

Chapter 20 LAND DEVELOPMENT*

*Cross references: Any ordinance dedicating or accepting any subdivision plat saved from repeal, § 1-9(11); environment, Ch. 14; streets, sidewalks, and other public places, Ch. 26.

State law references: Planning and regulation of development, G.S. 153A-320;160D-200;160D-202;160D-903 et seq.

ARTICLE I. IN GENERAL

Secs. 20-1--20-30. Reserved.

ARTICLE II. ADMINISTRATION*

*Cross references: Administration, ch.2.

DIVISION 1 - General

Sec. 20-31. Enactment clause.

Pursuant to the authority conferred by G.S. chps. 153 and 160A, and 160D the Board of Commissioners does hereby ordain and establish into law the following amendments to the ordinance creating the County Planning Board and Board of Adjustments, adopted on September 11, 2000.

(Ord. of 3-13-2000, § I(A); Ord. of 9-11-2000)

Sec. 20-32. Short title.

This article shall be known as the "Ordinance Amending the Ordinance Creating the Richmond County Planning Board and Board of Adjustments."

(Ord. of 3-13-2000, § I(B); Ord. of 9-11-2000)

Sec. 20-33. Jurisdiction.

This article shall apply to any and all actions that the County Planning Board and the County Board of Adjustments may take as of the effective date of the ordinance from which this article is derived.

(Ord. of 3-13-2000, § I(C); Ord. of 9-11-2000)

Sec. 20-34. Purpose.

The purposes of this article are to:

- (1) To amend the ordinance creating the County Planning Board and Board of Adjustments so as to have two separate boards;
- (2) To amend the procedures for the planning and conduct of the quasi-judicial hearing proceedings to account for the changes described in this article.

(Ord. of 3-13-2000, § 1(D); Ord. of 9-11-2000, Ord. of 7-12-2004)

Sec. 20-35. Definitions.

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The present tense is included in the future tense and the future tense is included in the present tense. The singular includes the plural, and the plural includes the singular.

Adverse decision means a determination that an ordinance has been violated, a permit or Certificate of Completion should be denied or revoked, or a denial of a permit, application, or certificate pursuant to the County Manufactured Home Park Ordinance set forth in division 2 of article VI of this chapter, the Subdivision Ordinance set forth in division 2 of article V of this chapter, any Land Use Plan or Zoning Ordinance adopted by the board of commissioners, or any amendment, addition, or change of any of those such ordinances, plans, or amendments, additions or changes thereto.

Appeal means a particular case being heard by the Board of Adjustments as a result of a person's filing a notice of appeal indicating his or her contest of or challenge to an adverse decision and an appeal is allowed by applicable ordinance.

Applicant means the person requesting that the Board of Adjustments hear and determine his or her appeal of the decision, ruling, requirement or determination by an administrative official or that Board of Adjustments grant a waiver or variance.

Board of adjustments means the County Planning and Zoning Board of Adjustments. The board of commissioners shall appoint the Board of Adjustments in the manner described in the Article.

Building permit and construction permit mean a permit authorizing the owner or agent to make physical improvements to a piece of property based on a residential subdivision plan or a manufactured home park or subdivision plan that has received preliminary approval.

Burden of proof means the responsibility for producing enough evidence to overcome a presumption to the contrary.

Competent evidence means evidence that, in the chair's discretion, is credible and relevant to prove or disprove a fact at issue.

Critical findings of fact mean facts determined by the Board of Adjustments and pertinent to the Board of Adjustments' decision.

Evidence means anything offered before the Board of Adjustments which tends to prove or disprove a fact.

Lot means and includes the words plot, parcel or tract. A piece of land whose boundaries have been described by a legal instrument or map recorded with the Register of Deeds.

Manufactured home park ordinance means the County Manufactured Home Park Ordinance set forth in division 2 of article VI of this chapter.

Notice of appeal means the written notice submitted to the Clerk to the Board of Adjustments by an applicant of his or her intent to contest an Adverse Decision.

Opponent means anyone adverse to the petitioner, including, but not limited to, the county and its officers and employees.

Ordinance means any ordinance duly adopted by the board of commissioners.

Other interested parties mean a person other than the applicant or the opponent who has a substantial interest in the outcome of the proceeding and who may be adversely affected by the decision to be rendered by the Board of Adjustments for a particular proceeding. Such other interested parties shall, at the discretion of the Board of Adjustments, have standing to become a party to the proceeding, which is before the Board of Adjustments.

Planning board. means the county Planning and Zoning Board of Adjustments

Presumption of correctness means an assumption that the adverse decision, which is contested by the applicant, was correct and not in violation of applicant's rights.

Proceeding means a quasi-judicial proceeding or hearing.

Subdivision ordinance means the Subdivision Ordinance of the county set forth in division 2 of article V of this chapter.

(Ord. of 3-13-2000, § 1(E); Ord. of 9-11-2000, Ord. of 7-12-2004; Ord. 6-22-2006)
Cross references: Definitions generally, § 1-2.

DIVISION 2 – Planning and Zoning Board of Adjustment

(Ord. 3/21/2006)

Sec. 20-36. Establishment of the Planning and Zoning Board of Adjustments

The County Planning and Zoning Board of Adjustments is hereby established to perform the activities described in this article.

Sec. 20-37. Membership of Planning and Zoning Board of Adjustments.

1. There shall be a total of seven (7) member appointed to the Planning and Zoning Board of Adjustment by the County Commissioners. The County Commission, at its discretion may set and provide compensation from time to time.
2. None of the members of the Planning and Zoning Board of Adjustments shall hold any other public office or position with the county or any municipality in the county.
3. All members of the Planning and Zoning Board of Adjustment shall be adult citizens and residents of the county.
4. All members appointed to the Planning and Zoning Board of Adjustment shall before entering their duties, qualify by taking an oath of office as required. G.S 160D-309

Sec. 20-38. Terms of membership of the Planning and Zoning Board of Adjustments

1. Except as is provided in this article, the term of a Planning and Zoning Board of Adjustment membership is three years.
2. In appointing the original members of the Planning and Zoning Board of Adjustment, or in filling vacancies caused by the expiration of the terms of existing members, the governing board may appoint some members for less than three years, in order that the terms of all members do not expire at the same time.

Sec. 20-39. Alternate members of Planning and Zoning Board of Adjustments.

1. The governing board may appoint alternate members to the Planning and Zoning Board of Adjustments in the same manner as appointing regular members. Such alternate members shall serve on the Planning and Zoning Board of Adjustments in the absence of any regular member.
2. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members of the Planning and Zoning Board of Adjustment.
3. While attending any regular or special meetings of the Planning and Zoning Board of Adjustment and serving in the absence of a regular member, an alternate member of the Planning and Zoning Board of Adjustment has and may exercise all the powers and duties of a regular member.

Sec. 20-40. Powers and duties of Planning and Zoning Board of Adjustment.

1. **Provisions of Ordinance.** - The zoning ordinance provides that the board of adjustments shall hear and decide quasi-judicial zoning decisions. The board shall follow quasi-judicial procedures as specified in G.S. 160D-406 when making any quasi-judicial decision.
2. **Appeals.** - Except as otherwise provided by this Chapter, the board of adjustment shall hear and decide appeals from administrative decisions regarding administration and enforcement of the zoning regulation and may hear appeals arising out of any other ordinance that regulates land use or development. The provisions of G.S. 160D-405 and G.S. 160D-406 are applicable to these appeals.
3. **Variances.** - When unnecessary hardships would result from carrying out the strict letter of a zoning regulation, the board of adjustment shall vary any of the provisions of the zoning regulation upon a showing of all of the following:
 - (a) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - (b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
 - (c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.
 - (d) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other development regulation that regulates land use or development may provide for variances from the provisions of those ordinances consistent with the provisions of this subsection. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 17, 50(b), 51(a), (b), (d).)

The Planning and Zoning Board of Adjustments shall enter the reasoning on which it grants or denies the application for variance in writing. In addition, the grant or denial of the application and the reasoning for the grant or denial shall be made in writing and sent to the applicant within ten days of the action by the Planning and Zoning Board of Adjustments.

In ruling on the application, the Planning and Zoning Board of Adjustments shall not grant a variance or waiver of the requirements of this subsection solely because of a demonstration of financial disadvantage.

If the Planning and Zoning Board of Adjustments grants an application for variance, it may attach thereto any conditions and safeguards as it deems reasonably necessary or desirable in furthering the purposes of the ordinances described above. Departure from or violation of any of those conditions shall be deemed a violation of those ordinances and shall necessitate imposition of such penalties as are permitted by the ordinances or law.

A variance, once granted, shall continue for an indefinite period of time, unless otherwise provided at the time that the variance was granted.

3. **Special Use Permit** -The Planning and Zoning Board of Adjustments shall hear and decide to approve or deny those application designated as Special Use as found in the Richmond County Zoning Ordinance, Section 6.
4. **Review and Recommendations: Plan Consistency.** When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a “large-scale rezoning” under G. S. 160D-6-2(b) the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

The Planning and Zoning Board of Adjustment Board shall work with the county planning and administrative staff to:

- a. Develop, review, and recommend map and/or text amendments to the County Zoning Ordinances;
- b. The Governing Board may also direct the Planning and Zoning Board of Adjustment to:
 - i. Make studies of the county and surrounding areas;
 - ii. Determine objectives to be sought in the development of the study area;
 - iii. Prepare and adopt plans for achieving these objectives;
 - iv. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
 - v. Advise the board of commissioners concerning the use and amendment of means for carrying out plans;
 - vi. Exercise any functions in the administration and enforcement of various means for carrying out plans that the board of commissioners may direct;
 - vii. Perform any other related duties that the board of commissioners may direct.

