTY
PLANNING DEPARTMENT
(828) 632-1000 – planning@alexandercountync.gov
www.alexandercountync.gov/departments/planning

STAFF REPORT
V-26-01

Prepared by Patrick Creech, Planning Director

October 8th, 2026

PETITION	V-26-06
APPLICANTS	Fred Jensen
OWNERS	Fred & Janice Jensen
PIN	3820 90 8604
Parcel ID	797
ADDRESS	409 All Healing Springs Rd
LOCATION	Ellendale
ACREAGE	12.11
REQUESTED ACTION	To approve a variance to the placement standards for a single-wide manufactured home.



Table of Contents

BACKGROUND....2
REVIEW CRITERIA....3
FINDINGS OF FACT....4
PLANNING ANALYSIS....4
CITIZEN INPUT....6
NOTIFICATION/INPUT REQUIREMENTS....6
SUP-26-06 APPENDIX A....7
SUP-26-06 APPENDIX B....8
SUP-26-06 APPENDIX C....9
SUP-26-06 APPENDIX D....13

BACKGROUND

Owner Fred Jensen purchased the subject property in 2024. At the time of purchase, the property contained a single-family home and two single-wide manufactured homes. Mr. Jensen removed both manufactured homes after purchasing the property and now seeks to replace one of them. Because the previous manufactured home has been removed from the property for more than six months, the site no longer retains its legacy status that would have allowed replacement without meeting the current placement requirement.



Figure 1 - Placement of Now-Removed SWMH

Mr. Jensen states that, due to the topography of the parcel, it is not feasible to place the manufactured home parallel to the road as required by SR 1.4(5)e. This section requires manufactured homes to:

> "Be placed on the lot in harmony with the existing neighboring site-built structures. Where no neighboring structures are available for comparison, the manufactured home shall be sited with the front running parallel to the road providing access to the site."

Staff notes that the manufactured home previously located at the proposed site was not situated parallel to the road, and Mr. Jensen intends to place the new manufactured home in approximately the same location and orientation.

A second manufactured home was previously located behind the existing house. Mr. Jensen does not intend to use that location because he is currently placing a barn on that portion of the property.

PROPERTY INFORMATION

This parcel owned by Mrs. Barnes is large, covering over 1,445 acres. The following property information is confined to the part of the parcel.

- **Vicinity**
  - **North:** The following properties abut Mr. Jensen's parcel to the north:
    - 3820-91-8057: A single-family residence on 1 acre of land owned by Laura Stikeleather at 477 All Healing Springs which is zoned R2.
    - 3820-91-4737: A vacant parcel of 8.154 acres owned by Dennis Teague with no assigned address which is zoned R2R.
  - **South:** The following properties abut Mr. Jensen's parcel to the south:
    - 3820-90-9033: A single-family residence on 6 acres of land owned by Ballin Shakira Revoc Trust at 265 All Healing Springs which is zoned R2R.
    - 3820-91-4737: A vacant parcel of 2.28 acres owned by Ballin Shakira Revoc Trust with no assigned address which is zoned R2R.
  - **East:** The following properties abut Mr. Jensen's parcel to the east:
    - 3830-00-9898: A single-family residence on 37.03 acres of land owned by Patrick and Harriet Gilleland at 240 All Healing Springs which is zoned R2R.

        - 3830-00-7328: A single-family residence on 8.13 acres of land owned by Randy Gilleland at 338 All Healing Springs which is zoned R2R.
    - **West:** The following properties abut Mr. Jensen's parcel to the east:
        - 3820-91-3384: A vacant parcel of 7.384 acres owned by Dennis Teague with no assigned address which is zoned R2R.
        - 3820-91-2514: A vacant parcel of 7.384 acres owned by Cody and Christopher Echerd with no assigned address which is zoned R2R.

- **Road Access**
  - The property has access directly to All Healing Springs Rd.

- **Sewer and Water Access**
  - The applicant has access to county provided water.

- **Development Potential**
  - Due to its location, the location of this parcel is primarily suited to rural residential, rural industrial, or agricultural purposes.

REVIEW CRITERIA

Zoning variances may be approved only when the Board of Adjustment finds substantial evidence in the official record and the application to support all of the following findings:

A. There are practical difficulties or unnecessary hardships in carrying out the strict letter of this Chapter, as demonstrated by:
    1. The fact that, if the applicant complies with the literal terms of this Chapter, he/she cannot secure a reasonable return from, or make a reasonable use of, the property.
    2. The hardship of which the applicant complains results from unique circumstances related to the applicant's land.
    3. The hardship is not the result of the applicant's own action.

B. The Variance is in harmony with the general purpose and intent of this Chapter and will preserve its spirit.

C. The Variance will secure the public safety and welfare and will do substantial justice.

D. The Variance shall not be based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts, and shall in no way constitute a reason for the requested Variance.

E. The Variance shall not allow for an increase in density for the purposes of subdividing the land that would otherwise not be permitted by the applicable zoning district or subdivision regulations.

FINDINGS OF FACT

Planning Staff recommends using the following questions to guide the Board of Adjustment as they determine their Findings of Fact.

1. Is the application complete?
2. If the applicant complies with the literal terms of this Chapter, will he be able to secure a reasonable return from, or make a reasonable use of, the property?
3. Does hardship of which the applicant complains results from unique circumstances related to the applicant's land?
4. Is the hardship the result of the applicant's own action?
5. Has the applicant demonstrated that this development will be in harmony with the surrounding area?
6. Is the Variance in harmony with the general purpose and intent of this Chapter and will it preserve its spirit?
7. Will the Variance secure the public safety and welfare and do substantial justice?
8. Is the rationale for the Variance based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts?
9. Does the Variance allow for an increase in density for the purposes of subdividing the land that would otherwise not be permitted by the applicable zoning district or subdivision regulations?

PLANNING ANALYSIS

If the applicant complies with the literal terms of this Chapter, will he be able to secure a reasonable return from, or make a reasonable use of, the property?	Based on the applicant's proposed location and the existing topography of the property, compliance would require additional site work to create a sufficiently level area for the manufactured home in the required orientation. Alternatively, the applicant could choose not to place a single-wide manufactured home at this location and instead pursue another type of dwelling that is not subject to the same orientation requirement, such as a modular or site-built home.
Does hardship of which the applicant complains results from unique circumstances related to the applicant's land?	The hardship identified by the applicant is related to the topography of the property. The applicant contends that the slope and existing terrain at the proposed location make it difficult to orient the manufactured home parallel to the road without additional grading or alteration of the site.
Is the hardship the result of the applicant's own action?	The existing terrain appears to be a preexisting physical characteristic of the property rather than a condition created by the applicant. The

	applicant has not subdivided the property or altered the topography in a manner that created the conditions giving rise to the variance request.
Has the applicant demonstrated that this development will be in harmony with the surrounding area?	There are few single-wide manufactured homes in the immediate vicinity of the subject property. Approximately one-quarter mile south, at 105 All Healing Springs Road, there is a single-wide manufactured home that is not oriented strictly parallel to the road. A second single-wide manufactured home is located at 477 All Healing Springs Road and is oriented parallel to the road.  
Will the Variance secure the public safety and welfare and do substantial justice?	The requested variance concerns only the orientation of the manufactured home in relation to the road. Approval of the variance would not waive other applicable development standards, including required setbacks, access requirements, or other health and safety regulations.

	Staff has not identified a specific public safety concern that would result from allowing the manufactured home to be placed in the proposed orientation. The Board should also consider whether requiring additional grading or a different type of dwelling solely to achieve a parallel orientation would further the purpose of the ordinance in a manner proportionate to the burden placed on the applicant.
Is the rationale for the Variance based on the existence of a nonconforming use of neighboring land or structures in the same district, or permitted nonconforming uses in other districts?	The rationale for the variance is based on the topography of the subject property and is not based on the existence of nonconforming uses on neighboring properties or in other districts.
Does the Variance allow for an increase in density for the purposes of subdividing the land that would otherwise not be permitted by the applicable zoning district or subdivision regulations?	The requested variance relates only to the orientation of the proposed manufactured home and would not allow an increase in density or facilitate a subdivision of the property beyond what is otherwise permitted by the applicable zoning and subdivision regulations.

CITIZEN INPUT

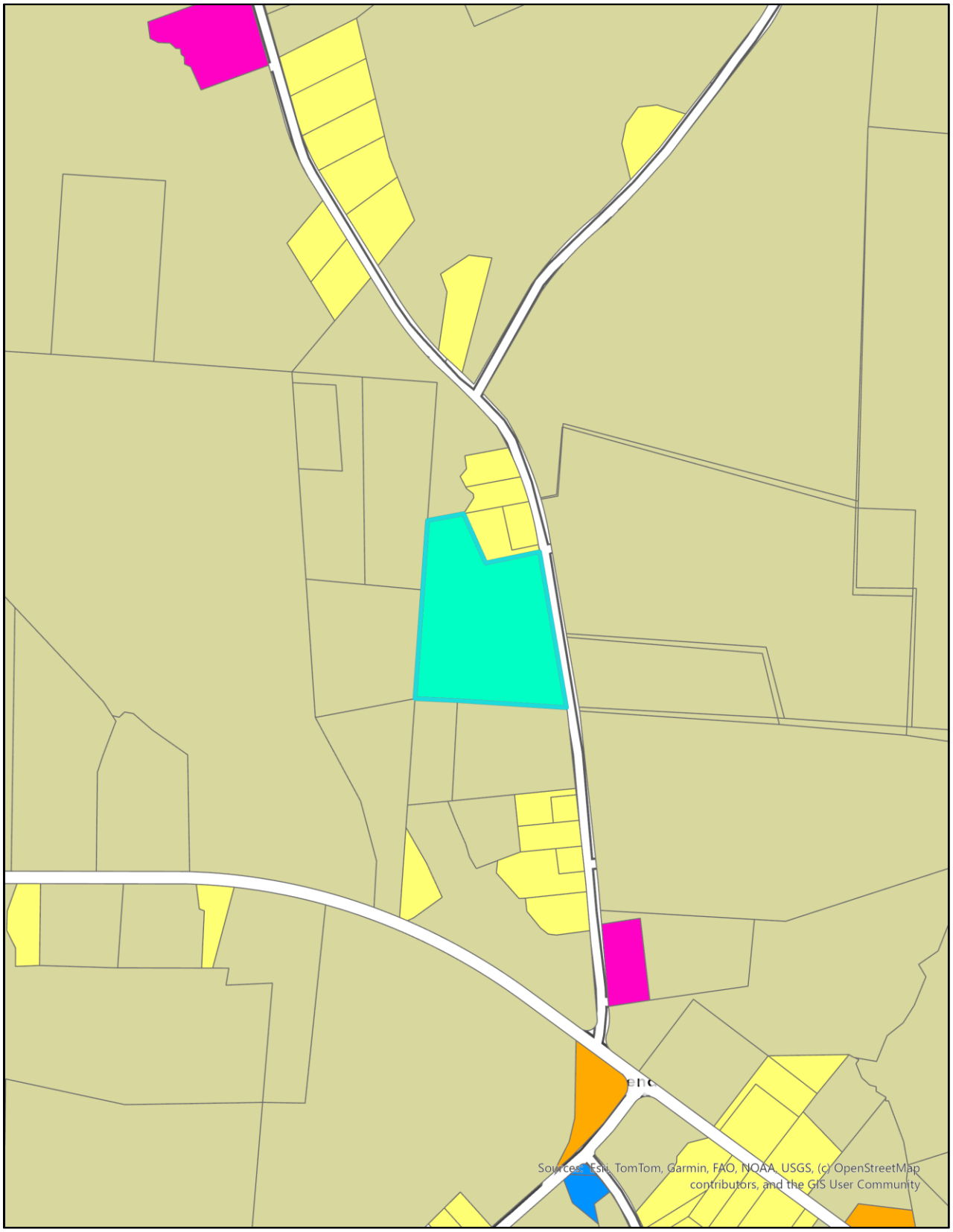
As of October 8, 2026, planning staff have received calls, visits, and emails from four neighboring properties.

NOTIFICATION/INPUT REQUIREMENTS

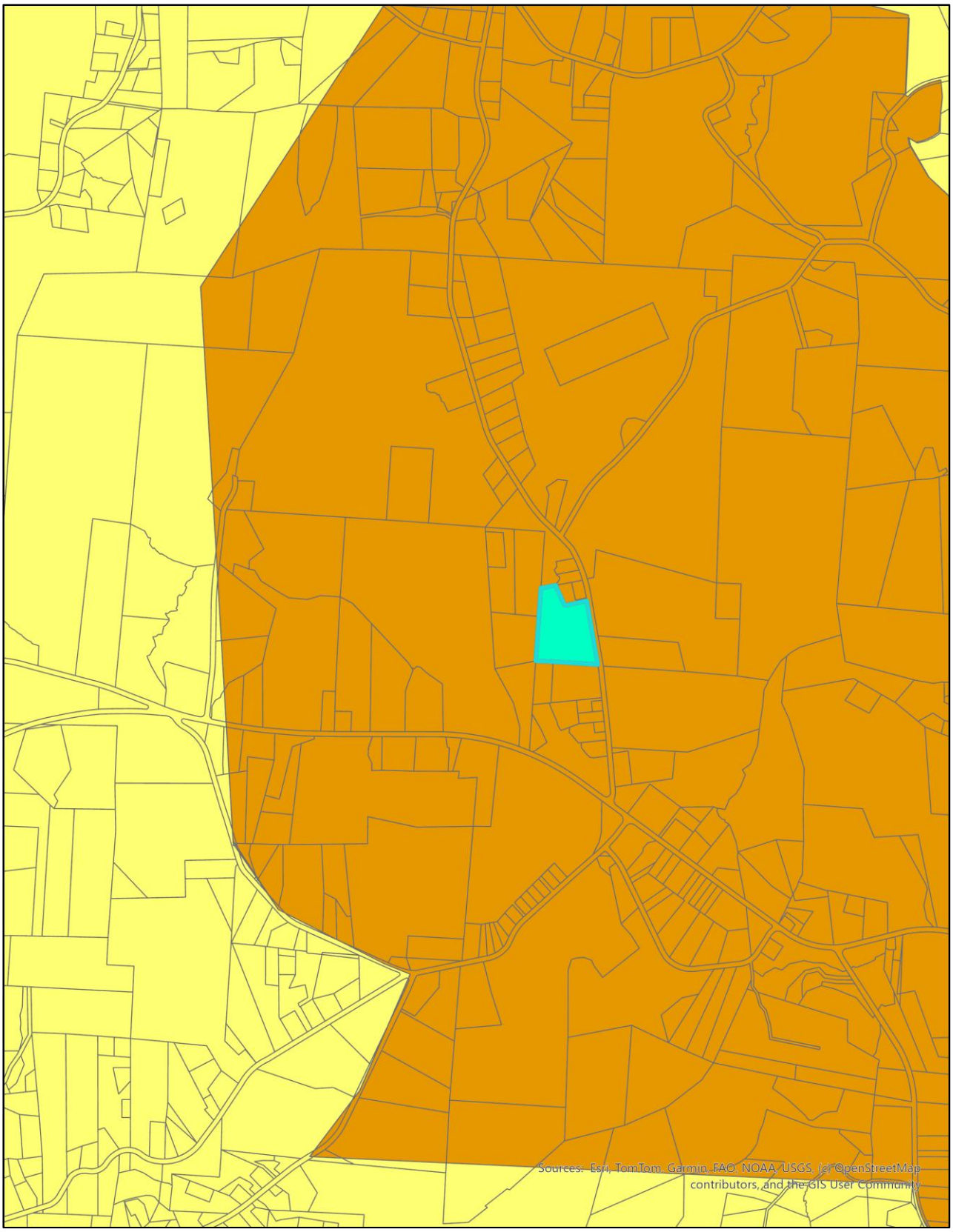
Planning Staff	
Completeness Review	Application and Payment reviewed and approved as complete: **9/10/2026**