Sec. 20-41. Procedures for quasi-judicial decisions

Applications for appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision assigned to the Planning and Zoning Board of Adjustments for review, shall be submitted to the Planning Department Staff. The Department Staff shall present the completed application at a public hearing before the Planning and Zoning Board of Adjustment at its next regular meeting at least 15 days from the date the application was submitted along with all relevant information collected by staff. Notice of a quasi-judicial hearing shall comply with the provision of G.S. 160D-406, as amended, and as follows:

1. Notice of Hearing. - Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

2. Administrative Materials. - The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

3. The Planning and Zoning Board of Adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Planning and Zoning Board of Adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the Planning and Zoning Board of Adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination.

Sec. 20-42. Conduct of quasi-judicial proceeding.

When the Planning and Zoning Board of Adjustments sits to hear an appeal from an administrative official's decision, or an application for a variance or waiver of requirements, or an application for a

Special Use Permit, or any other review process assigned to the Board by ordinance or code, it shall conduct its hearing pursuant to these rules for a quasi-judicial proceeding, below.

1. Purpose. The purpose of these procedures is to provide an orderly method by which the Planning and Zoning Board of Adjustments can hear and decide all such quasi-judicial proceedings.
2. Objectives. The objectives of the Planning and Zoning Board of Adjustments when conducting a quasi-judicial proceeding are:
 - a. To conduct all such proceedings in a fair and efficient manner;
 - b. To base all decisions on competent and relevant evidence;
 - c. To ensure that the applicable ordinance is being enforced and administered in a fair and efficient manner; and
 - d. To provide the citizens of the county with an administrative avenue to contest and appeal decisions made pursuant to one of the applicable ordinances when those decisions adversely affect them, and the ordinances allow an appeal.
3. Procedure.
 - a. The Applicant, Opponent, and Other Interested Parties (or their attorneys) shall be required to appear in person at the Proceeding;
 - b. The following Procedure shall be followed for each Proceeding:
 - i. Where the Proceeding is a public hearing, the Planning and Zoning Board of Adjustments shall go into public hearing. The Planning and Zoning Board of Adjustments may go into closed session only in accordance with the State Open Meetings Law.
 - ii. All parties and interested persons wishing to appear before the Planning and Zoning Board of Adjustments and present evidence or testimony with respect to the proceeding shall be identified before any evidence is introduced.
 - iii. The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
 - iv. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-

1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

- v. The Board Chairman shall swear in all witnesses appearing in a case.
- vi. The Chairman, or such person as he shall direct, shall give a preliminary statement of the Proceeding. The preliminary statement shall contain the name of the Applicant and the determination requested by the Applicant.
- vii. The Applicant shall present his side of the Proceeding. The Applicant shall be entitled to introduce evidence and present witnesses in presenting his side, subject to cross-examination by the other parties in the case.
- viii. The members of the Planning and Zoning Board of Adjustments may question the Applicant and his witnesses.
- ix. At the close of the Applicant's evidence, Opponents and Other Interested Parties may present evidence to the Planning and Zoning Board of Adjustments. All evidence introduced or testimony presented shall be subject to cross-examination by the applicant.
- x. The members of the Planning and Zoning Board of Adjustments may question opponents, other interested parties, and their witnesses.
- xi. At the close of all evidence introduced by the Opponents, or Other Interested Parties, the Applicant shall be given an opportunity to introduce rebuttal evidence in accordance with the procedures listed in this section.
- xii. The Planning and Zoning Board of Adjustments in its discretion may allow persons not a party to the Proceeding to testify before the Planning and Zoning Board of Adjustments and present documentary evidence. Such persons may be cross-examined by the parties in the case and may be questioned by the Planning and Zoning Board of Adjustments.
- xiii. After all evidence has been introduced; the Applicant, Opponents, and Other Interested Parties shall be allowed to make concluding arguments before the Planning and Zoning Board of Adjustments.
- xiv. The Planning and Zoning Board of Adjustments may, at its discretion, request additional facts and information from the Applicant, Opponent, or Other Interested Parties before arriving at a determination of the case. If such additional information is requested, the proceeding may be continued to another meeting of the Planning and Zoning Board of Adjustments.
- xv. The Planning and Zoning Board of Adjustments shall discuss the evidence presented and determine the findings of fact. If the proceeding is a public hearing, the Planning

and Zoning Board of Adjustments shall close the public hearing before making any findings of fact.

- xvi. After all Findings of Fact have been determined by the Planning and Zoning Board of Adjustments, the Planning and Zoning Board of Adjustments may by vote draw conclusions based on the Findings of Fact as determined by the Planning and Zoning Board of Adjustments.
 - xvii. After the Planning and Zoning Board of Adjustments has drawn all conclusions, the Planning and Zoning Board of Adjustments shall render a decision. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
 - xviii. Notwithstanding the above, the Planning and Zoning Board of Adjustments may discuss the evidence generally at the close of a Proceeding, indicate a proposed decision by consensus, and may direct Planning Staff to draft the Findings of Fact and conclusions for consideration by the Planning and Zoning Board of Adjustments at a meeting so designated by the Planning and Zoning Board of Adjustments. If the decision by the Board is unanimous, the Board may authorize the Chairman to approve the Findings of Fact and Conclusions of Law in keeping with the unanimous decision. In such cases, additional meetings of the Board shall not be required.
4. Rules of evidence. The Rules of Evidence shall bind neither the Planning and Zoning Board of Adjustments nor the Applicant, nor the Opponents, nor Other Interested Parties. The Chair of the Planning and Zoning Board of Adjustments shall have the sole discretion to determine whether evidence may be introduced according to the purposes and objectives of the Planning and Zoning Board of Adjustments, as stated above.
5. Decisions.
- a. Written decision required. The Planning and Zoning Board of Adjustments shall issue a written decision for all proceedings within a reasonable time. The decision shall contain the following sections:
 - i. "Findings of Fact," which shall list the facts of the Proceeding as determined by the Planning and Zoning Board of Adjustments;
 - ii. "Conclusions," which shall list the conclusions reached by the Planning and Zoning Board of Adjustments in light of the facts listed in the Findings of Fact; and
 - iii. "Decision," which shall state the decision of the Planning and Zoning Board of Adjustments

- b. Findings of fact. Critical findings of fact made by the Planning and Zoning Board of Adjustments shall be based on sworn testimony or other competent, material, and substantial evidence in the record.
- c. Presumption of correctness. If the Proceeding is an Appeal, the adverse decision from which the Applicant is appealing shall be presumed to be correct. The burden of proving that the decision was incorrect shall be upon the Applicant. The board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made.
- d. Notification of decision. The Planning and Zoning Board of Adjustments shall send to the Applicant, the Opponents, and Other Interested Parties appearing before the Planning and Zoning Board of Adjustments a copy of the written decision.

Sec. 20-43. Board Organization.

1. Chair. The Planning and Zoning Board of Adjustment shall elect a Chairperson from its membership at the July meeting of each year. The Chair shall have the following duties and responsibilities in relation to a quasi-judicial hearing of the Planning and Zoning Board of Adjustments:
 - a. The Chair shall conduct the proceedings in an orderly and efficient manner, consistent with the terms of the applicable ordinance;
 - b. The Chair shall rule on questions of procedure and evidence in accordance with these rules. Unless otherwise specified by the Ordinance, the Chair may, in his discretion, set time frames within which documents connected with the proceeding must be filed with the Clerk to the Planning and Zoning Board of Adjustments. Unless prohibited by the ordinance, the Chair may, in his or her discretion and for good cause shown, allow an extension of time for any such filing.
 - c. The Chair shall, in conjunction with the Clerk to the Planning and Zoning Board of Adjustments be responsible for formulating the written decisions of the Board.
 - d. The Chair shall administer oaths to witnesses presenting testimony and evidence to the Board
2. Vice-chair. The Planning and Zoning Board of Adjustment shall elect a Chairperson from its membership at the July meeting of each year. The Vice-Chair shall be responsible for conducting all duties and responsibilities of the Chair relating to the proceedings in the Chair's absence.
3. Clerk to the Planning and Zoning Board of Adjustments. The County Director of Planning, or designee, shall be the Clerk to the Board and shall have the following duties and responsibilities:

- a. Minutes. The Clerk shall be responsible for taking clear, accurate, and detailed minutes at all Proceedings of the Planning and Zoning Board of Adjustment. Such minutes shall be detailed and shall contain a summary of statements made by members of the Planning and Zoning Board of Adjustment.
 - b. Maintain records. The Clerk shall be responsible for maintaining all records associated with the proceedings. Such records shall include, but not be limited to, the notice of appeal or application for variance/waiver or requirement submitted by the applicant in accordance with an ordinance (where applicable), the response to a request for variance/waiver of requirements filed by an opponent or other interested party (as allowed by the Planning and Zoning Board of Adjustment), the application for any permit (where applicable), the minutes, and all documentary evidence introduced before the Planning and Zoning Board of Adjustment.
 - c. Notification and correspondence. The Clerk shall be responsible for all correspondence and notification required by the terms of these procedures. Such notification shall include a notice to the applicant by certified mail of the date, time, and place of the Proceeding.
 - d. Written decisions. The Clerk shall, in conjunction with the Chair, be responsible for compiling the written decisions of the Planning and Zoning Board of Adjustment. The Clerk to the Planning and Zoning Board of Adjustment shall be responsible for sending a copy of the written decision to the Applicant, the Opponents, and Other Interested Parties appearing in a particular Proceeding.
4. Attendance at meetings. Each Planning and Zoning Board of Adjustment member is responsible for faithfully attending all regular Board meetings. Any Planning and Zoning Board of Adjustment member who expects to be absent at an upcoming meeting shall so notify the Chair or Clerk as soon as possible. If any Planning and Zoning Board of Adjustment member is absent from any three consecutive regular meetings or from three or more regular meetings held within the past 12-month period, that member shall not be allowed to sit on the Board until there is a majority vote of the County Commissioners to reinstate said member to the Board.
5. Meeting schedules.
 1. The Planning and Zoning Board of Adjustment shall, at the July meeting of each year, set the time and date for its regular meetings monthly meetings to be held at the Richmond County Airport. The meeting may be held at other places as directed by the Chairman of the Planning and Zoning Board of Adjustment as needed. Said schedule shall be forwarded to the County Clerk.
 2. The Chairman of the Planning and Zoning Board of Adjustment may call special meetings of the Board at any time. Either the Chairman or the Clerk will give at least 48 hours notice of the time, place, and subject of the meeting to each member. Such notice shall also be forwarded to the County Clerk.

3. If there are no agenda items for a scheduled meeting the Chairman may direct the clerk to dispense with the regular meeting by given written or oral notice no less than 24 hours to the Board membership.
6. Quorum. The Planning and Zoning Board of Adjustment shall not pass on any question relating to appeal, variance or any other question that is the before the Board when fewer than 4 members are present and sitting.
7. Voting. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
8. Rules of Conduct: A member of the Planning and Zoning Board of Adjustment shall not participate in or vote on any matter in a manner that would violate persons' constitutional rights to an impartial decision. The Governing Board may remove for cause any member of the Planning and Zoning Board of Adjustment, including, but not limited to violations of the rules below:
 - a. Faithful attendance at all Planning and Zoning Board of Adjustment meetings and conscientious performance of the duties required of Board members shall be considered a prerequisite of continuing membership on the Board.
 - b. Board members having undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. (2019-111, s. 2.4.) G.S 160D-109
 - c. No Board member shall vote on any matter that decides an application or appeal unless he has attended the public hearing on that case.
 - d. Board members shall not express individual opinions on the proper judgment of any case with any parties thereto before that case is determined.
 - e. Board members shall refrain and avoid from publicly speaking out on any issue before the Board, Governing Board, or any board or commission appointed by the Governing Board
 - f. Board members not disclosing having a fixed opinion that is not susceptible to change, prior to hearing the matter,
 - g. If an objection is raised to a member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(h) Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(i) Board member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

Sec 20-44. Conflict of Interest for Additional Boards and Staff G.S. 160D-109

1. Governing Board. - A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

2. Administrative Staff. - No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

Secs. 20-45--20-60. Reserved.

ARTICLE III. BUILDINGS AND BUILDING REGULATIONS*

*Cross references: Environment, Ch. 14; fire prevention, Ch. 17; floods, § 20-166 et seq.; manufactured homes and trailers, § 20-406 et seq.; solid waste, Ch. 23; streets, sidewalks and other public places, Ch. 26; smoking in county buildings, § 26-2. State law references: Building inspection, G.S.160D-1101 et seq.

DIVISION 1. GENERALLY

Secs. 20-61--20-75. Reserved.

DIVISION 2. BUILDING CODE

Sec. 20-76. Administration.

The Governing Board hereby establishes a Division of Inspections. The Division of Inspections will be supervised by the County Building Inspector and will include building, electrical, plumbing, insulation, and mechanical inspectors. The inspectors shall be charged with the responsibility of enforcing the codes included in this article.

(Ord. of 5-29-1979, § 1.1)

Cross references: Administration, Ch. 2.

Sec. 20-77. Jurisdiction.

The State Building Code, as adopted in this article, shall be administered, and enforced in all parts of the county, a political subdivision of the state, excepting the following:

- (1) The incorporated area of a municipality, unless such municipality's governing board agrees to allow the county to enforce the code within its jurisdiction;
- (2) The extraterritorial area of a municipality, where the municipality exercises its jurisdiction, excepting such municipalities as mentioned in subsection (1) of this section.

(Ord. of 5-29-1979, § 1.2)

Sec. 20-78. Building code adopted.

The North Carolina State Building Code, as adopted by the North Carolina Building Code Council, and as amended, is hereby adopted by reference as fully as though set forth in this section as the Building Code of the county to the extent such code is applicable for safe and stable design, methods of construction, minimum standards, and use of materials in buildings or structures hereafter erected, enlarged, altered, repaired, or otherwise constructed or reconstructed. The Building Code Volumes include but may not be limited to”

North Carolina State Building Code, Administrative Law

North Carolina State Building Code, Building Code
North Carolina State Building Code, Accessibility Code
North Carolina State Building Code, Plumbing Code
North Carolina State Building Code, Mechanical Code
North Carolina State Building Code, Electrical Code
North Carolina State Building Code, Fire Prevention Code
North Carolina State Building Code, Fuel Gas Code
North Carolina State Building Code, Energy Code
North Carolina State Building Code, Existing Buildings Code
North Carolina State Building Code, Residential Code

Exception to this application of the above referenced codes is found in NCGS 143-138(b) as amended.

(Ord. of 5-29-1979, § 2.1 Ord. of 5-3-2004)

Sec. 20-79. Reserved

(Ord. of 5-29-1979, § 2.2 Ord of 5-3-2004)

Sec. 20-80. Reserved

(Ord. of 5-29-1979, § 2.3 Ord. of 5-3-2004)

Sec. 20-81. Uniform standards code for manufactured homes.

The North Carolina Uniform Standards Code for Manufactured Homes, as adopted by the North Carolina Building Code Council, is hereby adopted by reference as fully as though set forth in this section.

(Ord. of 5-29-1979, § 2.4 Ord. of 5-3-2004)

Sec. 20-82. Amendments to code.

Amendments to the regulatory codes adopted by reference in this article, which are from time to time adopted and published by the agencies or organizations referred to in this article shall be effective in the county at the time such amendments are filed with the county inspections superintendent.

(Ord. of 5-29-1979, § 2.5)

Sec. 20-83. Permits--Application.

An application shall be made, on forms provided by the Inspections Division, to secure permits. Permits shall be obtained prior to the commencement of any construction.

- (A) Before commencement of any work for which a permit is required by G.S. 160D-403 and G.S. 160D-1108, the owner of the property shall apply to local government for permit to build in jurisdiction over the site of the development. This permit shall be given in writing and shall contain a provision that the requirements shall comply with all applicable State and local law. As the building progresses, the Inspector shall make as many inspections as may be necessary to satisfy him or her that the building is being constructed according to the provisions of this chapter. As soon as the building is completed, the owner shall notify the Inspector, who shall proceed at once to inspect the building and determine whether or not the flues and the building are properly constructed in accordance with the building law.
- (B) If the building meets the requirements of the building law, the Inspector shall then issue to the contractor or owner of the building a certificate, which shall state that he or she has complied with the requirements of the building law as to that particular building, giving description and locality and street number, if numbered. The Inspector shall keep his or her record so that it will show readily by reference all such buildings as are approved. The Inspector shall report to the Insurance Commissioner every person neglecting to secure such permit and certificate and also bring the matter before the County Manager for his or her attention and action.

(Ord. of 5-29-1979, § 3.1, Ord. of 5-3-2004)

Sec. 20-83A Building Permit Moratorium G.S. 160D-107.

No development applications shall be issued for construction of a building on property for which a petition for change of zoning is pending. This moratorium shall be in effect from the time when the local government receives such a petition until the petition is either denied or approved by the Governing Board.

(Ord. 5-3-2004)

Sec. 20-83B Defects in Building

Whenever the Building Inspector finds any defects in any new building or finds that the building is not being constructed or has not been constructed in accordance with the provisions of this chapter or that an old building because of its condition is dangerous or likely to cause a fire, it shall be his or her duty to notify the owner of the building of the defects or the failure to comply with this chapter, and the owner or builder shall immediately remedy the defect and make the building comply with the law. The owner or builder may appeal from a decision of the Building Inspector to the Insurance Commissioner.

(Ord. 5-3-2004)

Sec. 20-83C Failure to Comply with Order

If the owner or builder erecting any new building, upon notice from the Building Inspector, shall fail or refuse to comply with the terms of the notice by correcting the defects pointed out in such notice so as to make such building comply with the building code, he or she shall be guilty of a

misdemeanor. Every day during which any defect in the building is willfully allowed to remain after notice from the Inspector shall constitute a separate and distinct offense.