Planning Board		
Meeting Date	**Thursday, October 8th, 2026**	
Notice Requirements	Mailed Notice – Adjacent (at least 7 days prior)	Letters mailed: **9/11/2026**
	Sign Posted - Sign(s) shall be posted no more than twenty-five (25) days and at least ten (10) days prior to the hearing.	Sign posted: **9/11/2026**

SUP-26-06 APPENDIX A
Zoning Map



SUP-26-06 APPENDIX B
Future Land Use Map



SUP-26-06 APPENDIX C
Application

ALEXANDER COUNTY
North Carolina

Variance Application

Case #: _____
Tax Map #: _____
Date Submitted: _____

A) OWNER/APPLICANT OR AGENT INFORMATION:

1) APPLICANT: FRED JENSEN
ADDRESS: 4125 ALL HEALING SPRINGS RD TAYLORSVILLE NC
TELEPHONE #: 910-612-8477 FAX #: _____ EMAIL: FREDJ1958@YAHOO.COM
2) PROPERTY OWNER: SAME
ADDRESS: _____
TELEPHONE #: _____ FAX #: _____ EMAIL: _____
☐ Check here if there are additional property owners, and attach their names, addresses and telephone numbers.
3) Will an attorney, surveyor, realtor or other agent represent the applicant/property owner in this matter?
REPRESENTATIVE: NO
ADDRESS: _____
TELEPHONE #: _____ FAX #: _____ EMAIL: _____

B) PROPERTY INFORMATION:

1) PROPERTY LOCATION (Address or Description): 4125 ALL HEALING SPRINGS RD TAYLORSVILLE NC
2) DATE PROPERTY ACQUIRED: 12/31/2023 DEED BOOK/PAGE: 0672-0285
3) TAX MAP #: 3820-90-8604 LOT #: 0000 797 SIZE (sqft./acres): 12.11
4) UTILITIES PROVIDED (please circle): Public Water (Well) Public Sewer (Septic System)
5) AMOUNT OF ROAD FRONTAGE: 780 CURRENT LAND USE: RESIDENTIAL
6) METES AND BOUNDS DESCRIPTION ATTACHED: (YES) NO

C) ZONING INFORMATION:

1) EXISTING ZONING DISTRICT: RZR
2) PROPOSED USE: RESIDENCE
3) SITE PLAN OF PROPOSED DEVELOPMENT ATTACHED: (YES) NO
Note: A scaled site plan and/or survey indicating the proposed variance, property lines, dimensions and structures ***must*** be submitted with the application.

1) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Hardships suffered by the applicant in common with neighbors do not justify a variance. The existence of a non-conforming use of neighboring land, buildings or structures shall not constitute a reason for a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land and not with the ownership thereof.)

WOULD NOT BE ABLE TO PLACE MOBILE HOME ANYWERE EXCEPT WHERE THE OLD ONE WAS AND WOULD BE FORCED TO SELL HOME THAT I HAVE ALREADY BOUGHT

2) The hardship is not the result of the applicant's own actions.

LAY OF THE LAND AND LOCATION OF CURRENT UTILITIES DO NOT ALLOW MOBILE HOME TO BE PARALELL WITH THE ROAD

B) ***The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.*** (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

IN THIS CASE MOBILE HOME WOULD BE PARALLEL WITH THE TREE LINE AND WOULD LOOK RIGHT AS FAR AS I'M CONCERNED

C) ***The granting of the variance secures the public safety and welfare and does substantial justice.*** (State facts and arguments to show that on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

MESS UP MY PLAN OF LIVING IN ALEXANDER COUNTY ALSO I HAVE A EXISTING SEPTIC SYSTEM THAT HAS ALREADY BEEN APROVED MY COUNTY IN THIS LOCATION ALONG WITH WATER HOOKUP

D) VARIANCE REQUEST:

TO THE ALEXANDER COUNTY BOARD OF ADJUSTMENT:

I/We hereby petition the Board of Adjustment for a variance from the literal provisions of the Alexander County Zoning Ordinance. I/We are requesting a variance from the provisions of Chapter 154.079, so that the property can be used in a manner indicated by the attached site plan and more specifically described below:

1) TYPE OF VARIANCE REQUESTED: (*please check all that apply*)

☐ LOT SIZE: Required Size: _____ Requested Size: _____

☐ SETBACK: Front, Rear, Side Or Street Side: _____

Required Setback: _____ Requested Setback: _____

☐ BUILDING HEIGHT: Required Height: _____ Requested Height: _____

2) IN ORDER TO ALLOW: MOBILE Home to Be Replaced NOT PARALLEL with ROAD

E) REQUIRED FINDINGS OF FACT:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under state law, the Board is required to reach three conclusions as a prerequisite to the issuance of a variance:

1) ***There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance;***
2) ***The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and***
3) ***In granting the variance, the public safety and welfare have been assured and substantial justice has been done.***

Answer the following questions in the space provided below or on a separate sheet of paper:

A) ***There are practical difficulties or unnecessary hardships in the way of carrying out the letter of the Ordinance***. The courts have developed rules to determine whether in a particular situation "practical difficulties or unnecessary hardships exist. State facts and arguments in support of each of the following.

F) REQUIRED SIGNATURES:

I/We certify that I have completely read the application and understand the guidelines as listed above. I/We, the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge.

1)	FRED JOWSON (Owner's Name-*please print*)	(Owner's Signature)	8/11/2026 (Date)
2)	(Owner's Name-*please print*)	(Owner's Signature)	(Date)
3)	(Applicant's Name-*please print*)	(Applicant's Signature)	(Date)
4)	(Representative's Name-*please print*)	(Representative's Signature)	(Date)

If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures. If the applicant is different from the property owner, both parties must sign the application.

Corporations, Limited Liability Corporations, Partnerships or other similar entities: please include a notarized Official Corporate Certification authorizing a representative to sign on behalf of the corporation.

STAFF USE ONLY – APPLICANT: DO NOT WRITE BELOW THIS LINE

Staff Initials: _____ Date: _____ Receipt #: _____

BOA Meeting Date: _____
Published on: _____
Letters Mailed: _____
Sign posted: _____

BOA Action: Approved Denied Applicant Notified: _____

Staff Signature: _____ Date: _____

Staff Comments: _____

SUP-26-06 APPENDIX D
Relevant Sections from the Comprehensive Plan

Chapter 2: Land Use

13. Farmland protection measures should be aggressively pursued within the RTA.

14. The precise extent of the USA and RTA should be periodically reviewed in light of any changes in sewer and water capacity or other factors. As urban densities within the USA and development pressures within the RTA increase and as sewer and water capacities within the RTA are developed, areas of the RTA should be pulled into the USA and allowable densities substantially increased.

15. Limited public transportation within the RTA should be focused on defined Community Service Centers.

Rural / Agriculture Areas (RAA)

The following is a description of the patterns of development envisioned within the RAA:

1. The RAA covers those portions of the county that are predominantly rural and are characterized by low-density residential development with substantial land areas devoted to agriculture and undeveloped lands. Land use policies will seek to retain that character.

2. Slopes may be steep, often exceeding 10%, with significant areas greater than 20%.

3. Most sections of the RAA are so far from sewer services as to make their extension largely impossible. Land development regulations should recognize this by not permitting densities that would require sewer services or introduce traffic capacity problems and by encouraging densities that are consistent with steep slopes, poor septic capacities, and sensitive topography.

4. Densities should be considerably lower than that of the USA or the RTA. The suitability of land within these regions of the county should be a principal consideration in determining developmental densities and segregation of incompatible land uses. Land development ordinances in the RAA should strive for a general, average density of 1½ or more acres per residential dwelling unit, but due to topography and land use constraints, some areas in the RAA should have densities of 1 unit per 5 or more acres. Actual densities as defined by zoning requirements should vary across the RAA according to constraints and community characteristics.

5. Extraordinary care should be taken in these areas to preserve their rural character and to protect valuable farmlands as well as environmental and cultural resources. Farmland protection measures should be aggressively pursued within the RAA.

6. Land use planning should acknowledge the presence of sensitive natural areas such as floodplains, wetlands, areas of excessively steep topography, and other natural and cultural assets, and should strive to protect these areas from development which would damage such resources or diminish their integrity.

7. The Residential-Agriculture Zoning district covers much of the RAA. While the basic structure of the Residential-Agriculture Zoning district may remain, certain established residential communities should be protected with more traditional zoning.

8. Commercial development and Community Facilities will be directed to defined Community Service Centers (see below), which are located at key nodes / intersections and traditional locations, and within predefined zoning districts whose standards and configuration are in keeping with the surrounding community and which minimize congestion and sprawl. Commercial development will be of a Local and Community commercial nature, and most Industrial and Regional Commercial land uses should be prohibited. Economic development activities will be largely discouraged in the RAA.

9. Sewer and water development (including private waste treatment, or "package" plants) in the RAA should be generally discouraged.

10. Only very limited, formal, project-based affordable housing development should take place.

11. Limited public transportation within the RAA should be focused to defined Community Service Centers (see below).

Conservation

This category includes land areas that are intended to remain largely in their natural state, with only limited development. Such areas should be targeted for protection through regulations and incentives. Conservation areas are lands that generally exhibit any of the following characteristics:

1. Sensitive natural areas such as steep slopes, floodplains, major wetlands, forest reserves and wildlife conservation areas, and key watersheds.

2. Areas of historic and archeological significance.

3. Local, state or federally-managed natural areas.

4. Areas managed for agricultural or forestry land uses.

5. Other areas yet to be defined.

Community Service Centers

Community Service Centers are intended to be intensive, efficient, defined concentrations of mixed services that meet the needs of the surrounding community and defined service areas. Community Service Centers are appropriate for a mixture of commercial uses scaled to the service area in question; residential uses of varying densities depending upon available services; and Community Facilities such as schools, parks, community

Alexander County
PLANNING DEPARTMENT
(828) 632-1000 – planning@alexandercountync.gov
www.alexandercountync.gov/departments/planning

TO: Alexander County Planning Board
FROM: Patrick Creech
DATE: October 10th, 2026
SUBJECT: **Proposed Land Development Code (LDC) Text Amendments**

Planning staff recently held a workshop with the County Commissioners to get indications of where they would like to move in regards to updates to the Land Development Code. The County Commissioners would prefer if all amendments are presented together.

Previously in 2026, the Planning Board approved three changes to the LDC. Planning staff recommends bundling those previously approved changes with additional updates into one omnibus update:

Text amendments already passed by the Planning Board	**Development Plan Process.** Clarify the distinction between Master Plans and Development Plans for major subdivisions, establish specific submittal requirements for each stage, and allow staff to approve Development Plans that remain consistent with an approved Master Plan. County commissioners expressed consensus approval for this update with no additional changes.
	Commercial and Industrial Conditional Zoning. Establish a general conditional zoning process for commercial and industrial projects, allowing site-specific conditions to be considered as part of a rezoning while retaining an underlying base zoning district. County commissioners expressed consensus approval for this update with no additional changes.
	Feather Flag Regulations. Remove the current prohibition on feather flags and allow their temporary use subject to standards for location, height, size, number, and applicable zoning districts. County commissioners expressed concerns for this update and would like to see less regulation of feather flags.
Previously discussed issues	**Manufactured Home Restrictions and Urban Services Overlay.** Expand manufactured home opportunities in areas where they are presently restricted while establishing an Urban Services Overlay District to maintain existing restrictions in areas served or planned to be served by significant public infrastructure. County commissioners expressed consensus approval for this update. If adopted, planning staff will need to set specific boundaries for the overlay.

	Unified Special Events Process. Replaces overlapping special event requirements with a single permitting process coordinated through the Planning Department and based on event type and characteristics rather than attendance thresholds. County commissioners expressed consensus approval for this update with no additional changes.
New issues	**Food Truck Regulations.** Establishes an annual County food truck permit, property-owner authorization requirements, and basic operating standards to begin January 1, 2027. The county commissioners were mixed in response to this update, with some worrying it was unnecessary.
	Multimodal Plan Recommendations. Adds pedestrian and bicycle connectivity requirements, including sidewalks or bikeable shoulders, shared-use connections, greenway easements, and marked pedestrian routes through large parking areas. The county commissioners were mixed in response to this update, with some concerned about who would be responsible for sidewalk management.
	Updated Flood Damage Prevention Ordinance. Updates the County's floodplain regulations to reflect the March 2026 State model ordinance and current NFIP requirements. County commissioners expressed consensus approval for this update.
	Establish an expiration date for TRC Site Plan approvals. The LDC currently does not establish a time limit for an approved TRC Site Plan. Staff recommends that approvals expire after twelve (12) months if the project has not proceeded. County commissioners expressed consensus approval for this update.
	Remove Mylar Plat & Physical Copy Requirements. Planning staff seeks to update these requirements to match requirements from the Register of Deeds. County commissioners expressed consensus approval for this update.
	Update residential appearance regulations to comply with changes in North Carolina law. Existing provisions regulating the appearance or design of residential development should be removed conform to current State law.
	Update application re-application delay timelines to comply with changes in North Carolina law. Existing requirements that delay the ability to re-apply for denied permits should be removed conform to current State law.
	Update application re-application parking regulations to comply with changes in North Carolina law. Portions of the LDC regulating off-street parking will need to be reviewed and amended as necessary to remain consistent with recent changes to State law.
	Update tree species list to remove some trees. The current preferred species list has some non-native plants which are also

APPENDIX A – Development Plan Approval

Text struck from the ordinance is ~~struck through and highlighted blue~~.
Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

ARTICLE XI

REVIEW PROCESSES AND PROCEDURES

…

Subpart C. Subdivision Review and Approval

§154-335. General

All *subdivision* applications, plans and *plat*s shall contain all applicable information as required in this Subpart and shall adhere to the applicable review and approval process.

§154-339. Master Plans.

[Note: the existing sections A and B have been reversed in order for this amendment]

A. Purpose of the Plan. The master plan is intended to provide general information about the proposed development to allow for an assessment of its impact on the orderly growth and development of the County, environmental quality, land values, natural features identified on the site analysis sketch and the County's *roads* and governmental services. Approval of a master plan grants vested rights of development for the parcel or parcels in the application which may be transferred.