(Ord. 5-3-2004)

Sec. 20-84. Same--Site plan.

A site plan, drawn to scale, of all construction projects shall be submitted to the Inspections Division, at the time of application. The plan should be on a minimum 8 1/2-inch by 11-inch paper and include: a scale, the location of the structure on the lot, the distance of the structure from the intersection of two state roads, the dimensions of the structure, the height of the structure, the lot lines, a rough floor plan, the location and size of all accessory structures, and the name and address of the author.

(Ord. of 5-29-1979, § 3.2)

Sec. 20-85. Same--Flood hazard maps.

A building permit shall not be issued for any structure to be located within Flood Hazard Area (Zone A) as delineated on the United States Department of Housing and Urban Development Flood Hazard Boundary Maps until such permit is stamped on its face "In Flood Hazard Area." Construction in flood hazard areas shall comply with all local ordinances relating to flood hazards.

(Ord. of 5-29-1979, § 3.3)

Sec. 20-86. Same--Time limits.

All permits shall expire by limitation 180 days after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

(Ord. of 5-29-1979, § 3.4)

Sec. 20-87. Schedule of fees.

A schedule of permit and inspection fees in on file at the county clerk's office.

(Ord. of 5-29-1979, art. IV)

Sec. 20-88 Copies of Codes Filed

An official copy of each regulatory code adopted in this subchapter and official copies of all amendments thereto shall be kept on file in the office of the Building Inspector. The copies shall be the official copies of the codes and amendments.

(Ord. 5-3-2004)

Secs. 20-89--20-105. Reserved.

(Ord. 5-3-2004)

DIVISION 3. ELECTRICAL CODE*

*State law references: Certification by electrical inspectors, G.S. 160D-402(b);404 (c);1102.

Sec. 20-106. Permit required to connect power supply or distribution lines.

It shall be unlawful for any corporation, cooperative association or person acting in person or through an agent to connect to any new dwelling structure in the county electric power supply or distribution lines without having in possession a permit issued by the County Electrical Inspector authorizing such connection.

(Ord. of 11-2-1970, § 1)

Sec. 20-107. Connection to sewage disposal system required prior to connection of electrical service.

It shall be unlawful for the County Electrical Inspector to issue a permit for the connection of the electric service to any new dwelling structure in the county without having in his own possession a certificate from the county board of health certifying that the structure is connected to a sewage disposal system which meets the requirements of the county board of health and the State Board of Health.

(Ord. of 11-2-1970, § 2)

Sec. 20-108. Rating of electric service entrance.

The County Electrical Inspector shall not issue a permit to connect electric service to any new dwelling structure in the county unless the electric service entrance to the structure is rated for at least 100 amps and the wiring system of the structure meets the electrical and building codes of the state.

(Ord. of 11-2-1970, § 3)

Sec. 20-109. Contents of permit; filing.

Each permit issued by the County Electrical Inspector for the connection of electric service to any new dwelling service in the county shall contain the name of the owner of the structure, the address of the owner of the structure, the date of the inspection, the location of the structure and a brief description of the structure. On the fifth day of each month the Electrical Inspector shall file with the clerk to the governing board a copy of each permit for the connection of electrical service to a new dwelling structure issued during the preceding month.

(Ord. of 11-2-1970, § 4)

Sec. 20-110. Definition.

The term "new dwelling structure" for the purpose of this division includes a new or used structure designed primarily for human family inhabitation, which is permanently or temporarily moved to, placed upon, or constructed upon any parcel of real estate in the county after January 1, 1971.
(Ord. of 11-2-1970, § 5)

Cross references: Definitions generally, § 1-2.

Sec. 20-111. Penalty for violations.

Any person who shall violate the provisions of this division shall be guilty of a misdemeanor punished by a fine of not more that \$500.00 or imprisonment for not more than 30 days in the discretion of the court as provided by G.S. 14-4.

(Ord. of 11-2-1970, § 6)

Sec. 20-112. Applicability of division.

This division shall be effective within the corporate limits of any municipality within the county, which shall by resolution so agree.

(Ord. of 11-2-1970, § 7)

Secs. 20-113--20-130. Reserved.

DIVISION 4. MINIMUM HOUSING CODES*

*State law references: Minimum housing standards, G.S. 160D-1201 et seq.

Sec. 20-131. Finding; purpose.

(a) Pursuant to G.S. 160D-1201, it is hereby declared that there exist in the County planning and development regulation jurisdiction, dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities; lack of ventilation, light and sanitary facilities; and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health, safety, and otherwise inimical to the welfare of the residents of the local government. It is further found that there exists within the County planning and development regulation jurisdiction abandoned structures which are found to be hazardous to the health, safety, and welfare of residents within the County due to the attraction of insects or rodents, conditions creating a fire hazard, dangerous conditions constituting a threat to children or frequent use by vagrants as living quarters and/or otherwise unlawful occupation in the absence of sanitary facilities. Therefore, pursuant to the authority

granted by G.S. 160D-1201 et seq, it is the intent of this subchapter to provide for the repair, closing or demolition of any such abandoned structures in accordance with the same provisions and procedures as are set forth by law for the repair, closing or demolition of dwellings unfit for human habitation.

- (b) In order to protect the health, safety, and welfare of the residents of the county planning and development regulation jurisdiction as authorized by G.S. 160D-1201 et seq., it is the purpose of this division to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by G.S. 160D-1201 et seq.

(Ord. of 9-11-1989, § 1) (Ord. 6/4/2007)

Sec. 20-132. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Structure means any structure within the County's Jurisdictions that is deemed to be in violation of this Division whenever the structure constitutes a hazard to the health, safety, or welfare of the county citizens as a result of:

- (1) The attraction of insects or rodents;
- (2) Conditions creating a fire hazard;
- (3) Dangerous conditions constituting a threat to the public; or
- (4) Frequent use by vagrants as living quarters and/or otherwise unlawful occupation in the absence of sanitary facilities.

Basement means a portion of a dwelling, which is located partly underground, having direct access to light from windows located above the level of the adjoining ground.

Bedroom means sleeping room; a room designated as sleeping or bedroom on the plans and permit application.

Building (Residential) means any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking, or eating purposes, or any combination thereof, and shall include accessory structures thereto.

Cellar means a portion of a dwelling, which is located partly, or wholly underground having an inadequate access to light and air from windows located partly or wholly below the level of the adjoining ground.

Deteriorated means that a dwelling is unfit for human habitation and can be repaired, altered, or improved to comply with all of the minimum standards established by this division at a cost not in excess of 50 percent of its value, as determined by finding of the inspector.

Development. means without altering the scope of any regulatory authority granted by statute or local act, any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. Excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation of substantial change in the use of land or the intensity of the use of land.

Dilapidated means that a dwelling is unfit for human habitation and cannot be repaired, altered, or improved to comply with all of the minimum standards established by this division except at a cost in excess of 50 percent of its value, as determined by finding of the inspector.

Dwelling means any building, structure, or part thereof, which wholly or partly is used or intended to be used for living, sleeping or habitation by human occupants, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking, and eating.

Enforcement Officer: means the public officer or officers who are authorized herein to exercise the powers prescribed herein and appointed by the County Manager.

Extermination means the control and elimination of insects, rodents, or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, or trapping; or by any other recognized and legal pest elimination methods approved by the inspector.

Garbage means the organic waste resulting from the handling, preparation, cooking and consumption of food.

Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartment, laundries, heater rooms, foyers, or communicating corridors, closets, and storage spaces.

Infestation means the presence, within or around a dwelling, or any insects, rodents, or other pests in such number as to constitute a menace to the health, safety or welfare of the occupants or the public.

Inspector means the Building Inspector of the county, Public Officer as defined herein, or any authorized agent of the Inspector.

Multiple dwellings mean any dwelling containing more than two dwelling units.

Occupant means any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling, dwelling unit, or rooming unit.

Operator means any person who has charged, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner means any person who alone, jointly, or severally with others

(1) Shall have title to any dwelling, dwelling unit or rooming unit; with or without accompanying actual possession thereof; or

(2) Shall have charge, care, or control of any dwelling, dwelling unit or rooming unit, as owner or agent of the actual owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the actual owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this division, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

Party of interest means individuals, associations, and corporations who have interest of record in a dwelling and any who are in possession thereof.

Plumbing means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Public authority means the County Inspections Department or any officer who is in charge of any department or branch of the government of the county or the state relating to health, fire, building regulations or other activities concerning dwellings in the county.

Public Officer means the officer or officers who are authorized by ordinances adopted here-under to exercise the powers prescribed by the ordinance and by this Article.

Rooming house means any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish means nonorganic waste materials. The term includes paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, and dust.

Sleeping Room (Unit) means a room designated as sleeping or bedroom on the plans and permit application.

Supplied means paid for, furnished, or provided by, or under the control of, the owner or operator.

Temporary housing means any trailer or other structure used for human shelter, which is designed to be transportable, and which is not attached to the ground, to another structure or to any utilities system on the same premises for more than 30 consecutive days.

Unfit for human habitation means that conditions exist in a dwelling, dwelling unit, roominghouse or rooming unit which violate or do not comply with one or more of the minimum standards of fitness or one or more of the requirements established by this division.