B. Plan Preparation. Master plans, also known as concept plans, preliminary plans, or sketch plans, must be prepared in conformance with this subpart and master plan requirements provided by the Planning Department. A master plan is required during review of all *major subdivisions*. The *applicant* shall submit two (2) full-sized copies, one (1) reduced-sized copy, and a digital copy of the master plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 4 large copies shall be submitted in its place. The master plan may consist of multiple sheets, if needed. ~~*Applicants* proposing single section or *phased subdivisions* may submit a combined master plan and development plan ("master /development plan") that shall be prepared in conformance with this subpart and the requirements of a development plan provided by the Planning Department and (§154-340. Development Plans).~~

C. Review of the Plan. During review of the master plan for a *major subdivision* application, the reviewing agency shall take into consideration: (1) applicable recommendations of the *Comprehensive Plan*, (2) the potential *use* of the land to be subdivided, ~~and~~ (3) the impact of the *subdivision* and proposed *use* whether residential, commercial or industrial, (4) availability and adequacy of required public utilities and services necessary to serve the project, including, but not limited to, sanitary and storm sewers, water, electrical, police, fire, roads and pedestrian accessibility, (5) capacity or safety of the street network influenced by the use; (6) adverse environmental impacts generated by the project; and (7) other applicable provisions of this Code.

D. Submissions. A complete application shall consist of the submittal of all documents and information listed in Table 11.1.

Table 11.1 Master Plan Submittal Requirements	
Submittal	**Information Included**

Complete *Subdivision Application*	• The name and contact information of property owner, designer, and developer
	• A description of the existing conditions of the property, identifying:
	  ○ The existing uses of subject property, including natural areas (wooded areas, streams and wetlands)
	  ○ The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the National Historic Register
	  ○ The current zoning district of site
	  ○ All applicable watershed and/or Phase II designations
	• A summary of the proposal for the subdivision that includes:
	  ○ The number of Units
	  ○ The proposed use of subject property
	  ○ The desired zoning district of site
	  ○ The type of road dedication (all roads must be designated either "public" or "private")
	  ○ A survey of the infrastructure (roads, bridges, water and/or sewer systems, culverts, etc.) expected to be installed for the subdivision
	• Any phases over which the development may occur, including an approximate completion time for the project or phase and an acknowledgement that where a site plan is to be constructed in stages, either the infrastructure and improvements must be in place on the initial phase before subsequent phases are developed or a performance guarantee must be entered into with the county.

Preliminary Plans and Drawings	• Proposed subdivision name • Names and addresses of all owners, surveyors, land planners, architects, landscape architects, utility planners, and professional engineers responsible for the subdivision • Date of which plan was prepared • Property boundaries, lot dimensions and calculated acreage • All easements located on the property • Rights-of-way, location and dimensions

	• Existing Conditions, including
	  ○ All existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains
	  ○ The location of marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site
	  ○ All existing and platted roads on adjoining properties and in the proposed subdivision
	  ○ All special flood hazard areas on the site
	  ○ The location of all existing overhead and underground utilities
	  ○ All existing pedestrian walkways, including sidewalks and trails
	  ○ The existing uses of subject property, including natural areas (wooded areas, streams and wetlands)
	• Proposed development, including
	  ○ The proposed lot lines
	  ○ Lot and block numbers
	  ○ Dimensions (including square footage and heights) of proposed structures
	  ○ Required setbacks and actual setbacks for existing and proposed buildings
	  ○ Dimensions of driveways
	  ○ Acreage of parcels created by subdivision
	  ○ A vegetative watershed buffer(s) along any *perennial streams*

	• All open space designations, including the total acreage of the open space, its percentage of total acreage, the specific proposed usage of open space (conservation of natural resources, archeological resources or historical resources; agriculture, horticulture, or silviculture, provided all applicable best management practices are used to minimize environmental impacts; passive recreation; active recreation • Draft nonstructural stormwater management practices; easements for drainage, access, and underground utility lines; and/or water, septic, and sewer systems) • (*if required*) Conservation subdivision standards, including open space categories (primary conservation area, secondary conservation area, remaining lands), percentage of contiguous open space, number of lots that directly abut the open space and/or with direct views and access, pedestrian accessibility • All proposed roads with specified road widths, road design standards, cross sections, pavement details, and engineering data for all corners and curves

	• All proposed pedestrian walkways, including sidewalks and trails and the engineering design standards thereof • The location, designation, materials, and design standards of any required buffer strips or screening • The location and dimensions of any loading, storage areas, or trash collection areas • The locations and dimensions of all proposed parking spaces • The location of all proposed overhead and underground utilities • The location of all proposed hydrants and fire suppression measures

(*if required*) Traffic Impact Study	Must meet the standards in §154-135, and include any proposed traffic mitigation measures
(*if required*) Emergency Services Impact Report	Must meet the standards in §154-136
(*if required*) Open Space Management Plan	• A map indicating the *primary conservation area*, *secondary conservation area*, and any remaining lands and the number of lots that directly abut the open space and/or with direct views and access, pedestrian accessibility • The percentage of contiguous open space of open space contiguous • A statement allocating maintenance responsibilities and establishing guidelines for the upkeep of open space and its facilities • Documentation verifying that the intended water supply and sewage disposal methods in the subdivision are available and adequate.

E. Approval Authority. Master plans are subject to the approval authority designated by Article XI (C) of this Chapter.

F. Revisions to the Plan. ~~If during the development of the project, the master plan is revised to affect any of the following: increase the number of *lots* to be created or units to be constructed; create a substantive change in the *subdivision* configuration, *road* layout, etc.; substantially change the *use* of any portion of the *tract*; develop or build in areas that were identified as features in the site analysis sketch (see Article III (Subdivision Regulations) and Article XI (Review Processes and Procedures) Subpart C (Subdivision Review and Approval)) and that were identified in the master plan as *open spaces* or *protected areas*, the *applicant* shall then submit a revised master plan for the reviewing agency to review in accordance with Article III (Subdivision Regulations) and the applicable review process as outlined in this Article XI (Review Process and Procedures) Subpart C (Subdivision Review and Approval).~~ If during the development of the project, or after its approval, the master plan is revised to affect any of the following: an increase in the number of *lots* to be created or units to be constructed; a substantive change in the *subdivision* configuration, substantial changes to the *road* layout, etc., a change the *use* of any portion of the *tract*; plans to

develop or build in areas that were identified as features in the site preliminary plat or plans (see §154-339 (F)) and that were identified in the concept plan as *open spaces* or *protected areas*, the *applicant* shall then submit a revised master plan for the reviewing agency to review in accordance with Article III (Subdivision Regulations) and the applicable review process as outlined in this Article XI (Review Process and Procedures) Subpart C (Subdivision Review and Approval).

G. Land Disturbing and Improvement Activities. The *applicant* may only proceed with the establishment of *erosion* and *sedimentation* control measures, clearing and other *land-disturbing activities* and improvement activities associated with the project upon receipt of approval of the development plan (See §154-340. Development Plans).

H. Conditional Approval. The *Approval Authority* may attach conditions to the approval of a concept plan to address specific concerns with the development. Conditions must be related to the standards within this ordinance, proportionate, and reasonably related to mitigating identified impacts of the development.

I. Approval Validity. Master plan approval is valid for two (2) years and shall be annotated on the plan. If, at the completion of the two-year period, no development plan has been submitted, the applicant must reapply under the current applicable requirements. Upon completion of a development plan, where no new development plan has been submitted for a period of four (4) years, the applicant must reapply under the current applicable requirements for the remainder of the project.

§154-340. Development Plans

[Note: the existing sections A and B have been reversed in order for this amendment]

A. Purpose of the Plan. ~~A development plan is a graphic representation or map of the *tract* of land to be developed indicating all proposed divisions of land, their *uses*, improvements and other information as may be required to fully disclose the *applicant's* intentions. The purpose of the plan is to provide general and specific information and is not intended to be a recordable document.~~ The development plan, including construction drawings, is intended to provide detailed design and engineering information sufficient to evaluate whether the subdivision, or a phase thereof, can be constructed in compliance with applicable County regulations and standards. Its purpose is to demonstrate that the proposed layout, infrastructure, grading, and erosion control measures can be implemented without creating adverse impacts to public health, safety, and welfare. Approval of a development plan authorizes the applicant to commence land-disturbing activities, including clearing, grading, and installation of required infrastructure improvements, in accordance with approved erosion and sedimentation control measures. The development plan is not intended to convey final plat approval, but to ensure that all roads, utilities, stormwater facilities, open space, and other required improvements are properly designed, coordinated with public service providers, and capable of supporting the proposed subdivision as presented in the master plan.

B. Plan Preparation. Development plans must be prepared in conformance with this subpart and development plan requirements provided by the Planning Department. Development plan(s) are required during review of all *major subdivisions*. The development plan may be submitted for the entire *subdivision* or any section thereof. The *applicant* shall submit two (2) full-sized copies,

one (1) reduced-sized copy, and a digital copy of the development plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 4 large copies shall be submitted in its place. The development plan may consist of multiple sheets, if needed.

C. Review of the Plan. During review of the development plan for a major subdivision application, the reviewing authority shall take into consideration: (1) the plan's conformance with the approved master plan, including the consistency of layout, density, phasing, and open space allocations; (2) compliance with applicable engineering standards for roads, stormwater facilities, utilities, pedestrian facilities, and other required infrastructure improvements; (3) the adequacy of proposed erosion and sedimentation control measures, grading plans, and stormwater management practices to protect downstream properties, water quality, and natural resources; (4) the availability, capacity, and timing of required public utilities and services necessary to serve the project, including, but not limited to, water supply, sanitary sewer, storm drainage, electrical, police, fire, schools, and solid waste management; (5) the safety, capacity, and design of the proposed street and pedestrian network, including intersections, connectivity, emergency access, and compliance with County and NCDOT standards; (6) the impact of the proposed improvements on adjacent properties, natural features, environmental resources, and any identified hazard areas such as floodplains or steep slopes; and (7) other applicable provisions of this Code, including landscaping, buffering, lighting, and open space requirements.

Upon approval of the master plan and the development plan of the first section of a *subdivision* by the reviewing agency, if successive sections are submitted for review (and (1) each substantially conforms with the approved master plan, (2) no new *lots* are created, and (3) all technical requirements and development standards have been met) the *Subdivision Administrator* may approve the development plans for all *major subdivisions* for successive sections administratively. Under such review, the action deadlines for the reviewing agency shall be the same for the *Subdivision Administrator*.

D. Submissions. A complete application shall consist of the submittal of all documents and information listed in Table 11.2.

Table 11.2 Development Plan Submittal Requirements

Submittal	**Information Included**
A summary of any minor or major changes to the Master Plan	Changes to: • Lot lines • Dimensions (including square footage and heights) of proposed structures • Dimensions of driveways • Acreage of parcels created by subdivision • Open space dimensions or designations
	• Hydrant location
Approved Soil & Erosion Control Plan	Documentation of submittal and acceptance by applicable local and state agencies.
Stormwater Control Plan	Demonstration of compliance with any stormwater and/or water supply watershed regulations from applicable local or state organizations

Construction Drawings	Engineered drawings of all applicable improvements, including (but not limited to) roads, water lines, sewer lines, pedestrian paths, BMPs and other stormwater control measures, and any required or voluntary traffic mitigation and documentation of DOT approval
Updated Open Space Management Plan	• A copy of the original plan and a summary of any changes made to the document • A draft of the legal instrument for permanent protection • Cost estimates for maintenance, operation and insurance needs for the open space • A means by which funds will be obtained for all management expenses • A provision allowing the *Subdivision Administrator* to approve plan change • A criteria for plan enforcement
(*if required*) Proposed Homeowners' Association documents and covenants	Measures and guarantees for sidewalk and open space maintenance and upkeep.
Documentation of all federal and state permits (such as NCDOT, NCDEQ, or the Army Corps of Engineers) required for driveways, encroachment, grading and leveling, soil erosion and sedimentation control, or infrastructure improvements to the lot.	
Documentation of applications to municipal and/or county agencies for water and sewer systems.	

E. Approval Authority. The Planning Director shall have the authority to approve development plans and construction drawings that conform to the approved Master Plan. Approval of proposals requiring major revisions to the Master Plan as defined in §154-399 revert to original approval authority.

F. Revisions. The *Planning Director* shall have the delegated authority to approve minor changes to the development plan provided they are in harmony with the approval and conditions provided by the *Approval Authority*. Changes must be submitted in writing and must be formally approved before implementation. Minor changes shall mean:

1. Changes in the location and type of landscaping and screening,
2. Redesign of open space that does not decrease its size, recreational, buffering, or environmental benefits. provided that the character and intent is maintained;
3. Decreases in the number of dwelling or lodging units by less than ten percent (10%)

4. Structural alterations not significantly affecting the basic size or character of the subdivision, as shown on the approved plan;

All other changes or modifications to the development plan require approval by the original *Approval Authority*.

§154-341. Final Plat Review

A. Final Plat Review for Minor, Special, and Nonstandard Subdivisions.

1. Approval Authority. *Subdivision Administrator*.
2. Purpose. A *final plat* must be prepared and approved pursuant to this subpart and *final plat* requirements provided by the Planning Department, whenever a *subdivision* of land occurs.
3. Staff Review. If the *subdivision* complies with the standards set forth herein the *Subdivision Administrator* shall provide approval in writing on the face of the *final plat* and shall retain a signed copy for departmental records. Once the *plat* has been approved, the *final plat* must be recorded within twelve (12) months from *Subdivision Administrator* approval.

B. Final Plat Review for All Major Subdivisions.

1. Approval Authority. *Subdivision Administrator*.
2. Purpose. A *final plat* must be prepared and approved pursuant to this subpart and *final plat* requirements provided by the Planning Department, whenever a *subdivision* of land occurs.
3. Submissions. Final plat, recorded homeowners' association documents and covenants, and any additional documents required by the *Subdivision Administrator* to verify adherence to the approved master and development plans.
4. Staff Review. The *Subdivision Administrator* shall review the *final plat* and determine its completeness, finding that the regulations of this Chapter that set forth specific standards have been met for *final plats*. The *Subdivision Administrator* shall review the *final plat* for conformance with all applicable standards and conformance to any associated master plans and development plans. The *final plat* may be approved administratively if the *plat* meets all requirements of the Chapter and satisfies all conditions imposed by the reviewing agency. Upon approval, and before any *lots* are transferred, the *applicant* shall record the *final plat* at the office of the Register of Deeds within twelve (12) months from Subdivision Administrator approval. Incidental changes to the *final plat*, which do not in any way affect the character of the development, may be submitted prior to, or after, recordation and may be approved for re-recordation by the *Subdivision Administrator*. No *lots* governed by this Chapter may be conveyed until a *final plat* is approved and recorded in the office of the Register of Deeds of Alexander County.

APPENDIX B – Updated Conditional Zoning Language

Text struck from the ordinance is ~~struck through and highlighted blue~~.
Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

ARTICLE VII

…
[*To be inserted before the section on Planned Development Districts*]

Subpart B. Conditional Zoning Districts

§154-42 Conditional Zoning Districts

A. **Purpose**. Conditional zoning is established to provide flexibility in the development of property while ensuring that a development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not typically possible in conventional zoning. Conditional zoning is available only in response to a petition from all owners of property to be included in a conditional zoning district.

B. **Conditional Zoning District Designation.** Each conditional zoning district shall be designated on Zoning Map and other official documents by combining the designation of its parallel zoning district with the suffix, "-CD". For example, the conditional zoning district with a parallel zoning district of Regional Commercial would be identified as "RC-CD" on the Zoning Map.

C. **Relationship to Parallel Base Zoning District**. Development in a conditional zoning district shall be subject to the use and development standards of the parallel base zoning district, except where alternative standards are voluntarily proposed by the applicant and expressly approved by the Board of Commissioners as conditions of the rezoning. Such alternative standards may only be approved if the Board of Commissioners find that they are:

1. Consistent with the goals, policies, and future land use designations of the County's Comprehensive Plan and other adopted land use or infrastructure plans;
2. Reasonably related to the specific conditions of the site or surrounding area; and
3. Not detrimental to the health, safety, or welfare of the surrounding community.

Conditions that result in standards less restrictive than those of the base zoning district may only be approved upon a finding that they support high-quality development outcomes and further the County's long-term land use objectives.

D. **Uses Permitted**. In order for a primary use to be allowed in a conditional zoning district, the use must be listed as either Permitted or Special Use in the associated commercial or industrial district.

E. **Application of Conditional Zoning to Entire Lot Required**. No application for a conditional zoning district may split an existing lot into a conditional zoning district and a conventional zoning district. Nothing in this subsection shall limit a conditional rezoning that splits a lot or site into two or more different conditional zoning district designations.

F. **Submittal Requirements**. Following are general submittal requirements for requesting to rezone to a conditional zoning district. The Planning Director may require the applicant to submit as many copies of the application and site plan in paper and/or electronic format as needed to circulate to the Planning Board and Board of Commissioners and to government departments and agencies for review and comment:

1. Property may be placed in a conditional zoning district only in response to a petition by all owners of the property to be included in the conditional district.
2. The applicant must clearly include in the application any uses proposed to be permitted on the subject property. No uses will be permitted except those enumerated in the enacting ordinance establishing the conditional district.
3. In addition to meeting the requirements of Subsection §154-42(F), staff, the Planning Board, or Board of Commissioners may request that an application for a request to rezone property to conditional district include a site plan, drawn to scale, with any necessary supporting documentation. In addition, the following may be requested by staff, the Planning Board, or Board of Commissioners in order to evaluate the proposed conditional zoning district:
4. A boundary survey and vicinity map showing the property's total acreage, the present zoning classification(s), the general location and orientation of the property in relation to adjacent properties, streets, railroads, and/or waterways, the date, and a north arrow;
5. The owners' names, addresses, and tax parcel numbers of all abutting properties as shown on the tax records;
6. Existing easements, reservations, and rights-of-way and setbacks as required based upon the corresponding parallel zoning district;
7. Approximate location on the site of existing and proposed buildings, structures and other improvements;
8. Approximate dimensions, including the height of proposed buildings, structures and other improvements;
9. Proposed use of all land and structures, including the proposed number and square footage of all units, residential and nonresidential;
10. Proposed type and location of signs;
11. All existing and proposed points of access to public streets;
12. Delineation of areas within the regulatory floodplain as shown on the official flood hazard boundary map;
13. Proposed phasing, if any;
14. Approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, pedestrian walkways or multimodal paths and open space;

15. Existing and general proposed topography, if available, at five-foot contour intervals or less;

16. A public hearing conducted pursuant to §154-42(G);

17. If required, a traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. If requested, the traffic impact study should include information such as:

- **a.** existing traffic conditions within the study area boundary;
- **b.** traffic volumes generated by the existing and proposed development, including morning peak, afternoon or evening peak, and average annual traffic levels;
- **c.** the distribution of existing and proposed trips through the street network;
- **d.** analysis of capabilities of intersections located within the study area boundary;
- **e.** recommendations for improvements designed to mitigate traffic impacts of the proposed development and to enhance pedestrian access to the development from the public right-of-way; and/or other pertinent information, including but not limited to, accidents, noise, and impacts on air quality and natural resources;

18. A landscaping plan prepared in accordance with the requirements contained in Article V or to show plantings and/or screening proposed over and above those required by Article V;

19. Description and/or copies of proposed deed restrictions to be placed on the property; and/or

20. Any other information needed to demonstrate compliance with these regulations or compatibility with the area surrounding the property proposed to be rezoned.

21. A site plan and/or any supporting text shall constitute part of the request for all purposes under this Article.

G. **Community Meeting Prior to Public Meeting Held Before Board of Commissioners.** Upon receipt of a complete application for conditional zoning, Planning Staff shall schedule a public meeting before the Alexander County Planning Board that shall be attended by representatives for the applicant. The meeting shall be presided over by the chair of the Planning Board with the purpose of allowing the public to opinions, relevant information, or ask questions concerning the application to the applicant and to inform the public on the approval process.

1. The Planning Department will announce the public hearing with the publication of notice in a newspaper of general circulation in the County once a week for two (2) successive calendar weeks. The notice shall be published the first time not less than ten (10) days nor more than 25 days prior to the date fixed for the hearing. The notice shall include the time, place and date of the hearing and include a description of the property or the nature of the change or amendment to the map. In computing such a period, the day of publication is not to be included but the day of the hearing shall be included.

2. In addition, an announcement of the public hearing shall be provided to the owner of that parcel of land as shown on the County tax listing, and the owners of all parcels within four hundred (400) feet of any property line of the proposed development as shown on the County tax listing, through a notice of a public hearing on the conditional-use district by first class mail at the last addresses listed for such owners on the County tax abstracts.

This notice must be deposited in the mail at least ten (10) but not more than 25 days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

3. The County shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the hearing. In the event that more than one (1) parcel is involved, at least one (1) sign shall be posted in a central location; however, the *Zoning Administrator* may post multiple signs. Said sign(s) shall be posted no more than twenty-five (25) days and at least ten (10) days prior to the hearing.
4. Alexander County Planning staff shall prepare a report that includes, among other things
    a. a listing of those persons and organizations contacted about the meeting and the manner and date of contact,
    b. a summary of issues discussed at the meeting, including potential objections raised by residents and how those objections were addressed by the applicant,
    c. and a description of any changes to the rezoning request that were made as a result of the meeting.

H. **Approval Procedures**. In addition to the specific procedures and requirements set forth in this section, all applications for Conditional Zoning Districts shall be subject to the procedures and standards established in §154-344 (Ordinance Amendments).

I. **Fair and Reasonable Conditions.** Specific conditions may be proposed by the petitioner or the Town or its agencies, but only those conditions approved by the Board of Commission and consented to by the petitioner in writing may be incorporated into the zoning regulations.

1. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address conformance of the development and use of the site to local ordinances, plans adopted pursuant to N.C.G.S. § 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.
2. Such conditions to approval of the request may include, but are not limited to, dedication to Alexander County, Town of Taylorsville, or state, as appropriate, of any land, rights-of-way or easements for streets, water, sewer, drainage, recreational uses or other public utilities necessary to serve the proposed development. Conditions may relate to the relationship of the proposed use to surrounding property, size, scale, location and design of structures, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, preservation of protected trees, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Commission may find appropriate or the applicant may propose.
3. If for any reason any condition for approval is found to be illegal or invalid or if the applicant should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect. Proceedings shall be instituted to rezone the property to its previous zoning classification.

J. **Effect of Approval**. Approval of a Conditional Zoning District by the Board of Commissioners shall constitute approval of a Master Plan for the subject property. If a request for conditional zoning is approved by the Board of Commission, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, development plan approval, and any additional approved conditions, if applicable, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map.

1. If a request is approved, only those uses and structures indicated in the enacting ordinance or indicated on a site plan referenced by the enacting ordinance shall be allowed on the subject property.

2. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved request and, if applicable, a site plan for the district.

3. Any violation of the approved conditional zoning district or associated conditions for the district shall be treated the same as any other violation of this development regulation and shall be subject to the same remedies and penalties as any such violation.

K. **Major Modifications to Approved Plan**. Major changes to approved plans and conditions of development may be authorized only by the Board of Commissioners after review and recommendation by the Planning Board in the same manner as applicable to Zoning Map amendments. Major changes include, but are not limited to:

1. Change in use(s);

2. Increase in intensity of the development; such as, increase in density of units, whether residential, office, commercial or industrial;

3. An increase of 10% or greater of overall ground coverage by structures, or any increase of ground coverage if the development exists in a Water Supply Watershed.

4. A reduction in approved open space or screening;

5. A change in vehicular access; or

6. A variation from an imposed condition.

L. **Minor Modifications to Approved Plan.** Minor changes, which are not deemed as major changes by the Planning Director or as set forth under §154-42(J), may, at his or her discretion, be authorized by the Planning Director in accordance with the following:

1. The Planning Director shall have the delegated authority to approve an administrative amendment to an approved site plan.

2. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan and that the change does not have a significant impact upon abutting properties and does not qualify as a major change as set forth in §154-42(J).

3. Any decision must be in writing stating the grounds for approval or denial.

4. If the Planning Director declines to exercise the authority to approve an administrative amendment to an approved site plan, then the applicant must file a rezoning request for a public hearing and Board of Commissioners decision.

5. Any request for a minor change/administrative amendment shall be pursuant to a written letter, signed by the property owner, detailing the requested change. Upon request, the applicant must provide any additional information that is requested. Upon an approval of an administrative amendment, the applicant must file a sufficient number of copies of a revised site plan (if applicable) as deemed necessary by the Planning Director.

M. **Review of Approval of a Conditional Zoning District**. It is intended that property shall be reclassified to a conditional zoning district only in the event of firm plans to develop the property. Therefore, no sooner than three years after the date of approval of the request, the Planning Board may examine the progress made toward developing the property in accordance with the approved request and any conditions attached to the approval. If the Planning Board determines that progress has not been made in accordance with the approved request and conditions, the Planning Board shall forward to the approving authority a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

APPENDIX C – Updated Sign Regulations

Text struck from the ordinance is ~~struck through and highlighted blue~~.
Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

ARTICLE VII

SIGN REGULATIONS

§-154-204. Prohibited Signs

E. Which are used primarily for the purpose of garnering attention from traffic, such as ~~feather flags,~~ moving signs, or any such other type of sign.

Subpart B. Exempt Sign Standards

§154-215. General

The *sign* standards of this subpart identify exempt *signs* and provide requirements and standards for exemption.

§154-216. Exempt Sign Standards

A. Temporary Signs.

1. Maximum Area. Thirty-two (32) square feet per face (*residential and mixed use zoning district*); seventy-two (72) square feet per face (nonresidential zoning district excluding the mixed use zoning district). Banners up to two hundred (200) square feet per face.
2. Maximum Height. Ten (10) feet (*residential and mixed use zoning district*); eighteen (18) feet (*nonresidential zoning district excluding the mixed use zoning district*).
3. Removal. Such *signs* shall be temporary in nature, no longer than 30 days per occurrence and only once per calendar year per *lot of record.*
4. Feather Flags. *Feather flags* are allowed as temporary signs, subject to all applicable regulations contained within this chapter. In addition, feather flags shall comply with the following provisions:
    a. Feather flags shall be placed a minimum of 20 from edge of pavement or from back of curb (as applicable), and shall be located out of the *road right-of-way.*
    b. Feather flags are permitted in OI, MU, RC, CC, and I zones
    c. Maximum number: 1 per 50 feet of road frontage
    d. Maximum height: 8 feet
    e. Maximum area: 18 feet

B. Signs relevant to the operation of non-profit charitable or government organizations that meet all other applicable standards.

C. Official governmental signs, such as traffic or similar regulatory devices, legal notices, identification or informational signs, erected and maintained pursuant to any federal, state, county or city governmental function.

ARTICLE XV

DEFINITIONS

…SIGN, FEATHER. Also known as "teardrop," “blade,” or “sail” signs; a form of temporary sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material's edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall and narrow when affixed into the ground or other bottom support, affixed to a pole which is located outdoors and contains language for advertisement, greeting or similar messaging purposes, which is activated by the wind and is used by businesses or organizations to promote events, products or services.

APPENDIX D – Urban Services Overlay District

Text struck from the ordinance is ~~struck through and highlighted blue~~.
Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

§154-54. Urban Services Overlay District

A. Purpose. The purpose of the Urban Services Overlay District is to protect public investments in infrastructure and services and to encourage development patterns appropriate for areas served, or planned to be served, by public infrastructure. The district is intended to promote the efficient use of public water, sewer, transportation facilities, emergency services, and other public investments.

B. Applicability. The following standards shall apply to all properties designated as Urban Services Overlay District on the Official Zoning Map of Alexander County.

C. Effect of Urban Services Overlay District. The Urban Services Overlay District regulations shall apply in combination with the regulations of the underlying zoning district and all other applicable standards of this Land Development Code. Where the standards of the Urban Services Overlay District conflict with the underlying zoning district, the standards of the Urban Services Overlay District shall govern. Where no additional standard is established by this section, the regulations of the underlying zoning district shall apply.

D. Manufactured Homes.

1. Prohibition. Except as provided below, manufactured homes shall not be permitted within the Urban Services Overlay District, regardless of whether manufactured homes are otherwise permitted within the underlying zoning district.

2. Existing Zoning Allowances. A parcel within the Urban Services Overlay District may continue to allow the type or types of manufactured homes permitted by Alexander County zoning on **[DATE], 2026**. This provision shall preserve only the manufactured home allowances applicable to the parcel on that date and shall not expand those allowances.

3. Underlying Zoning Requirements. Any manufactured home permitted pursuant to subsection B shall remain subject to the requirements of the underlying zoning district and all other applicable requirements of this Land Development Code.

E. Exterior Sidewalk Requirement.

1. Any subdivision located within the Urban Services Overlay District that proposes more than one hundred (100) dwelling units or a gross residential density greater than two (2) dwelling units per acre shall provide an exterior sidewalk along all existing public street frontage abutting the subdivision. The sidewalk shall be constructed in accordance with applicable County and NCDOT standards and shall be located within the public right-of-way or within a dedicated pedestrian easement where placement within the right-of-way is not permitted.