Unsafe, as to buildings, dwellings, or dwelling units, mean especially dangerous to life because of its liability to fire, bad conditions of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes.

Unsanitary, as to buildings, dwellings or dwelling units means unhealthy, unhygienic, potentially hazardous to health or life because of unsafe conditions or existence of refuse, garbage, decay, or disposed items on the property or any buildings, dwellings, or dwelling units thereon.

Words having certain meaning: Whenever the words "dwelling," "dwelling unit," "roominghouse," "rooming unit," or "premises" are used in this division they shall be construed as though they were followed by the words "or any part thereof."

(Ord. of 9-11-1989, § 2, Ord. of 5-3-2004, Ord. 12-16-2005) (Ord. 6/4/2007)
Cross-references: Definitions generally, § 1-2.

Sec. 20-133. Minimum standards of fitness for dwellings and dwelling units.

- (a) Every dwelling and dwelling unit used as a human habitation, or held out for use as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 20-134 through 20-138.
- (b) No person shall occupy as owner-occupant or let to another for occupancy or use as a human habitation, any dwelling or dwelling unit which does not comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 20-134 through 20-138.
- (c) Every structure, other than a dwelling unit used as a human habitation, shall comply with all of the minimum standards of fitness for human habitation and all of the requirements of sections 20-134 through 20-138. In making the preliminary determination of whether or not any structure, intended for use as residential or non-residential, is in violation of this Division, the Inspector may, by way of illustration and not limitation, consider the presence or absence of the following conditions:
 - (1) Holes or cracks in the structure's floors, walls, ceilings, or roof which might attract or admit rodents and insects or become breeding places for rodents and insects;
 - (2) The collection of garbage or rubbish in or near the structure, which might attract rodents and insects or become breeding places for rodents and insects;

- (3) Violations of the State Building Code, the State Electrical Code, or the Fire Prevention Code, which constitute a fire hazard in such structure;
- (4) The collection of garbage, rubbish, or combustible material, which constitutes a fire hazard in such structure;
- (5) The use of such structure or nearby grounds or facilities by children as a play area;
- (6) The overgrowth of vegetation in and around the structure to the point of blocking ingress and egress or hampering access around perimeter of the structure.
- (7) Violations of the State Building Code which might result in danger to children using the structure or nearby grounds or facilities as a play area; and
- (8) Use of such structure by transients and vagrants in the absence of sanitary facilities for living, sleeping, cooking, eating and/or otherwise unlawful occupation.

(Ord. of 9-11-1989, § 3) (ORD.6/4/2007)

Sec. 20-134. Minimum standards for structural conditions.

The following standards shall constitute the minimum standards for structural condition of a dwelling or dwelling unit:

- (1) Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean or buckle, and shall not be rotted, deteriorated, or damaged, and shall not have holes or cracks which might admit rodents.
- (2) Floors or roofs shall have adequate supporting members and strength to be reasonably safe for the purpose used.
- (3) Foundations, foundation walls, piers or other foundation supports shall not be deteriorated or damaged.
- (4) Steps, stairs, landings, porches or other parts or appurtenances shall be maintained in such condition that they will not fall or collapse.
- (5) Adequate facilities for egress in case of fire or panic shall be provided.
- (6) Interior walls and ceilings of all rooms, closets and hallways shall be finished of suitable materials, which will, by use of reasonable household methods promote sanitation and cleanliness and shall be maintained in such a manner so as to enable the occupants to maintain reasonable privacy between various spaces.
- (7) The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather and watertight.

(8) There shall be no chimneys or parts thereof which are defective, deteriorated or in danger of falling, or in such condition or location as to constitute a fire hazard.

(9) There shall be no use of the ground for floors, or untreated wood floors on the ground.

(Ord. of 9-11-1989, § 4)

Sec. 20-135. Minimum standards for basic plumbing, heating and electrical equipment and facilities.

(a) Plumbing system.

- (1) Each dwelling or dwelling unit shall be connected to a potable water supply and to a public sewer or other approved sewage disposal system.
- (2) Each dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, water closet, and adequate supply of both cold and hot water. All water shall be supplied through an approved pipe distribution system connected to a potable water supply.
- (3) All plumbing fixtures shall meet the standards of the State Plumbing Code and shall be maintained in a state of good repair and in good working order.
- (4) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of dwelling unit. The water closet and tub or shower shall be located in a room or rooms affording privacy to the user.

(b) Heating system. Every dwelling and dwelling unit shall have facilities for providing heat in accordance with the following:

- (1) Central and electric heating system. Every central or electric heating system shall be of sufficient capacity to heat all habitable rooms, bathrooms, and water closet compartments in every dwelling unit to which it is connected with a minimum temperature of 70 degrees Fahrenheit measured at a point three feet above the floor during ordinary winter conditions.
- (2) Other heating facilities. Where a central or electric heating system is not provided, each dwelling and dwelling unit shall be provided with sufficient fireplaces, chimneys, flues, gas vents or other facilities to which heating appliances may be connected to heat all habitable rooms with a minimum temperature of 70 degrees Fahrenheit measured three feet above the floor during ordinary winter conditions.

(c) Electrical system.

- (1) Every dwelling and dwelling unit shall be wired for electric lights and convenience receptacles. Every habitable room shall contain electric convenience receptacles, connected to such manner as determined by the State Electrical Code. There shall be installed in every bathroom, water closet room, laundry room and furnace room at least

one supplied ceiling or wall-type electric light fixture. If wall or ceiling light fixtures are not provided in any habitable room, then each such habitable room shall contain at least three floor or wall type electric convenience receptacles.

(2) Every public hall and stairway in every multiple dwelling shall be adequately lighted by electric lights at all times when natural daylight is not sufficient.

(3) All fixtures, receptacles, equipment, and wiring shall be maintained in a state of good repair, safe capable of being used, and installed in accordance with the state electrical code.

(Ord. of 9-11-1989, § 5)

Sec. 20-136. Minimum standards for ventilation.

(a) The ordinance may not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings. G.S 160D-703-

(b) Ceiling height. All full stories must have all ceiling heights a minimum of seven feet in all habitable rooms. All attic areas for habitable use must have a ceiling height of at least seven feet six inches over one-third of each room.

(c) Floor area calculation. Floor area shall be calculated on the basis of habitable room area. The floor area of any space where the ceiling height is less than 4 1/2 feet shall not be considered habitable room area, and therefore, not considered as part of the floor area for the purpose of determining maximum permissible occupancy.

(d) Cellar. No cellar shall be used for living purposes.

(e) Basements. No basement shall be used for living purposes unless:

(1) The floor and walls are substantially watertight;

(2) The total window area, total openable window areas and ceiling height are equal to those required for habitable rooms;

(3) The required minimum window area of every habitable room is entirely above the grade adjoining such window area, except where the window or windows face a stairwell, window well or accessway.

(Ord. of 9-11-1989, Ord of 5-3-2004) (Ord of 9-5-2017)

Sec. 20-137. Minimum standards for safe and sanitary maintenance.

(a) Exterior foundations walls and roofs. Every foundation wall, exterior wall and exterior roof shall be substantially weather-tight and rodent proof; shall be kept in sound condition and good repair; shall be capable of supporting the load which normal use would cause to be placed

thereon. Every exterior wall shall be protected with paint or other protective covering to prevent the entrance or penetration or moisture or the weather.

- (b) Interior floors, walls, and ceilings. Every floor, interior wall and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable for supporting the load which normal use would cause to be placed thereon.
- (c) Windows and doors. Every window, exterior door, basement or cellar door and hatchway shall be substantially weathertight and rodent proof and shall be kept in sound working condition and good repair.
- (d) Stairs, porches, and appurtenances. Every outside and inside stair, porch and any appurtenances thereto shall be safe to use and capable of supporting the load that normal use would cause to be placed thereon and shall be kept in sound condition and good repair.
- (e) Bathroom floors. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so that it will be reasonably impervious to water and will permit such floor to be easily kept in a clean and sanitary condition.
- (f) Supplied facilities. Every supplied facility, piece of equipment or utility which is required under this division shall be constructed or installed that it will function safely and effectively and shall be maintained in satisfactory working condition.
- (g) Drainage. Every yard shall be properly graded in order to obtain thorough drainage and to prevent the accumulation of stagnant water.
- (h) Noxious weeds. Every yard and all exterior property areas shall be kept free of species of weeds or plant growth, which are noxious or detrimental to health.
- (i) Egress. Every dwelling unit shall be provided with adequate means of egress as required by the State Residential Building Code.

(Ord. of 9-11-1989, § 8)

Sec. 20-138. Minimum standards for control of insects, rodents, and infestations.

- (a) Screens. In every dwelling unit, for protection against mosquitoes, flies and other insects, every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be equipped with screens.
- (b) Rodent control. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be equipped with screens or such other approved device as will effectively prevent their entrance.
- (c) Infestation. Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested.

Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or reasonably insect proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

- (d) Garbage and rubbish; storage and disposal. Every dwelling and every dwelling unit shall be supplied with adequate provisions for garbage and rubbish storage and disposal. The owner, operators, or agent in control of the dwelling or dwelling unit shall be responsible for the removal of rubbish.

(Ord. of 9-11-1989, § 9)

Sec. 20-139. Minimum standards applicable to roominghouses; exceptions.