Subpart D. Table of Permitted and Special Uses
§154-59. Table of Permitted and Special Uses

USE TYPE	GENERAL USE DISTRICT P=Permitted; S=*Special Use Permit*									
	R1	**R2**	**R2R**	**R3**	**OI**	**MU**	**CC**	**RC**	**I**	**SR**
1. RESIDENTIAL USES										
Assisted Living Residence	S	S	S	S	P	P	P	P		1.1
Bed and Breakfast Inn	P	P	P	P	P	P				1.2
Continuing Care Retirement Community	S	S	S	S	P	P	P	P		1.3
*Dwelling, Manufactured Home (multi-section)**	P	P	P	P						1.4
*Dwelling, Manufactured Home (singlewide)**		P	P	P						1.4
Dwelling, Multifamily	P	P	S		P	P	P	P		1.5
Dwelling, Single Family Detached/Attached	P	P	P	P		P				1.6
Dwelling, Two Family Attached	P	P	P	P	P	P				1.7
Family Care Home	P	P	P	P	P	P				1.8
Fraternity and/or Sorority House	P				P					1.9
Hospice Residential Care Facility	S	S	S	S	P	P	P			1.10
Manufactured Home Park			S	S						1.11
Nursing Home	S	S	S	S	P	P	P	P		1.12
Rooming and Boarding House	S	S	S	S		P	P			1.13
Upper Story Residential					P	P	P	P		

*** Unless otherwise prohibited by an Urban Services Overlay District**

APPENDIX E – Unified Special Events Process

Text struck from the ordinance is ~~struck through and highlighted blue~~.
Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

Subpart D. Table of Permitted and Special Uses

§154-59. Table of Permitted and Special Uses

11. TEMPORARY USES	R1	R2	R2R	R3	OI	MU	CC	RC	I	SR
Christmas Tree Lot Sales	P	P	P	P	P	P	P	P		11.1
~~Circuses, Carnivals, Fairs, Religious Services (or similar types of events)~~			~~S~~	~~S~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~11.2~~
Food Trucks					P	P	P	P	P	-
Model Home Sales Office, Temporary	P	P	P	P	P	P	P	P		11.3
Movie Production	P	P	P	P	P	P	P	P	P	-
Portable Sawmill			P	P					P	11.4
~~Special Events between 250 and 499 persons~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~11.5~~
~~Special Events greater than 500 persons~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~11.6~~
Special Event			S	S	P	P	P	P	P	11.5
Yard Sale	P	P	P	P	P	P	P			11.7

SR 11.5. ~~Circuses, Carnivals, Fairs, Religious Services (or similar types of events)~~ Special Events

1. Duration and Frequency. Not more than two (2) temporary events shall be held in a 12 month period.
   a. ~~Temporary circuses, fairs, and similar types of events~~ Circuses, fairs, festivals, cultural events, celebrations, and similar events may be operated for no longer than eight (8) days.
   b. Carnivals may be operated for no longer than 10 days.
   c. Religious services may operate for up to twelve (12) weeks.
2. Hours of Operation. Where a ~~circus, carnival, fair, religious service or similar types of events~~ Special Outdoor Event is being held in a *residential zoning district* or within 500 feet of a *residential zoning district*, the hours of operation shall be limited to between 7:00 a.m. and 11:00 p.m.
3. Application. ~~The application shall depict the locations of pedestrian circulation areas and equipment storage areas.~~ A Special Event Temporary Use Permit application shall be submitted to the Zoning Administrator at least forty five (45) days prior to the event. The Zoning Administrator may require an earlier submittal when additional review or approval by County departments, the Technical Review Committee, or outside agencies is necessary.
4. Site Plan. A site plan shall be submitted depicting, as applicable:
   1. Event boundaries and activity areas;
   2. Temporary structures, tents, stages, rides, vendors, and equipment;
   3. Pedestrian circulation areas;
   4. Parking and vehicular circulation;
   5. Emergency access;
   6. Equipment and material storage areas;
   7. Food preparation areas;
   8. Restrooms and sanitation facilities;
   9. Solid waste collection areas; and

10. Routes for parades, races, walks, processions, or similar events.

5. Separation Requirements. ~~The *use* shall not be placed within 50 feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).~~. Event activities, temporary structures, equipment, and similar components of the *use* shall not be located within fifty (50) feet of an existing *dwelling unit* located in a *residential zoning district* and not located on the same property as the event.
6. Solid Waste Collection System Requirements. Arrangements shall be made for suitable garbage disposal and site clean-up.
7. Additional Plans. Based upon the characteristics of the event, the Zoning Administrator or Technical Review Committee may require additional plans addressing traffic control, parking, emergency response, crowd management, sanitation, waste disposal, or other matters necessary for the safe operation of the event.
8. Applicable Permits. The applicant shall obtain all required permits or approvals from local, State, or federal agencies, including, as applicable, permits related to food service, sanitation, water supply, temporary structures, fire prevention, road closures, alcohol sales or service, or other regulated activities.
9. Accessibility. County staff acting in their official duties may inspect the event site prior to or during the event for compliance with the temporary use permit and applicable County requirements.

~~SR 11.5. Special Events between 250 and 499 persons~~

1. ~~Application. A special event application shall be submitted to the Zoning Administrator thirty (30) days prior to the event.~~
2. ~~Separation Requirements. The *use* shall not be placed within 50 feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).~~
3. ~~Solid Waste Collection System Requirements. Arrangements shall be made for suitable garbage disposal and site clean-up.~~
4. ~~Site Plan. Minor *Site Plan* required in accordance with §154-328 (Minor Site Plan Review).~~
5. ~~Approval Authority. The Zoning Administrator shall approve the temporary use permit.~~
6. ~~Accessibility. County staff acting in their official duties may inspect the event for compliance with the temporary use permit seventy-two (72) hours prior to the start of the event.~~
7. ~~Applicable Permits. The applicant shall apply for required permits from local and State governments and agencies including but not limited to food service, sanitation, and water supply. The applicant shall apply with the N.C. Alcoholic Beverage Control (ABC) Commission when alcohol is being served or sold.~~
8. ~~Prohibited Activities. All unlawful activities are prohibited.~~

~~SR 11.6. Special Events with 500 persons or more~~

1. ~~Application. A special event application shall be submitted to the Zoning Administrator sixty (60) days prior to the event.~~
2. ~~Separation Requirements. The *use* shall not be placed within 50 feet of an existing *dwelling unit* (located in a *residential zoning district* and not located on the same property as the *use*).~~
3. ~~Solid Waste Collection System Requirements. Arrangements shall be made for suitable garbage disposal and site clean-up.~~
4. ~~Site Plan. Minor *Site Plan* required in accordance with §154-328 (Minor Site Plan Review). Applicants with a previously approved site plan may resubmit or amend the site plan for multiple events. The Zoning Administrator may require a new site plan submittal if the event venue, location or layout is substantially different.~~
5. ~~Emergency Action Plan. Emergency action plan addressing security, emergency medical services, evacuation protocol and access of emergency service responders, fire, and law enforcement is required to be on file with the~~

~~Zoning Administrator. Applicants with a previously approved emergency action plan may resubmit for multiple events.~~

~~6. Approval Authority. The TRC shall approve the temporary use permit.~~

~~7. Applicable Permits. The applicant shall apply for required permits from local and State governments and agencies including but not limited to food service, sanitation, and water supply. The applicant shall apply with the N.C. Alcoholic Beverage Control (ABC) Commission when alcohol is being served or sold.~~

~~8. Accessibility. County staff acting in their official duties may inspect the event for compliance with the temporary use permit seventy-two (72) hours prior to the start of the event.~~

~~9. Prohibited Activities. All unlawful activities are prohibited.~~

§154-356.A Special Events Permits

A. Purpose. To ensure that special events are properly coordinated to protect public health, safety, and welfare and that County resources are allocated efficiently, a Special Event Temporary Use Permit shall be required for any activity meeting the definition of a Special Event, including special events held on property owned or leased by Alexander County, unless otherwise exempted by this Chapter.

B. Permit Issuance. The *Planning Director* shall issue *Special Events Permits*. No *Special Events Permit* shall be issued until:

1. The appropriate site plan has been reviewed and approved by the appropriate staff or reviewing agency
2. All corresponding and requisite permits required by all governmental agencies to hold the event have been obtained.
3. The *Special Events* and *Site Plan* has been reviewed and approved by the Technical Review Committee (TRC).

C. Exemptions. This chapter shall not apply to:

1. Any local, state or federal governmental agency acting within the scope of its governmental functions;
2. Any school sponsored event in Alexander County happening on school-owned property where there is a safety and emergency plan in place;
3. Church or worship activities happening on church-owned property;
4. Properly permitted or grandfathered businesses holding events in spaces specifically designed for such events where there is a safety and emergency plan approved by the county.

D. All permits shall be issued in conformity with the provisions of this Chapter.

E. Applicants. Sanctioning Authorities, and/or sponsors of sanctioned events, are subject to the rules and regulations for special events organized and implemented in Alexander County, including all federal, state, and local laws and event sanctioning authority mandated medical coverage requirements.

F. Determination. An event shall be approved upon the timely completion of the application required herein, unless the Review Committee finds one or more of the following:

1. The event time and location coincides with another event for which an event permit has been issued, and it is determined by the county that there is a demonstrable safety or logistical concern with allowing two events to proceed simultaneously during the same time or at the same location. By way of illustration, but not limitation, safety or logistical concerns could include, but not be limited to, events that would unduly burden the resources of law enforcement or emergency services personnel, or would, by the simultaneous time or location thereof, create the potential for traffic hazards;
2. The event will substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic at or contiguous to its location in such a manner that cannot be adequately controlled by the county's public safety departments and/or law enforcement;
3. The event will constitute a substantial hazard to the public safety or materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

4. The concentration of persons, animals, and vehicles at assembly points for or at the location of the special event will substantially interfere with the county's ability to provide adequate fire, police and emergency medical services to the public; or
5. The Technical Review Committee determines that the event plan does not adequately account for and protect the public health, welfare, and safety needs of the citizens of Alexander County.
6. The event would conflict with current zoning requirements.

G. Event Purpose. It shall be permissible for the *Planning Director* to inquire into the nature or content of speech to be held. It shall be impermissible to deny an application because of the content or purpose of the event.

H. Application.

1. Pre-application Conference. Each applicant for a permit shall meet with the Planning Director in a pre-application conference prior to, or at the time of, the submission of a request for approval of the Special Events Permit. The purposes of this conference are to provide information to the applicant regarding the review process and assist in the preparation of the application.
2. Application. An application must be completed in its entirety. No submitted application shall be considered until all information required on the application form has been provided. Each application for a permit shall be submitted along with the appropriate fee(s) and site plan. Applicants must submit a completed application in the format required by the county, which shall contain information such as the following, which will be critical in evaluating the citizen impact and public safety related to the event:
    i. General information related to the event such as:
    ii. If amplified sound will be used;
    iii. If electrical connections are required;
    iv. If tents, trailers, inflatable/air supported devices, fencing, scaffolding, etc. will be involved in this event;
    v. If alcohol will be served or sold;
    vi. If and how many motorized vehicles (cars, boats, tractors, motorcycles, ATVs, golf carts, etc.) are involved in the event;
    vii. If and how many vendors will be involved in the event;
    viii. If vendors will be serving or cooking food;
    ix. If fireworks or other potentially hazardous materials will be used;
    x. If there will be an admission charge;
    xi. If animals will be involved with the event;
    xii. First aid plans;
    xiii. The number of toilets that will be accessible;
    xiv. Parking plan;
    xv. Signage plan;
    xvi. Crowd control plan;
    xvii. Traffic control plan;
    xviii. Weather contingency plans;
    xix. The amount and type of insurance that will be secured.
    xx. Information on county support services that may be required including: Security / Law Enforcement, Fire / Rescue, Emergency Medical Services, Public Health, Public Works, and Waste Management
3. Additional requirements. All events must comply with, and provide proof of compliance with, the following:
    a. All federal, state, local and event sanctioning authority mandated medical coverage requirements;

b. Alexander County EMS shall be the primary emergency medical service provider for Alexander County;
c. All state, federal and local fire safety and prevention standards, codes and permitting requirements must be met. The Fire Department in the district where the event is to be held shall be primary and all others must function under the authority of that respective department;
d. For events where alcohol is served or sold, the event organizer must secure a valid ABC permit. Copies of this permit must be forwarded to the Alexander County Manager prior to the event;
e. Animals are not allowed at events unless as a specified and approved part of the event and provided in the application. Animals brought by spectators or participants, except ADA qualified service animals, shall not be allowed.
f. Event organizers shall remove all trash and debris and shall clean up immediately after an event;
g. Proof of liability and/or special events insurance coverage for the event naming Alexander County as additionally insured for events held on property owned or leased by Alexander County;
h. All road closures or events that will impact traffic on state-owned roads must be approved by the NC Department of Transportation;
i. Any event that takes place on Duke Energy property leased by Alexander County must have prior approval from Duke Energy;
j. Every event must meet all North Carolina Building Codes, National Electric Code, ADA Requirements, and all federal, state, and local laws.

4. Deadline. Applications for event permits shall be submitted at least forty-five (45) business days prior to the date of the event.
5. Review Schedule. A written decision approving or denying the application shall be given within 30 days. This time shall be measured from the date the application is deemed complete.
6. Fees. Any review fee established by the Commissioners shall be submitted with the application.

I. Liability. The applicant shall assume full liability for all accidents or claims of accidents as a result of the activities taking place at such special event, during the time the area is being readied for the event, and during the time the area is being cleaned up following the event. The applicant shall provide proof of an insurance policy issued by an insurance company licensed to do business in the state of North Carolina. Such policy will be one of comprehensive general liability in the amount of not less than $1,000,000 for bodily injury per person and $1,000,000 per occurrence and not less than $100,000 for property damage per occurrence. Proof of liability insurance coverage for the event naming Alexander County as additionally insured for events held on real property owned or leased by Alexander County shall be submitted thirty (30) days prior to the approved event.

J. Fees.

1. Permit fees may apply as determined by the use of resources and facilities on property owned or leased by Alexander County. Fees are subject to the fee schedule approved by the Alexander County Board of Commissioners.
2. Fees for services must be paid fifteen (15) days in advance of the day of the event. If the event is cancelled and the county is provided 48 hours' notice, the fees for stand by service will be refunded.

K. Staff Review. The *Planning Director* shall process and review all applications for a permit and provide all requisite information to the relevant Alexander County officials.

L. Formal Review.

1. The *TRC* will consider and review the application. TRC membership for special events applications will additionally include members from the Sheriff's Office, the Parks Director, and any other department as determined by the *Planning Director* or *County Manager*.
2. Determination. An event shall be approved unless the *TRC* finds one or more of the following:

a. The event time and location coincides with another event for which an event permit has been issued, and it is determined by the county that there is a demonstrable safety or logistical concern with allowing two events to proceed simultaneously during the same time or at the same location. By way of illustration, but not limitation, safety or logistical concerns could include, but not be limited to, events that would unduly burden the resources of law enforcement or emergency services personnel, or would, by the simultaneous time or location thereof, create the potential for traffic hazards;

b. The event will substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic at or contiguous to its location in such a manner that cannot be adequately controlled by the county's public safety departments and/or law enforcement;

c. The event will constitute a substantial hazard to the public safety or materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

d. The concentration of persons, animals, and vehicles at assembly points for or at the location of the special event will substantially interfere with the county's ability to provide adequate fire, police and emergency medical services to the public; or

e. The Technical Review Committee determines that the event plan does not adequately account for and protect the public health, welfare, and safety needs of the citizens of Alexander County.

f. The event would conflict with current zoning requirements.

3. Event Purpose. It shall be permissible for the *TRC* to inquire into the nature or content of speech to be held. It shall be impermissible to deny an application because of the content or purpose of the event.

4. A special event may require additional notification and approval by: (1) North Carolina Department of Transportation; (2) North Carolina Highway Patrol; (3) ABC Commission; (4) Duke Energy; (5) Energy United; or (6) any other organization or agency as deemed necessary.

5. Conditions. The *TRC* may, in granting a permit, prescribe: (1) additional conditions; (2) additional safeguards; (3) a time limit within which the use shall be begun; and/or (4) a time limit within which a use shall be completed. Conditions imposed by the *TRC* must fall within the prescribed statutory authority as described in this Chapter.

M. Permit Validity. Upon the issuance of a permit, the applicant will be allowed the temporary use for the specified length of time on the specified dates.