All of the provisions of this division and all of the minimum standards and requirements of this division, shall be applicable to roominghouses, and to every person who operates a roominghouse, or who occupies or lets to another for occupancy and any rooming unit in any roominghouse, except as provided as follows:

- (1) Water closet, hand lavatory and bath facilities. At least one water closet, lavatory basin and bathtub or shower, properly connected to an approved water and sewer system and in good working condition, shall be supplied for each four rooms within a roominghouse whenever these facilities are shared. All such facilities shall be located within the residence building served and shall be directly accessible from a common hall or passageway and shall be not more than one story removed from any of the persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times. Such required facilities shall not be located in a cellar.
- (2) Minimum floor area for sleeping purposes. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.
- (3) Sanitary condition. The operator of every roominghouse shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the roominghouse. The operator of every roominghouse shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the roominghouse is contained in leased or occupied by the operator.
- (4) Sanitary facilities. Every water closet, flush urinal, lavatory basin and bathtub or shower required by subsection (1) of this section shall be located within the roominghouse and within a room or rooms which afford privacy, are separate from the habitable rooms, are accessible from a common hall, and are accessible without going outside the roominghouse or through any other room therein.

(Ord. of 9-11-1989, § 10)

Sec. 20-140. Responsibilities of owners and occupants.

- (a) Public areas. Every owner of a dwelling containing two or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (b) Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he occupies and controls.
- (c) Rubbish and garbage. Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish and garbage in a clean and sanitary manner by placing it in the supplied storage facilities. In all cases, the owner shall be responsible for the availability of rubbish and garbage storage facilities.
- (d) Supplied plumbing fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation of the supplied plumbing fixtures.

(Ord. of 9-11-1989, § 11)

Sec. 20-141. Powers and duties of Enforcement Officer.

The Enforcement Officer is hereby designated to enforce the provisions of this division and to exercise the duties and powers prescribed in this division. The Enforcement Officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purpose and provisions of this division. The Enforcement Officer shall have the following powers and duties:

- (1) To inspect and investigate the building conditions, and to inspect buildings, dwelling and dwelling units located in the county planning and development regulation jurisdiction, in order to determine which buildings dwellings and dwelling units are unsafe, unsanitary, or otherwise hazardous or in any unlawful condition, and for the purpose of carrying out the objectives of this division with respect to the repair, closing or demolition of such buildings, dwellings and dwelling units;
- (2) To take such action, together with other appropriate departments and agencies, public and private, as may be necessary to effect rehabilitation of housing which is deteriorated;
- (3) To keep a record of the results of inspections made under this division and inventory of those dwellings that do not meet the minimum standards of fitness prescribed in this division;
- (4) To administer oaths and affirmations, examine witnesses and receive evidence.

- (5) To enter upon premises for the purpose of making examinations and inspections; provided such entries shall be made in accordance with section 20-137 and state law, and shall be made in such manner as to cause the least possible inconvenience to the persons in possession;
 - (6) To appoint and fix the duties of such officers, agents, and employees as he deems necessary to assist in carrying out the purposes of this division, and to delegate any of his functions and powers to such officers, agents, and employees; and
 - (7) To perform such other duties as may be prescribed in this division or by the governing board
- (Ord. of 9-11-1989, Ord. Of 5-3-2004)

Sec. 20-142. Inspections; duty of owners and occupants.

- a. (a) For the purpose of making inspections, the Enforcement Officer is hereby authorized to enter, examine, and survey at all reasonable hours with proper credentials presented, all dwellings, dwelling units, rooming houses, rooming units, rooming unit, and the premises associated therewith. The owner or occupant of every dwelling, dwelling unit, roominghouse or rooming unit or the person in charge thereof shall give the inspector free access to such dwelling, etc., and its associated premises at all reasonable times for the purposes of such inspections, examination, and survey.
- b. (b) Every occupant of a dwelling, dwelling unit, roominghouse or rooming unit shall give the owner thereof, or his agent or employee, access to any part of such dwelling unit and its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliances with the provisions of this division or with any lawful order issued pursuant to the provisions of this division.
- c. (c) When permission to inspect a dwelling or its premises is denied, the enforcement officer must obtain a warrant to inspect. G.S. 15-27.2 provides for the issuance of warrants for the conduct of inspections authorized by law.

(Ord. of 9-11-1989, § 13, Ord. 5-3-2004)

Sec. 20-143. Procedure for enforcement.

(a) *Initiation of Investigation* - In addition to the public officer's periodic inspections, the public officer shall inspect or investigate a particular building, dwelling, dwelling unit, or property within the local government jurisdiction when either:

- (i) Members of the Building Inspections Department determines, or
- (ii) A petition is filed by a Public Authority, or
- (ii) A petition is filed by at least five (5) residents of the jurisdiction charging

that the said building, dwelling, dwelling unit, or property so violates this minimum housing code or the North Carolina State Building Code, as amended, as to make it unfit for human habitation, or that it is abandoned, unsafe, unsanitary, or otherwise hazardous and unlawful.

(b) *Unsafe buildings, dwellings, dwelling units.* If the Inspector determines that a building, dwelling, dwelling unit or property is unsafe, he or she shall affix a notice of the unsafe character of that building, etc., to a conspicuous place on its exterior wall and mail a copy of such notice to the owner and person(s) entitled to occupy that building, etc.

(c) *Notice of Administrative Hearing.* If (i) an inspection or investigation as to any building, dwelling, dwelling unit, or property reveals a reasonable basis for finding violation(s) of this minimum housing code or the North Carolina State Building Code, or (ii) the owner or person(s) possessing a building, dwelling, dwelling unit, or property determined to be unsafe fails to take the corrective action required under subsection (b), preceding, the Inspector shall issue and cause to be served by certified or registered mail, or by any other means permitted under the Rules of Civil Procedure, upon the owner of and parties with an interest in (including persons in possession, custody or control of) the building, dwelling, dwelling unit, or property at issue a complaint stating the charges and containing a notice that a hearing will be held before the public officer at a time and place therein fixed, not less than ten nor more than 30 days after service of the complaint.

(d) *Contents of Complaint.* The public officer's complaint under Section (c), preceding, shall at a minimum state that:

- i. The building is in a condition that appears to constitute a dire or safety hazard or to be dangerous to life, health, or other property;
- ii. An administrative hearing will be held before the public officer at a designated place and time within the county in which the property is located. The hearing shall be not less than 10 days nor more than 30 days after the serving of the complaint, and
- iii. Following the hearing, the public officer may issue any order to repair, close, vacate, or demolish the building that appears appropriate.

(e) *Answer and Administrative Hearing.* The owner or party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the notice of hearing. Notice of such hearing shall be given to at least one of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give relevant evidence. The rules of evidence or procedure for courts of law or equity shall not be controlling in hearings before the inspector.

(f) *Decision.* After notice and hearing, the public officer shall state in writing findings of fact in support of that determination and shall issue and cause to be served upon the owner one of the following orders, whichever is appropriate.

- (i) If, upon the hearing, the public officer finds that the building, dwelling, or dwelling unit is in such an unsafe, unsanitary or hazardous condition that is a fire or safety hazard or it is dangerous to life, health or other property, the public officer shall issue a written order, directed to the owner of the building and persons entitled to possess such building, etc., requiring the owner to remedy the defective conditions by repairing, closing, vacating, or

demolishing the building or taking other necessary steps, within such period, not less than 60 days, as the public officer may prescribe.

- (ii) If the public officer finds that the condition of the building, dwelling, dwelling unit, or property creates an imminent danger to life or other property, he may order that corrective action be taken in less than 60 days as may be feasible.
- (iii) If the public officer determines that the building, dwelling, dwelling unit, or property is deteriorated, he or she shall state in writing those findings of fact in support of such determination, and shall issue and cause to be served upon the owner and person(s) entitled to possess such property an order directing and requiring the same to repair, alter or improve each building, dwelling or dwelling unit to comply with the minimum standards or fitness established by this division within a specified period of time, not to exceed 90 days. Such order may also direct and require the owner and person(s) entitled to possess such property to vacate and close such building, dwelling or dwelling unit until such repairs, alternations, and improvements have been made.
- (iv) If the public officer determines that the building, dwelling or dwelling unit is dilapidated, the public officer shall state in writing those findings of fact to support such determination, and shall issue and cause to be served upon the owner and person(s) entitled to possess such property an order directing and requiring the same either to repair, or improve such building, dwelling, dwelling unit, or property to comply with the minimum standards of fitness established by this division, or else to vacate and remove or demolish the building, dwelling, dwelling unit, or property within a specified period of time not to exceed 90 days.