N. Permit Revocation. The Alexander County Manager or his designee, acting on recommendations from the TRC, has the authority to revoke a special event permit if the holder of such permit fails to comply with the provisions required in this chapter or conditions stipulated in the permit. An event which poses an unforeseen threat to public health or safety, may be shut down by law enforcement or the Fire Marshal, but only if either the Alexander County Manager or designee, the Alexander County Sheriff or designee, or the Fire Marshal or designee determines that the following conditions are present;

1. The event constitutes an immediate and direct physical danger to citizens or property; and

2. The above danger is of such an imminent nature that the penalties provided in Section O below will not prevent the danger prior to its occurrence

O. Appeals. Any applicant shall have the right to appeal the denial of a special event permit, the conditions of a special event permit, or the revocation of a special event permit to the County Manager. A further appeal may be made to the Board of County Commissioners following the decision of the County Manager. The appealing party shall make the appeal to the County Manager within five (5) business days after receipt of the decision by the Review Committee. If the applicant wishes to appeal the County Manager's decision, the appeal must be included on the next Board of County Commissioners meeting agenda taking into account the required agenda deadlines are met.

P. Penalties.

1. It shall be unlawful for any person to:
    a. Implement an event subject to this ordinance without a required permit;
    b. Fail to terminate an event upon revocation of a permit;
    c. Conduct an event in violation of the terms and conditions of a permit issued for such event.
2. Any violation of the provisions of this chapter shall subject the offender to a civil penalty of $250 for the first offense and $500 for a second and any subsequent offenses. Each day of violation shall constitute a separate offense. If a person fails to pay the civil penalties set forth herein within 20 days after being cited for a violation, the county may seek to recover the penalty by filing a civil action in the nature of debt. Each day the violation continues shall constitute a separate offense.
3. The county, by and through its duly authorized authorities, including, but not limited to, Alexander County Law Enforcement, may seek to enforce the provisions of this chapter through any appropriate equitable remedy issued from a court of competent jurisdiction.
4. Any person who shall violate this ordinance shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars ($500).

Article XV

DEFINITIONS

§154-400.Definitions

Special Event. A temporary, organized event conducted outdoors on public or private property, including, but not limited to, a circus, carnival, cultural event, festival, fair, celebration, concert, parade, race, walk, procession, or similar temporary event.

APPENDIX F – Food Truck Regulations

Text struck from the ordinance is ~~struck through and highlighted blue~~.
Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

Subpart D. Table of Permitted and Special Uses

§154-59. Table of Permitted and Special Uses

11. TEMPORARY USES	R1	R2	R2R	R3	OI	MU	CC	RC	I	SR
Christmas Tree Lot Sales	P	P	P	P	P	P	P	P		11.1
~~Circuses, Carnivals, Fairs, Religious Services (or similar types of events)~~			~~S~~	~~S~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~11.2~~
Food Trucks					P	P	P	P	P	11.2
Model Home Sales Office, Temporary	P	P	P	P	P	P	P	P		11.3
Movie Production	P	P	P	P	P	P	P	P	P	-
Portable Sawmill			P	P					P	11.4
~~Special Events between 250 and 499 persons~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~11.5~~
~~Special Events greater than 500 persons~~			~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~P~~	~~11.6~~
Special Event			S	S	P	P	P	P	P	11.2
Yard Sale	P	P	P	P	P	P	P			11.7

SR 11.2. Food Trucks

1. **Food Truck Permit.** Beginning January 1, 2027, each food truck operating in Alexander County shall obtain a Food Truck Permit from the Alexander County Planning Department. A separate permit shall be required for each food truck.
2. **Permit Duration.** Food Truck Permits shall be valid for the calendar year in which they are issued and shall expire on December 31. Permits must be renewed annually.
3. **Application Requirements.** An application for a Food Truck Permit shall include:
    1. The name and contact information of the food truck owner or operator;
    2. The business name of the food truck;
    3. A description of the vehicle or trailer, including vehicle or trailer registration information;
    4. A copy of any current permit or approval required by the applicable Environmental Health Department or other regulatory agency;
    5. The location or locations where the food truck proposes to operate; and
    6. Written authorization from the property owner for each property on which the food truck will operate.
4. **Property Owner Authorization.** A food truck shall not operate on private property without the written permission of the property owner or authorized representative. If a permitted food truck adds a new operating location during the calendar year, written authorization from the owner of the new location shall be submitted to the Planning Department prior to operation at that location.
5. **Location.** Food trucks shall only operate in zoning districts where permitted by §154-59, Table of Permitted and Special Uses. Food trucks shall be located so as not to obstruct required parking, accessible parking spaces, drive aisles, fire lanes, emergency access, building entrances or exits, or required sight-distance areas.

6. **Solid Waste and Site Maintenance.** The food truck operator shall provide adequate trash receptacles and shall be responsible for the removal of trash, grease, wastewater, and other waste generated by the operation. No waste shall be discharged onto the ground, into a storm drain, or onto adjoining property.
7. **Permit Display.** The Alexander County Food Truck Permit shall be prominently displayed on the food truck and visible while the food truck is in operation.
8. **Other Permits.** Issuance of a Food Truck Permit shall not relieve the operator from obtaining or maintaining any permit, inspection, license, or approval required by Environmental Health, the Fire Marshal, the State of North Carolina, or any other agency having jurisdiction.
9. **Compliance.** Food trucks shall comply with all applicable provisions of this Land Development Code and all applicable local, State, and federal requirements.
10. **Special Events.** A food truck operating as a vendor at an approved special event shall maintain a valid Alexander County Food Truck Permit but shall not be required to obtain separate approval for the special-event location or submit separate property-owner authorization for that location. The special-event applicant shall identify participating food trucks as part of the special-event application or provide a vendor list to the Planning Department prior to the event. Food trucks participating in a special event shall remain subject to all applicable Environmental Health, Fire Marshal, and other regulatory requirements.

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§154-356.B Food Truck Permits

1. **Purpose.** Food Truck Permits are required to ensure that food trucks operating within Alexander County comply with applicable zoning requirements and have authorization to operate on the property where they are located.
2. **Permit Issuance.** The Zoning Administrator shall issue Food Truck Permits. A Food Truck Permit shall be obtained prior to operating a food truck within Alexander County.
3. **Application.**
    a. **Pre-application Conference.** None required.
    b. **Application.** Each application shall be filed on a form provided by the Zoning Administrator and shall include, at a minimum:
        i. The name and contact information of the food truck owner or operator;
        ii. The business name and identifying information for the food truck;
        iii. A copy of any permit or approval required by Environmental Health or other applicable regulatory agency;
        iv. The proposed location or locations of operation; and
        v. Written authorization from the property owner or authorized representative for each property on which the food truck will operate.
    c. **Additional Locations.** A permitted food truck may operate at additional locations during the permit year provided written property-owner authorization is submitted to the Planning Department prior to operation at the additional location.
    d. **Review Schedule.** The Zoning Administrator shall approve or deny a complete application within seven (7) business days.
    e. **Fees.** Any review fee established by the Board of Commissioners shall be submitted with the application.
4. **Staff Review.** The Zoning Administrator shall review the application for compliance with this Chapter, including the zoning district and applicable supplemental requirements. If the application is incomplete, the Zoning Administrator shall notify the applicant of any deficiencies. If the permit is denied, the reasons for denial shall be stated.

5. **Permit Validity.** Food Truck Permits shall be valid for the calendar year in which they are issued and shall expire on December 31. A new permit shall be required for each calendar year.
6. **Permit Display.** The Food Truck Permit issued by Alexander County shall be prominently displayed on the food truck and visible while the food truck is operating.
7. **Effective Date.** No Food Truck Permit shall be required prior to January 1, 2027. Beginning January 1, 2027, no food truck shall operate within Alexander County without a valid Food Truck Permit.

APPENDIX G – Multimodal Plan Suggestions

Text struck from the ordinance is ~~struck through and highlighted blue~~.
Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

§154-54. Urban Services Overlay District

E. Exterior Sidewalk Requirement.

A. Any subdivision located within the Urban Services Overlay District that proposes more than one hundred (100) dwelling units or a gross residential density greater than two (2) dwelling units per acre shall provide an exterior sidewalk along all existing public street frontage abutting the subdivision. The sidewalk shall be constructed in accordance with applicable County and NCDOT standards and shall be located within the public right-of-way or within a dedicated pedestrian easement where placement within the right-of-way is not permitted.

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§154-88. Conservation Subdivision Standards

C. Greenway Easement Requirement. Any subdivision utilizing the conservation subdivision provisions of this Chapter that abuts a stream or utility corridor shall provide a greenway easement along the applicable corridor where a practicable connection can be made. The easement shall be located and sized to accommodate a future shared-use path or greenway and shall be shown on the approved subdivision plan and final plat. The easement shall be dedicated for public pedestrian and bicycle access or future greenway development, but construction of the greenway shall not be required unless otherwise specified by the County.

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§154-89. Shared-Use Path or Easement Requirement. Any subdivision that abuts a community destination, including but not limited to a school, park, library, government facility, commercial center, or other public or civic destination, shall provide a shared-use path or dedicated pedestrian and bicycle easement connecting the subdivision to the abutting destination where a practicable connection can be made. The location and design of the connection shall be shown on the approved subdivision plan and shall comply with applicable County and NCDOT standards.

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§154-139. Pedestrian and Bicycle Facilities. Sidewalks shall be required along all commercial and industrial developments in Alexander County. Sidewalks shall be required where the development would provide connectivity to an existing or planned sidewalk system. Where appropriate based on roadway conditions, surrounding development patterns, and anticipated pedestrian and bicycle use, a bikeable shoulder may be provided in lieu of a sidewalk. Any bikeable shoulder provided pursuant to this section shall meet applicable NCDOT design standards.

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§154-198. Pedestrian Routes Through Parking Areas. Commercial developments with large off-street parking areas shall provide clearly marked pedestrian routes connecting principal building entrances to public sidewalks, internal pedestrian facilities, and other primary pedestrian access points. Pedestrian routes shall be distinguished from vehicular travel areas through striping, pavement markings, contrasting materials, raised walkways, or similar treatments and shall be designed to minimize conflicts between pedestrians and vehicles.

APPENDIX H – Updated Model Floodplain Ordinance

1. The following text comes from the state. Sections, definitions, or text highlighted in GREEN are new or revised language to include in your jurisdictions flood ordinance.

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

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

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6 of Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Articles 1, 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Governing Body of Community Name, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

(1) The flood prone areas within the jurisdiction of Community Name 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, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood prone areas by uses vulnerable to floods or other hazards. These obstructions and occupancy by uses vulnerable to floods may be hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

SECTION C. 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 D. OBJECTIVES.

The objectives of this ordinance are to:

(1) Protect human life, safety, and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business losses and interruptions;

(5) 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) Minimize damage to private and public property due to flooding;

(7) Make flood insurance available to the community through the National Flood Insurance Program;

(8) Maintain the natural and beneficial functions of floodplains;

(9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(10) 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 its most reasonable application.

"A Zone" is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

"AE Zone" is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

"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.

"AH Zone" is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.

"Alteration of a watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

"AO Zone" is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

"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 or AH 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. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)".

"Area of Future-Conditions Flood Hazard" means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology. (**Italicized Text OPTIONAL**)

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

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

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

"Building" see "Structure".

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

"Community" means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Community Flood Hazard Area (CFHA)" is an area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical flood information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams. **(Italicized Text OPTIONAL)**

"Community Floodplain Management Map" means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source. **(Italicized Text OPTIONAL)**

"Community Rating System (CRS)" means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

"Critical facility (also called critical action)" means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire, and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use, or store hazardous materials or hazardous waste.

"Design Flood" See "Regulatory Flood Protection Elevation."

"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.

"Development Activity" means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

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

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

"Dry Floodproofing" means a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. Please refer to Technical Bulletin 3, *Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings*, and available from the FEMA.

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

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

"Existing building and existing structure" means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated _____.

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

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
(1) The overflow of inland or tidal waters.
(2) The unusual and rapid accumulation or runoff of surface waters from any source.
(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the FEMA, 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 FEMA, 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 FEMA, on which both the Special Flood Hazard Areas applicable to the community are delineated. (see also DFIRM)

“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 FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs).

“Flood Prone Area” see “Floodplain”

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

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

“Floodplain Administrator” is the individual appointed by the community 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. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

"Floodway" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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.

"Floodway encroachment analysis" means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

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

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

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

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

"Historic Structure" means any structure that is:

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

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

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Light Duty Truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
(c) Available with special features enabling off-street or off-highway operation and use.

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

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

"Map Repository**"** means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products has the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (https://fris.nc.gov/) is the map repository. Repositories of historical flood hazard data are available on the Flood.NC website (https://flood.nc.gov/ncflood/) and the FEMA Flood Map Service Center website (https://msc.fema.gov/portal/home).

"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.

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

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

"Non-Conversion Agreement" means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed. **(Italicized Text OPTIONAL)**

"Non-Encroachment Area (NEA)" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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 insert date of community's first FIRM, the effective date of the initial Flood Insurance Rate Map. (The initial FIRM date can be found in the FEMA Community Status Book.)

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before insert date of community's first FIRM, the effective date of the initial Flood Insurance Rate Map. (The initial FIRM date can be found in the FEMA Community Status Book.)

"Principally Above Ground" means that at least 51 percent of the actual cash value of the structure, less land value, 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:

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

(e) Is fully licensed and ready for highway use.
(f) Has no attached deck, porch, or shed, and
(g) Has quick-disconnect sewage, water, and electrical connectors.

For the purpose of this ordinance: "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures under this ordinance. **(Italicized Text OPTIONAL.)**

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE or Coastal A Zone.
(OPTIONAL ALTERNATIVE HIGHER STANDARD for "Reference Level" definition) *"Reference Level" is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.*

"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* Insert freeboard [four (4) feet (Four feet is the state recommended freeboard)] feet *freeboard)*. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least Insert feet [Four (4) feet is a state-recommended elevation, two (2) feet is a state-recommended minimum] feet above the highest adjacent grade. *In areas where no base flood elevations exist from any authoritative source, the flood protection elevation may be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus the freeboard.*
(Italicized Text OPTIONAL.)

"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.

"Repetitive Loss" means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

"Repetitive Loss Property" means any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

"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.

"Section 1316" means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state

or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

"Severe Repetitive Loss Structure" means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.
Four or more separate claim payments of more than $5,000 each (including building and contents payments); or
Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

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

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

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in 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 (RECOMMENDED HIGHER STANDARD: choose cumulative damage sustained over a period of time exceeding one year (i.e., 5- or 10-year period)) whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (RECOMMENDED HIGHER STANDARD: choose a percent damaged that is less than 50% (i.e. 30%)) of the market value of the structure before the damage occurred. (RECOMMENDED HIGHER STANDARD: By adding the following text for Increased Cost of Compliance (ICC) eligibility). *Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.* [**CRS communities are eligible for up to 20 CRS points for adopting RECOMMENDED Text for Substantial Damage]**

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period (RECOMMENDED HIGHER STANDARD: choose cumulative improvement sustained over a period of time exceeding one year (i.e., 5- or 10-year period)) for which the cost equals or exceeds 50 percent (RECOMMENDED HIGHER STANDARD: choose a percent improvement that is less than 50% (i.e. 30%)) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4, Section E of this ordinance.

[CRS communities are eligible for up to 20 CRS points for adopting RECOMMENDED Text for Substantial Improvement]

"Technical Bulletin and Technical Fact Sheet" means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. **(Italicized Text OPTIONAL)**

"Temperature Controlled" means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

"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 NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of 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.