(g) *Failure to comply with order.*

- (i) *In personam remedy.* If the owner of any building, dwelling, dwelling unit, or property that has been determined by the Inspector to be unsafe, deteriorated, unsanitary, hazardous or dilapidated, shall fail to comply with the Inspector' order to repair, alter, or improve or to vacate and close the dwelling within the time specified therein, or if the owner of a dilapidated building, dwelling, dwelling unit, or property shall fail to comply with an order of the Inspector to repair, alter or improve or to vacate and close and remove or demolish the sane within the time specified therein, the Inspector shall submit to the governing board at its next regular meeting a resolution directing the county attorney to petition the Superior Court for an order directing such owner to comply with the Order to the Inspector, as authorized by G.S.160D-1208.
- (ii) *In rem remedy.* After failure of an owner of an unsafe, unsanitary, hazardous, deteriorated or dilapidated building, dwelling, dwelling unit, or property to comply with an order of the Inspector within the time specified therein, if injunctive relief has not been sought or has not been granted as provided in the subsection (g)(1) of this section, the Inspector shall submit to the governing board an ordinance ordering the Inspector to cause such building, dwelling, dwelling unit, or property to be repaired, altered, improved, vacated, closed, removed or demolished, as provided in the original order of the Inspector, and pending removal or demolition, to place a placard on such building, dwelling, dwelling unit, or property as provided by G.S 160D-1203.

(h) *Appeals from orders of Inspectors.*

- (i) An appeal from any decision or order of the public officer may be taken by any person aggrieved thereby. Any appeal from the public officer shall be taken within ten days from the rendering of the decision or service of the order and shall be taken by filing with the Inspector and with the Board of Adjustment and Appeals a notice of appeal which shall specify the grounds upon which the appeal, the public officer shall forthwith transmit to the Board all the papers constituting the record upon which the decision appealed from was made. When an appeal is from a decision of the public officer requiring the person aggrieved to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment and Appeals, unless the public officer certifies to the board, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished the appellant), a suspension of his requirement would cause imminent peril to life or property, in which case the requirement shall not be suspended except for due cause shown upon not less than one day's written notice to the public officer, by the Board, or by a court of record upon petition made pursuant to G.S. 160D-1203 and subsection (e) of this section.
- (ii) The Board of Adjustment and Appeals shall fix a reasonable time for the hearing of all appeals, shall give due notice to all the parties, and shall render its decision within a reasonable time. Any party may appear in person or by agent or attorney. The Board of Adjustment and Appeals may reverse or affirm, wholly or partly, or may modify the decision or order appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the public officer, but the concurring vote of four members of the Board shall be necessary to reverse or modify any decision or order of the public officer. The Board of Adjustment and Appeals shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance to adapt the application of the ordinance to the necessities of the case to the end that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (iii) Every decision of the Board of Adjustment and Appeal shall be subject to review by proceedings in the nature of certiorari instituted within 15 days of the decision of the Board, but not otherwise.

(i) *Petition to Superior Court by Owner.* Any person aggrieved by an order issued by the inspector, or a decision rendered by the Board of Adjustment and Appeals shall have the right, within 30 days after issuance of the order or rendering of the decision, to petition the Superior Court for a temporary injunction restraining the Inspector pending a final disposition of the cause, as provided by G.S. 160D.

(Ord. of 9-11-1989, § 14, Ord. of 3-5-2004, Ord. Of 12-16-2005)

Sec. 20-144. Methods of service of complaints and orders.

- (a) Complaints or orders issued by the public officer pursuant to an ordinance adopted under this article shall be served upon persons either personally or by certified mail, a copy of the complaint or order may also be sent by regular mail. Service shall be deemed sufficient if the certified mail is unclaimed or refused but the regular mail is not returned by the post office within 10 days after the mailing. If regular mail is used, a notice of the pending proceedings shall be posted in a conspicuous place on the premises affected. If the identities of the owners or the whereabouts of such persons are unknown and the whereabouts cannot be ascertained by the public officer in the exercise of reasonable diligence, or if the owners are known but have refused to accept service by certified mail, and the public officer makes an affidavit to the effect, the serving of such complaint or order upon the owners or other persons may be made by publishing the complaint, in the newspaper having general circulation in the jurisdiction, at least once no later than the time at which personal service would be required under the provisions of this division. Where service is made by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected by the complaint or order.
- (b) If the Zoning Board of Adjustment consists of more than five members, the chairman shall designate five members to hear appeals under this division.

(Ord. of 9-11-1989, § 15)

Sec. 20-145. Conflict with other provisions.

If any provision, standard, or requirement of this division is found to be in conflict with any provision of any other ordinance or code of the county, the provision which established the higher standards or more stringent requirement for the promotion and protection of the health and safety of the residents of the county shall prevail.

(Ord. of 9-11-1989, § 16)

Sec. 20-146. Violations; penalty.

- (a) It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the dwelling, or to vacate and close and remove or demolish the dwelling, upon order of the inspector duly made and served as provided in this division, within the time specified in such order. Each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense.
- (b) It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to section 20-143, to occupy or permit the occupancy of the dwelling or dwelling unit after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing. Each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense.
- (c) The violation of any provision of this division shall constitute a misdemeanor punishable by a \$500.00 fine, as provided by G.S. 14-4.

(d) In addition to the penalty established by subsection (c) of this section, and the remedies provided by other provisions of this division, this division may be enforced by an appropriate equitable remedy issued by a court of competent jurisdiction.

(Ord. of 9-11-1989, § 17)

Secs. 20-147--20-165. Reserved.

ARTICLE IV. FLOODS*

*Cross references: Environment, Ch. 14; buildings and building regulations, § 20-61 et seq.; manufactured homes and trailers, § 20-406 et seq.; streets, sidewalks and other public places, Ch. 26.

State law references: General ordinance making powers, G.S. 153A-121.

DIVISION 1. GENERALLY

Secs. 20-166--20-180. Reserved.

DIVISION 2. FLOOD DAMAGE PREVENTION

(Complete Code revisions per Ord. of 10-17-2007)

Subdivision I. In General

Sec. 20-181 Statutory Authorization.

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

Sec. 20-182. Findings of Fact.

1. The flood prone areas within the jurisdiction of Richmond County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

Sec. 20-183 Statement of Purpose.

1. It is the purpose of this Division 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:
2. 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;
3. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
5. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
6. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 20-184 Objectives

1. The objectives of this Division are to:
2. Protect human life, safety, and health;
3. Minimize expenditure of public money for costly flood control projects;
4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
5. Minimize prolonged business losses and interruptions;
6. 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;
7. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
8. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

Sec. 20-185 Definitions

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

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

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

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

“Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

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

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

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

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

“Building” see “Structure”.

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

“Development”. unless the context clearly indicates otherwise, the term means any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.

- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

“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.

“Effective Date of this Division” means the date upon which the initial Flood Plain Management Ordinance of Richmond County was adopted, which is the basis of this Division and Code. This date is June 1, 1987.

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

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

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

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

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

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

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

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

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

Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

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

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

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this Division, 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 Division and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

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

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

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

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, 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: 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; 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; individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

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

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

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

“Manufactured Home” for the purpose of this Article 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” for the purposes of this Article, means a parcel (or contiguous parcels) of land divided in two or more manufactures home lots or spaces for rent or sale.

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

“Mean Sea Level” means, for purposes of this Division, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the

floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

“Modular Home” means a residential dwelling unit that is prefabricated offsite and assembled in sections onsite on a permanent foundation. Modular Homes are built to the standards of the North Carolina Building Code. This type of home is not considered a manufactured home.

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

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

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

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

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

“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)” for the purpose of this Article, means a vehicle, which is:

- a Portable structure built on a single chassis; with permanent wheels.
- b 400 Square feet or less when measures at the largest horizontal projection.
- c Designed to be used as a temporary dwelling for travel, recreational, vacation, camping, or seasonal use; towed and/or driven.

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

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

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the

impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Division, or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

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

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

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

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

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Sec. 20-187 of this Division.

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

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

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

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of

construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

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

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

“**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 this Division is presumed to be in violation until such time as that documentation is provided.

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

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

(Ord. 11-08-2007)

Sec. 20-186. Lands to Which This Division Applies.

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

Sec. 20-187. Basis for Establishing the Special Flood Hazard Areas.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Richmond County, North Carolina dated, October 16, 2007, which are adopted by reference and declared to be a part of this Division.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Richmond County, North Carolina, County Unincorporated Area, dated March 11, 1983;
City of Hamlet, dated July 2, 1987; City of Rockingham, dated September 6, 1989

Development regulations adopted pursuant to this Chapter may reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies. For these maps a regulation text or zoning map

may reference a specific officially adopted map or may incorporate by reference the most recent officially adopted version of such maps. When zoning district boundaries are based on these maps, the regulation may provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a copy of the currently effective version of any incorporated map shall be maintained for public inspection. G.S 160D-105

(Ord. 11-08-2007)

Sec. 20-187.1 Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this Division prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Sec.20-187 of this Chapter.

Sec. 20-188 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 Division and other applicable regulations.

Section20-189 Abrogation and Greater Restrictions.

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

Sec. 20-190 Interpretation

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

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

Sec. 20-191 Warning and Disclaimer of Liability

The degree of flood protection required by this Division 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 Division 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 Division shall not create liability on the part of Richmond County North Carolina or by any officer or employee thereof for any flood damages that result from reliance on this Division, or any administrative decision lawfully made hereunder.

Sec. 20-192. Penalties for Violation.

Violations of this Division or failure to comply with any requirements, including violations of conditions and safeguards established in connections with grants of variances or special exception

shall be prosecuted under the terms found in Section 1-6 of this Code. Nothing herein contained shall prevent Richmond County from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 20-193--20-210. Reserved.

Subdivision II. Administration

Sec. 20-211 Designation of Floodplain Administrator.