"X Zones" means areas determined to be low to moderate risk flood zones and are located outside the community's delineated Special Flood Hazard Area (SFHA) and include the following:
Shaded - is the area of moderate flood hazard and can represent:
0.2% annual chance flood hazard area (500-year flood zone),
Areas of 1% annual chance flood with average depth less than one (1) foot, or
Areas of 1% annual chance flood with drainage areas of less than one (1) square mile
Unshaded - is the area of minimal flood hazard determined to be outside of the 0.2% annual chance flood (500-year flood zone).

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard *Areas and Community Flood Hazard Areas (CFHAs) as defined in Article 2. Definitions* within the jurisdiction*, including Extra-Territorial Jurisdictions (ETJs) and Bona Fide Farms as allowed by law,* of Community Name. **[Italicized Text OPTIONAL for communities only if exercising an extra-territorial jurisdiction** or CFHAs].

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS AND COMMUNITY FLOOD HAZARD AREAS. (Italicized Text OPTIONAL for communities only if exercising a CFHA)

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 FIS dated Insert effective date shown on FIS for County Name County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

(ITALICIZED TEXT IS OPTIONAL LANGUAGE which may be added in whole or by section)
When Preliminary Flood Insurance Studies and Flood Insurance Rate Maps have been provided by FEMA to Community Name*:*
(1) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.
(2) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administrating these regulations.

When Advisory Flood Studies have been provided by the North Carolina Floodplain Mapping Program to the Community Name*:*
The data, which are adopted by reference and declared a part of this ordinance, shall be utilized where no base flood elevations or floodway areas exist, or where the Advisory Flood Studies exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA, or
The applicant shall provide a more detailed analysis of the flood hazards for the site for floodplain management purposes.

The community reserves the right to require further studies for any development within its jurisdiction, if there is evidence that a potential flood hazard exists. Studies can be used to designate Community Flood Hazard Areas (CFHA). Such evidence may include but shall not be limited to:
Eyewitness accounts of historic flooding or other reports of historic flooding deemed credible by the community;
Surveyed high-water marks;
Geologic features observed that resemble floodplains (such as flat areas along streams);
Proximity to manmade or natural constrictions in or along a watercourse (such as road crossings that can cause backwater effects), and;
Drainage basin characteristics (such as drainage area, slope, percent impervious cover, land use, etc.).

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail.

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 *and Community Flood Hazard Areas* **(Italicized Text *OPTIONAL* for communities only if exercising a CFHA)** determined in accordance with the provisions of 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:

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

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 Community Name 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 Class 1 misdemeanor pursuant to North Carolina General Statute § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall be fined not more than Insert Dollar Amount (recommend minimum of $100.00 or some other reasonable amount that is consistent with similar community ordinances). Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Community Name 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 Staff Title, hereinafter referred to as the "Floodplain Administrator," or their designee, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and 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 *and Community Flood Hazard Areas* **(Italicized Text OPTIONAL, if applicable)**. 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, *Community Flood Hazard Area* **(Italicized Text OPTIONAL, if applicable)**, 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, *by the community* **(Italicized Text OPTIONAL, if applicable)**, 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; or Article 5, Section D, *or by the community* **(Italicized Text OPTIONAL, if applicable)**;

(vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

(viii) The certification of the plot plan by a registered land surveyor or professional engineer. **(Italicized Text OPTIONAL language)**

(b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area *or Community Flood Hazard Area* (Italicized Text OPTIONAL, if applicable) including but not limited to:

(i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

(ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and

(iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

(c) If floodproofing, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

(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); and

(ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.

(e) Usage details of any enclosed areas below the lowest floor.

(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) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (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 complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.) including a cost estimate.

(b) The Special Flood Hazard Area determination for the proposed development in accordance with 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 unless the requirements of Article 5, Section F have been met.

(g) The flood openings requirements.

(h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

(i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(3) **Certification Requirements.**

(a) Elevation Certificates

(i) *An Elevation Certificate (FEMA Form FF-206-FY-22-152) 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 NAVD 1988. 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.* **(Italicized Text OPTIONAL but STATE RECOMMENDED)**

(ii) *An Elevation Certificate (FEMA Form FF-206-FY-22-152) 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 NAVD 1988. 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.* **(Italicized Text OPTIONAL but STATE RECOMMENDED)**

(iii) A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-22-152) 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. *The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.* **(Italicized Text OPTIONAL but this language in its entirety is required for CRS PARTICIPATION.)**

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. (Italicized Text OPTIONAL. The FEMA Floodproofing Certificate Is Optional At The Time Of Initial Permitting But Recommended To Ensure Compliance With This Ordinance And Properly Permit The Structure.)

A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and

certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. 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 deny a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).

(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 Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(b);

(ii) Temporary Structures meeting requirements of Article 5, Section B(7); and

(iii) Accessory Structures that are 150 square feet or less and meeting requirements of Article 5, Section B(8).

(4) **Substantial Improvement/Damage determinations for existing buildings and structures**.
For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

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 *or Community Flood Hazard Areas* ***(Italicized Text OPTIONAL, if applicable)*** to assure that the requirements of this ordinance have been satisfied.

(2) Review all proposed development within Special Flood Hazard Areas *or Community Flood Hazard Areas* **(Italicized Text OPTIONAL, if applicable)** to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(3) Notify adjacent communities and the North Carolina Department of 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 maintained.

(5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.

(6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).

(7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).

(8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).

(9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of 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, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including *Community Flood Hazard Data and* **(Italicized Text OPTIONAL, if applicable)** data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.

(12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of 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) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(14) 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.

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

(16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(17) Make periodic inspections throughout the Special Flood Hazard Areas *or Community Flood Hazard Area* **(Italicized Text OPTIONAL, if applicable)** 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.

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

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

(20) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of 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.

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

(22) Make substantial improvement and post event damage assessments and determinations:

Conduct damage assessments for damaged structures located within the SFHA *or Community Flood Hazard Area.* (**Italicized Text OPTIONAL,** if applicable)
Complete substantial improvement/damage determinations in accordance with the provisions of Article 4, Section B(4).

(23) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file. **(Italicized Text OPTIONAL)**

(24) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation. ***((*Italicized Text OPTIONAL – *DELETE if the community prohibits fill in the SFHA or for structural support/elevation.)***

SECTION D. CORRECTIVE PROCEDURES.
Stop Work Order: The community may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations
Notice of Violation. If the community determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
The name and address of the owner or the applicant or the responsible person;
The address or other description of the site upon which the violation is occurring;
A statement specifying the nature of the violation;
A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;
A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).
Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Community Name shall first notify the owner, applicant or other responsible person in writing of its intended action. The Community Name shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, the Community Name may take or impose any one or more of the following enforcement actions or penalties:

Termination of utility service and/or withhold or revoke Certificate of Occupancy: The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violation or violations described therein.
Suspension, revocation, or modifications of permit: The community may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
Civil penalties: 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 Class 1 misdemeanor pursuant to North Carolina General Statute § 143-215.58.
Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Insert Dollar Amount *(this amount should be consistent with Article 3, Section H)*. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Community Name from taking such other lawful actions, pursuant to North Carolina General Statute § 153A, 160A, and 160D, as is necessary to prevent or remedy any violation.
Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.
Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.
Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the local elected governing body. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within thirty (30) days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.
All appeals shall be heard and decided by the community's designated Appeal Board, which shall be Insert Appeals Board, or their designees. The Appeal Board shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a quasi-judicial decision, the decision of the Appeal Board shall be final.
A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. The petition shall be received by the clerk of superior court within 30 days of the date of the local governing body decision.
Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.
Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that

has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

SECTION E. VARIANCE PROCEDURES.

(1) The Insert appointed board name (The Board of Adjustment is the recommended appointed board) as established by Community Name, shall hear and decide requests for variances from the requirements of this ordinance.

(2) Any person aggrieved by the decision of the 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:

(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 during the base flood and create no additional threats to public safety; or

(c) Any other type of development provided it meets the requirements of this Section.

(4) In passing upon variances, the 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 and objectives of this ordinance.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may 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 FEMA 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

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 or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(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 floodproofed to at least the Regulatory Flood Protection Elevation.

(d) The use complies with all other applicable federal, state and local laws.

(e) The Community Name has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance, in accordance with North Carolina General Statutes §143-215.54A(b).

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 in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements.*

All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

Replacements part of a substantial improvement must also meet the above provisions.

Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements comply with the standards for new construction consistent with the code and requirements for the original structure.

(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) 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.

(9) 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 floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).

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

(11) 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.

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

(13) 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.

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

(15) When a building or structure is located in more than one flood hazard zone or in a flood hazard zone with multiple base flood elevations, the provisions for the more restrictive flood hazard zone and the highest BFE shall apply.

(16) Structural fill shall not be used unless design and construction of the structural fill accounts for the following:

(a) consolidation of the underlying soil under the weight of the fill and the structure,

(b) differential settlement due to variations in fill composition and characteristics, and

(c) slope stability and erosion control during conditions of the base flood.

OR

(16) Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F). **(Italicized Text OPTIONAL. Maximum 280 CRS points possible.)**

OR

(16) Fill used to elevate or support a structure is prohibited in the SFHA. This includes prohibiting Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F). Fill supporting transportation (bridges, culverts, roadways, greenways, etc.), stream restoration, repair of existing levees or berms, and similar projects can be permitted within the SFHA. **(Italicized Text OPTIONAL.)**

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of 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 (RFPE), 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 Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) 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 floodproofing elevation shall be in accordance with Article 5, Section G(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.

(3) Manufactured Homes.

(a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), 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 certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).

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

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

(a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(b) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

(c) Shall include 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 higher of the interior or exterior 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.

(d) *Shall not be temperature-controlled or conditioned* (Italicized Text OPTIONAL but strongly encouraged.)

(e) *Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space (30 CRS points); Community Name will have the right to inspect the enclosed area* **(30 CRS points)***. Community Name will conduct annual inspections* **(30 CRS points)**. *This agreement shall be recorded with the Insert County Name County Register of Deeds and shall transfer with the property in perpetuity.* **(Italicized Text OPTIONAL. Maximum total of 90 CRS points)**

(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, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

(b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements 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 consistent with the code and requirements for the original structure.

(ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a Insert number of years (One (1) year minimum is required) (CRS recommends a 5- or 10-year period. Language must be consistent with the definition of "Substantial Improvement"), the cumulative cost of which equals or exceeds 50 percent (Communities can also use a value less than 50%, for example, 30%. Language must be consistent with the definition of "Substantial Improvement") of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the Insert number of years (One (1) year minimum is required) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. *Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.* (Italicized Text OPTIONAL, but the repetitive loss portion is required for flood insurance policy holders to be eligible for Increased Cost of Compliance (ICC) benefits for repetitive losses.) If the structure has sustained substantial damage, any

repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

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

(6) Recreational Vehicles. Recreational vehicles shall meet the following:

Placement of a Recreational Vehicle in the Regulatory Floodway *or Non-Encroachment Area* is prohibited. This includes both temporary and permanent placement. (Italicized text is OPTIONAL. Note: This should be consistent with Article 5, Section F (4).)

Temporary Placement

(i) Be on site for fewer than 180 consecutive days; or

(ii) 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.)

Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

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

(a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) Accessory Structures.

(a) When accessory structures (sheds, detached garages, etc.) with a footprint of no more than 600 square feet are placed within A, AO, AH, AE and A99 flood zones, wet floodproofing may be permitted when the following criteria are met:

Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

Accessory structures shall not be temperature-controlled;

Accessory structures shall be designed to have low flood damage potential;

Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);

All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and

Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

All other accessory structures exceeding the size restrictions in Article 5, Section B(8)(a) above must comply with the elevation or floodproofing standards and certification requirements in accordance with Article 4, Section B(3) and Article 5, Section B(2).

An accessory structure with a footprint of 150 square feet or less in A, AO, AH, AE and A99 zones satisfying the criteria outlined above in Article 5, Section B(8)(a) is not required to meet the elevation or floodproofing certification requirements of Article 4, Section B(3). All other accessory structures must comply with the elevation or floodproofing certification requirements in accordance with Article 4, Section B(3).

(9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B(2) of this ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall

be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.

Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

Commercial storage facilities are not considered “limited storage” as noted in this ordinance and shall be protected to the Regulatory Flood Protection Elevation as required for non-residential structures.

SECTION C. STANDARDS FOR AREAS OUTSIDE THE SPECIAL FLOOD HAZARD AREA [X ZONES (SHADED/UNSHADED)]. (OPTIONAL Higher Standard. Replace Title with RESERVED if not used.)

Areas designated as X Zones (Shaded or Unshaded) on the FIRM or in the FIS report established in Article 3, Section B, are areas determined to be low to moderate risk flood zones but are not immune to inundation by flood waters. The following provisions, in addition to the provisions of Article 5, Sections A and B, shall apply to all development within such areas:

Where 0.2-percent-annual-chance water surface elevations are provided, the reference level in Zone X (Shaded) shall be elevated or floodproofed to at least the 0.2-percent-annual-chance water surface elevation or the Regulatory Flood Protection Elevation, whichever is higher.

Where no flood hazard data is available or provided per Article 3, Section B:

the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least Insert feet (two (2) feet to four (4) feet is recommended) feet above the highest adjacent grade; or

meet the requirements of Article 5, Section C(4).

Where Advisory Flood Studies provide base flood elevations, the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least the advisory BFE *[***Italicized Text OPTIONAL** *communities can also choose to adopt a higher standard (i.e., 1-percent rainfall depth plus, 0.5-percent-annual-chance, 0.2-percent-annual-chance, 0.1-percent-annual-chance, etc.)]* plus a freeboard of Insert feet (two (2) feet to four (4) feet is recommended)feet.

Where a Community Flood Hazard Area (CFHA) is established per Article 3, Section B, the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least the CFHA flood elevation plus a freeboard of Insert feet (two (2) feet to four (4) feet is recommended) feet.

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 BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

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.

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

When 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 floodproofed in accordance with standards in Article 5, Sections A and B.

When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.

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

When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

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

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

Standards of Article 5, Sections A and B; and

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 (1) foot at any point.

SECTION F. STANDARDS FOR FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways 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:

(a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, 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 issued by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment.

A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with Article 5, Section F(1)(a), if the encroachment results in *base flood elevation decreases of more than 0.10-feet (optional)*, changes to the floodway/non-encroachment area widths, and/or changes to the stream location.

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

(3) Manufactured homes may be permitted provided the following provisions are met:

(a) The anchoring and the elevation standards of Article 5, Section B(3); and

(b) The encroachment standards of Article 5, Section F(1).

(4) Placement of recreational vehicles in the regulatory floodway *or non-encroachment area* **(Italicized text is OPTIONAL. Note: This should be consistent with Article 5, Section B (6)(a).)** is prohibited.

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, Sections A and B, 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 Insert freeboard [four (4), (feet of freeboard selected for Regulatory Flood Protection Elevation definition)] feet, above the highest adjacent grade; or at least Insert feet [Four (4), (A minimum of two (2) feet is required and four (4) feet is recommended where a depth is not provided)] feet above the highest adjacent grade if no depth number is specified.

(2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(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 in accordance with 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.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

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 insert adoption date of the community's initial Flood Damage Prevention Ordinance as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Community Name enacted on insert adoption date of the community's initial Flood Damage Prevention Ordinance, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for County Name County is insert adoption date of the community's initial Flood Damage Prevention Ordinance.

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. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective insert upon adoption or a specific date.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the governing body of Community Name, North Carolina, on the Day (number or text) day of Month, Year.

WITNESS my hand and the official seal of insert Name, Title, this the Day (number or text) day of Month, Year.

_____

(signature)

(Seal)

APPENDIX G – Multimodal Plan Suggestions

Text struck from the ordinance is ~~struck through and highlighted blue~~.
Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

§154-54. Urban Services Overlay District

E. Exterior Sidewalk Requirement.

1. Any subdivision located within the Urban Services Overlay District that proposes more than one hundred (100) dwelling units or a gross residential density greater than two (2) dwelling units per acre shall provide an exterior sidewalk along all existing public street frontage abutting the subdivision. The sidewalk shall be constructed in accordance with applicable County and NCDOT standards and shall be located within the public right-of-way or within a dedicated pedestrian easement where placement within the right-of-way is not permitted.

2. In lieu of the required sidewalk, the Technical Review Committee may approve a paved shoulder designed to accommodate bicycle travel where the Committee determines that such a facility is appropriate based on the character of the roadway, existing or planned pedestrian and bicycle facilities, traffic conditions, available right-of-way, and the surrounding development pattern. Any approved paved shoulder shall be constructed in accordance with applicable NCDOT standards and requirements.

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§154-88. Conservation Subdivision Standards

I. **Future Greenway Easement.** Where a conservation subdivision abuts or contains a stream, utility corridor, or other linear feature identified by the County as potentially suitable for a future greenway or shared-use path, the County may require the reservation of a pedestrian and bicycle easement for possible future public use. The easement shall be of sufficient width and location to accommodate a future greenway or shared-use path, as determined by the reviewing agency. Reservation of the easement shall not require the developer to construct, improve, or maintain a greenway or shared-use path.

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§154-95. Major Subdivisions (Eleven (11) or more Lots or Commercial, Office Institutional, or Industrial)

I. **Connections to Community Destinations.** Where a subdivision abuts, or is directly across a public street from, a school, park, library, government facility, commercial center, or other community destination, a pedestrian and bicycle connection shall be provided where the reviewing agency determines that a practicable connection can be made. Such connection may consist of a shared-use path, sidewalk, trail, or dedicated pedestrian and bicycle easement, as appropriate.

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§154-139. Pedestrian Facilities. Sidewalks are required along all commercial and industrial developments in Alexander County. Sidewalks will also be required where development provides connectivity to the existing sidewalk system. In lieu of the required sidewalk, the Technical Review Committee may approve a paved shoulder designed to accommodate bicycle travel where the Committee determines that such a facility is appropriate based on the character of the roadway, existing or planned pedestrian and bicycle facilities, traffic conditions, available right-of-way, and the surrounding development pattern. Any approved paved shoulder shall be constructed in accordance with applicable NCDOT standards and requirements.

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§154-195. Design of Parking Areas

L. **Pedestrian Circulation.** Commercial parking areas containing twenty-five (25) or more parking spaces shall provide clearly defined pedestrian routes connecting principal building entrances with sidewalks and other pedestrian access points. Pedestrian routes may be identified through pavement striping, pavement markings, contrasting paving materials, raised walkways, or other similar treatments approved by the Zoning Administrator. Where a pedestrian route crosses a vehicular travel aisle, the crossing shall be clearly delineated.

APPENDIX H – TRC Site Plan Approval Expiration

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Numbering is updated to reflect changes.

§154-329. Major Site Plan Review

C. Permit Validity. No permit shall be issued by the *TRC*; however, no permit for any *use* requiring a major *site plan* may be issued without proof of *TRC* review and approval. Major Site Plan approval shall be valid for one (1) year from the date of approval.

APPENDIX I – Mylar Requirements

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Text added to the ordinance is highlighted yellow.
Numbering is updated to reflect changes.

§154-335. Review for Minor, Special, and Nonstandard Subdivisions

A. Application.

1. Application. Each *applicant* shall submit an application to the *Subdivision Administrator*. Applications may be modified by the *Subdivision Administrator* as necessary, who may require the *applicant* to supply additional information. Development plans are required for *minor* or *phased minor subdivisions* where up to ten (10) *lots* and new *right-of-way* are proposed. Development plans must be submitted to the *Subdivision Administrator* pursuant to §154-93 (Minor Subdivisions). Where development plan review is not required the *applicant* shall submit a *final plat* in ~~mylar form and a paper copy~~ a format suitable for recording with the Alexander County Register of Deeds ~~of the *final plat*~~ along with all application materials (see Article III (Subdivision Regulations)). The *final plat* must be prepared in conformance with the *final plat* requirements provided by the Planning Department, (§154-341 (Final Plat Review)) and provisions of this Chapter.

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§154-238 Water Supply Watershed Regulations

Subdivisions within the Water Supply Watershed

(B) Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, ~~two (2) copies of the plat (one mylar and one paper),~~ a final plat in a format suitable for recording with the Alexander County Register of Deeds, a description of the proposed method of providing storm water drainage, and supporting documentation deemed necessary by the Watershed Administrator or the Water Quality Board.

APPENDIX J – Reapplication Waiting Periods

Text struck from the ordinance is ~~struck through and highlighted blue~~.
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Numbering is updated to reflect changes.

ARTICLE XI

REVIEW PROCESSES AND PROCEDURES

Subpart A. Site Plan Review and Approval

§154-325.General

Site Plans shall contain all applicable information as required herein and shall adhere to the applicable review and approval process as outlined in this subpart. To lessen the time required to obtain all necessary approvals, the *Site Plan* approval processes may run concurrently with a *building* plan review, an application for a land-disturbing permit, or other applications for approvals required for the particular development. When a watershed development plan approval is required, that approval shall be a prerequisite to *Site Plan* approval. *Site Plans* are required where the individual consideration of design, configuration and/or operation of a *use* at a proposed site is/are necessary to ensure site appropriateness, compatibility with surrounding *uses* and the protection of the public health, safety and welfare. ~~Unless otherwise stated in this Article no applications that have been denied may be resubmitted without substantial material alterations to the application and no sooner than one (1) year after denial.~~

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§154-338. Review for Major Subdivisions and Conservation Subdivisions of Three Hundred (300) or More Lots

G. ~~Application Resubmittal. The Planning Board and the Board of Commissioners will not consider an application (by a property *owner* or *owner*'s agent) when, within the previous 12 months, the *map amendment* request was denied by the Commissioners.~~

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§154-344. Ordinance Amendments

C. Map Amendments

(2) Application

~~d. Withdrawal of Application. This includes applications for the same requested zoning district of for the same use or substantial similar use under a conditional zoning request.~~

~~A. 1st Withdrawal. Each application for an amendment withdrawn by the *applicant* after the first newspaper notice appears, shall not reapply for a *map amendment* within the following six (6) months.~~

~~B. 2nd Withdrawal. Each application for an amendment withdrawn by the applicant after the first newspaper notice appears, shall not reapply for a *map amendment* within the following eighteen (18) months.~~

e. Application Resubmittal.

~~A. Resubmittal of Any Application. The Planning Board and the Commissioners will not consider an application by a property *owner* or *owner*'s agent, that is for the same requested zoning district or for the same use under a conditional zoning request when, within the previous 12 months, the *map amendment* request was denied by the Commissioners.~~

B. Resubmittal of Application After Completion of a Small Area/Community Plan. Applications for *map amendments* located in an area that is currently undergoing or (within the previous 12 months) has completed a Small Area/Community Plan, shall not be considered by the Planning Board or the Commissioners unless the *Planning Director* initiates such application.

~~Application Resubmittal. The Planning Board and the Board of Commissioners will not consider an application (by a property *owner* or *owner*'s agent) when, within the previous 12 months, the *map amendment* request was denied by the Commissioners.~~

APPENDIX K – Reapplication Waiting Periods

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Numbering is updated to reflect changes.

Subpart F. Landscaping Recommended Species List

Table 5.5. Recommended [1] Large Deciduous Trees	
Scientific Name	**Common Name**
~~Aesculus hippocastanum~~	~~Common Horsechestnut~~
Acer buergeranum	Trident Maple
Acer griseum	Paperbark Maple
~~Acer palmatum~~	~~Japanese Maple~~
Acer rubrum	Red Maple
~~Acer saccharum~~	~~Sugar Maple~~
Amelanchier canadensis	Serviceberry
Betula nigra	River Birch
~~Betula papyrifera~~	~~Paper Birch~~
Carya ovata	Shagbark Hickory
Carya glabra	Pignut Hickory
Carya cordiformis	Hackberry
Cercidiphyllum japonicum	Katsura Tree
Cladastris lutea	Yellowwood
Fagus grandiflora	American Beech
~~Fraxinus americana~~	~~White Ash~~
~~Fraxinus pennsylvanica~~	~~Green Ash~~
Gingko biloba	Gingko (male only)
Gymnocladus dioicus	Kentucky Coffeetree
Liquidambar rotundiloba	Fruitless Sweetgum
Liriodendron tulipifera	Tulip Poplar
Maackia amurensis	Amur Maackia
Nyssa sylvatica	Black gum
Oxydendron arborea	Sourwood
Platanus occidentalis	Sycamore
~~Quercus accustissima~~	~~Sawtooth Oak~~
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak

Quercus coccinea	Scarlet Oak
Quercus falcata	Southern Red Oak
Quercus laurifolia	Laurel Oak
Quercus nigra	Water Oak
Quercua palustris	Pin Oak
Quercus phellos	Willow Oak
Quercua rubra	Red Oak
Quercus shumardi	Shumard Oak
~~Salix babylonica~~	~~Weeping Willow~~
Taxodium distichum	Bald Cypress
Tilia americana	American Linden
Tilia cordata	Littleleaf Linden
Ulmus alata	Winged Elm
Zelkova serrata	Japanese Zelkova

1 Species which are not included on the recommended species list may be used, but the *applicant* must show that the plant materials meet the standards of Article V and are appropriate for the area.

Table 5.6. Recommended [1] Small Deciduous Trees	
Scientific Name	**Common Name**
Acer campestre	Hedge Maple
Carpinus caroliniana	American Hornbeam
Cercis canadensis	Redbud
Cornus florida	Dogwood
Cornus kousa	Kousa Dogwood
Cornus mas	Corneliancherry Dogwood
Cornus amomum	Silky Dogwood
Chionanthus virginicus	Fringetree
Crataegus phaenopyrum	Washington Hawthorne
Halesia tetraptera	Mountain Silverbell
~~Hamamelis mollis~~	~~Chinese Witchhazel~~
Hamamelis vernalis	Vernal Witchhazel
~~Koelreutaria paniculata~~	~~Golden Rain-tree~~
Ostrya virginiana	Ironwood
Prunus serrulata ‘Kwanzan’	Kwanzan Cherry
Prunus subhirtella ‘Pendula’	Weeping Cherry
Prunus yedoensis	Yoshino Cherry
~~Prunus caroliniana~~	~~Carolina Cherry Laurel~~

Rhus typhina	Staghorn Sumac
Stewartia koreana	Korean Stewartia
~~Styrax japonicus~~	~~Japanese Snowball~~

1 Species which are not included on the recommended species list may be used, but the *applicant* must show that the plant materials meet the standards of Article V and are appropriate for the area.

Table 5.7. Recommended [1] Evergreen Trees	
Scientific Name	**Common Name**
Chamaecyparis obtuse*	Hinoki Falsecypress
Chamaecyparis pisifera*	Japanese Falsecypress
Cryptomeria japonica*	Japanese Cryptomeria
~~Cupressocyparis leyandii*~~	~~Leyland Cypress~~
Juniperus Virginiana*	Eastern Red Cedar
Magnolia grandiflora*	Southern Magnolia
Magnolia grandiflora 'Little Gem'*	Little Gem Magnolia
~~Picea abies*~~	~~Norway Spruce~~
Pinus strobus	White Pine
Pinus echinata	Short-leaf Pine
Pinus taeda	Loblolly Pine
Pinus virginiana	Virginia Pine
Thuja occidentalis*	American Arborvitae
Tsuga Canadensis*	Eastern Hemlock
Tsuga Caroliniana*	Carolina Hemlock
Pinus palustris	Longleaf Pine

1 Species which are not included on the recommended species list may be used, but the *applicant* must show that the plant materials meet the standards of Article V and are appropriate for the area.

* Plants that are conical *evergreens*.

Table 5.8. Recommended [1] Deciduous Shrubs	
Scientific Name	**Common Name**
Abelia grandiflora	Glossy Abelia
Callicarpa americana	Amercian Beautyberry
Calycanthus floridus	Common Sweetshrub
Chaenomeles speciosa	Flowering Quince
Clethra alnifolia	Sweet Pepperbush
Cornus sericea	Redosier Dogwood
Forsythia x intermedia	Border Forsythia

Fothergilla gardenia	Dwarf Fothergilla
Fothergilla major	Fothergilla
Hydrangea species	Hydrangea
Ilex verticullata	Winterberry
Itea virginiana	Virginia Sweetspire
~~Nandina domestica~~	~~Nandina~~
Rhododendron species	Azaleas
~~Spirea species~~	~~Spireas~~
Viburnum species	Viburnums

1 Species which are not included on the recommended species list may be used, but the *applicant* must show that the plant materials meet the standards of Article V and are appropriate for the area.

Table 5.9. Recommended [1] Evergreen Shrubs	
Scientific Name	**Common Name**
Buxus sempervirens	Common Boxwood
Ilex species	Hollies
Juniperus chinensis pfitzeriana	Pfitzer Juniper
Juniperus chinensis hetzi	Hetzi Juniper
~~Leucothoe fontanesia~~	~~Drooping Leucothoe~~
~~Mahonia beleai~~	~~Leatherleaf Mahonia~~
~~Pieris floribunda~~	~~Mountain Pieris~~
Pieris japonica	Japanese Pieris
~~Prunus laurocerasus 'Otto Luyken'~~	~~Otto Luyken Laurel~~
Prunus laurocerasus 'Schipkaensis'	Schip Laurel
~~Prunus laurocerasus 'Zabeliana'~~	~~Zabel Laurel~~
Pyracantha coccinea	Scarlet Firethorn
~~Rhododendron species~~	~~Rhododendrons~~
~~Taxus species~~	~~Yews~~
Viburnum x pragense	Prague Viburnum
Viburnum rhytidophyllum	Leatherleaf Viburnum
Morella cerifera	Wax Myrtle
Rhododendron catawbiense	Catawba Rhododendron
Rhododendron carolinianum	Carolina Rhododendron
Rhododendron maximum	Rosebay Rhododendron
Viburnum nudum	Possumhaw Viburnum
Viburnum acerifolium	Mapleleaf Viburnum
Viburnum dentatum	Arrowwood Viburnum

1 Species which are not included on the recommended species list may be used, but the *applicant* must show that the plant materials meet the standards of Article V and are appropriate for the area.

Table 5.10. Holly Species that May Be Used for Screening[1]	
Scientific Name	**Common Name**
Ilex x 'Mary Nell'	Mary Nell Holly
Ilex x 'Nellie R. Stevens'	Nellie R. Stevens Holly
Ilex species	Red Holly hybrids
Ilex species	Blue Holly hybrids
Ilex glabra	Inkberry Holly
Ilex vomitoria	Yaupon Holly
Ilex opaca	American Holly

1 Species which are not included on the recommended species list may be used, but the *applicant* must show that the plant materials meet the standards of Article V and are appropriate for the area.