The Richmond County Planning Director and/or his/her designee hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this Division.

Section 20-212 Floodplain Development Application, Permit and Certification Requirements.

1. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
2. A plot plan drawn to scale (of no less than 1" equals 200") shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
3. 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;
4. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Sec. 20-187 of this Division, or a statement that the entire lot is within the Special Flood Hazard Area;
5. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Sec. 20-187 of this Division;
6. The boundary of the floodway(s) or non-encroachment area(s) as determined in Sec. 20-187 of this Division;
7. The Base Flood Elevation (BFE) where provided as set forth in Sec 20-187; Sec 20-213; or Sec 20-233 of this Division;
8. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

9. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
10. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
11. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
12. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
13. If flood proofing, a Flood proofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of flood proofing measures.
14. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Division are met. These details include but are not limited to:
15. 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);
16. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Sec 20-232(4)(c) of this Division when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
17. Usage details of any enclosed areas below the lowest floor.
18. 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;
19. Certification that all other Local, State, and Federal permits required prior to floodplain development permit issuance have been received.
20. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Sec. 20-232(6) and (7) of this Division are met.
21. 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.

The Floodplain Development Permit shall include, but not be limited to:

1. A description of the development to be permitted under the floodplain development permit.

2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Sec. 20-187 of this Division.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AO, AE, or A1-30.
8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

Certification Requirements.

(a) Elevation Certificates

An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. The permit holder immediately and prior to further work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

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

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational

plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. The applicant prior to permit approval shall correct deficiencies detected by such review. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Sec. 20-232(3)(b) of this Division.

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) Certification Exemptions. The following structures, if located within Zone A, AO, AE, or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

- (i) Recreational Vehicles meeting requirements of Sec. 20-232(6)(a) of this Division;
 - (ii) Temporary Structures meeting requirements of Sec20-232 (7) of this Division; and
5. Accessory Structures less than 150 square feet meeting requirements of Sec20.232 (8) of this Division.

Sec. 20-213 Duties and Responsibilities of The Floodplain Administrator.

1. The Floodplain Administrator shall perform, but not be limited to, the following duties:
2. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Division have been satisfied.
3. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State, and Federal permits have been received.
4. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood

Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

5. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
6. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Sec20-235 of this Division are met.
7. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Sec. 20-212 (3) of this Division.
8. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Sec. 20-212(3) of this Division.
9. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Sec.20-212(3) of this Division.
10. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Sec. 20-212(3) and Sec. 20-232 (2) of this Division.
11. 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 Division.
12. When Base Flood Elevation (BFE) data has not been provided in accordance with Sec. 20-187 of this Division, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Sec. 20-233(2)(b), in order to administer the provisions of this Division.
13. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Sec. 20-187 B of this Division, 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 Division.
14. 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 Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

15. Permanently maintain all records that pertain to the administration of this Division and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
16. 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 Division 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.
17. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Division, 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.
18. 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.
19. Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
20. Follow through with corrective procedures of Sec. 20-214 of this Division.
21. Review, provide input, and make recommendations for variance requests.
22. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Sec. 20-187 of this Division, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
23. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

Sec. 20-214. Corrective Procedures.

- 1) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- 2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - a. That the building or property is in violation of the floodplain management regulations;
 - b. That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - c. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
3. Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of this Division, he/she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than One-hundred-eighty 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
4. Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify, and affirm, or revoke the order.
5. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

Sec. 20-215 Variance Procedures

1. The Richmond County Planning and Zoning Board of Adjustment as established by Richmond County in Chapter 20, Article II of this Code, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this Division.
2. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
3. Variances may be issued for:
 - 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 Sec. 20-185 of this Division, provided provisions of Sec 20-215(9)(b), (c), and (e) of this Division 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.
 - c. Any other type of development provided it meets the requirements of this Section.
 - d. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Division, and:
4. The danger that materials may be swept onto other lands to the injury of others;
 - a. The danger to life and property due to flooding or erosion damage;
 - b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - c. The importance of the services provided by the proposed facility to the community;
 - d. The necessity to the facility of a waterfront location as defined under Sec. 20-185 of this Division as a functionally dependent facility, where applicable;
 - e. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - f. The compatibility of the proposed use with existing and anticipated development;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. 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
 - j. 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 Division, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Division.
7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
8. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
9. Conditions for Variances:
 - a. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - d. Variances shall only be issued prior to development permit approval.
 - e. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;

- ii. A determination that failure to grant the variance would result in exceptional hardship; and
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
10. A variance may be issued for solid waste disposal facilities 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. Richmond County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

Secs. 20-216--20-230. Reserved.

Subdivision III. Provisions for Flood Hazard Reduction

Sec. 20-231 General Standards

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

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within

the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this Division, shall meet the requirements of "new construction" as contained in this Division.
9. Nothing in this Division shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Division 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 Division.
10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Sec. 20-215(10) of this Division. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Sec 20-212(3) of this Division.
11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
14. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

15. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
16. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

Sec. 20-232 Specific Standards.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Sec. 20-187, or Sec. 20-233 of this Division, the following provisions, in addition to the provisions of Sec. 20-231 of this Division, are required:

1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Sec. 20-185 of this Division.
2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Sec. 20-185 of this Division. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Sec. 20-236(2) of this Division. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Sec. 20-212(3), along with the operational and maintenance plans.
3. Manufactured Homes.
 - a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Sec. 20-185 of this Division.
 - b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

- c. All enclosures or skirting below the lowest floor shall meet the requirements of Sec. 20-232(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;
 - c. Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv. The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - v. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

5. Additions/Improvements.
 - a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - b. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - ii. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
6. Recreational Vehicles. Recreational vehicles shall either:
 - a. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - b. Meet all the requirements for new construction.
7. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
 - a. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - b. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

- c. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - e. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- a. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - b. Accessory structures shall not be temperature-controlled;
 - c. Accessory structures shall be designed to have low flood damage potential;
 - d. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - e. Accessory structures shall be firmly anchored in accordance with the provisions of Sec. 20-231(1);
 - f. All service facilities such as electrical shall be installed in accordance with the provisions of Sec. 20-231(4); and
 - g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Sec. 20-232 (4)(c).
 - h. An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Sec. 20-212(3).

Sec. 20-233. Standards for Floodplains Without Established Base Flood Elevations.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Sec. 20-187, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Sec 20-231 and Sec. 20-232 of this Division, shall apply:

- 1. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting

technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - a. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Division and shall be elevated or floodproofed in accordance with standards in Sec 20-231 and Sec. 20-232 of this Division.
 - b. When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Secs. 20-232 and 20-235 of this Division.
 - c. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Sec. 20-187 and utilized in implementing this Division.
 - d. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Sec. 20-185. All other applicable provisions of Sec. 20-231 and Sec. 20-232 of this Division shall also apply.

Sec. 20-234 Standards for Riverine Floodplains with BFE 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 Sec 20-231 and Sec. 20-232 of this Division; 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 within the community.

Sec. 20-235 Floodways and Non-Encroachment Areas.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Sec. 20-187 of this Division. 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 Sec 20-231 and Sec. 20-232 of this Division, 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, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - b A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
2. If the above provision is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Division.
3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park, provided the following provisions are met:
 - a The anchoring and the elevation standards of Sec. 20-232(3) of this Division; and
 - b The no encroachment standard of Sec 20-235(1), above.

Sec. 20-236 Standards for Areas of Shallow Flooding (Zone Ao).

Located within the Special Flood Hazard Areas established in Sec. 20-187, 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 Sec 20-231 and Sec. 20-232 of this Division, all new construction and substantial improvements shall meet the following requirements:

The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.

Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required part 1 above 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 Sec. 20-212(3) and Sec. 20-232(2) of this Division.

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

Sec 20-237 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 Division; 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 Division.

Secs. 20-238--20-255. Reserved.

ARTICLE V. LAND USE

DIVISION 1. GENERALLY

Sec. 20-256 Moratoria

Pursuant to and under the guidelines established by G.S. 160D-107 the County is hereby authorized to adopt temporary moratoria on any development approval required by law.

Secs. 20-257--20-270. Reserved.

DIVISION 2. SUBDIVISIONS*

*Editor's note: The following appendixes, mentioned throughout this division, are not printed herein, but are on file in the county offices:

- Appendix A--Contents of Preliminary and Final Plat Requirements
- Appendix B--Subdivision Application Form
- Appendix C--Endorsement and Certificates -- Final Plat Requirements
- Appendix D--Specification for Road Design and Construction (Public and Private)
- Appendix E--Variance/Appeal Application Form
- Appendix F--Fee Schedule

Subdivision I. In General

Sec. 20-271. Authority and enactment clause.

Pursuant to the authority conferred by G/S 160D, the governing board does hereby ordain and establish into law this chapter.

(Ord. of 7-12-1999, § I(A); Ord. of 1-8-2001(3), § I(A))

Sec. 20-272. Short title.

This division shall be known as the "Subdivision Ordinance of Richmond County, North Carolina," and may be cited as the "County Subdivision Ordinance."

(Ord. of 7-12-1999, § I(B); Ord. of 1-8-2001(3), § I(B))

Sec. 20-273. Jurisdiction.

This division shall govern the establishment of each and every new subdivision and any addition or expansion of existing subdivisions lying within the jurisdiction of the county.

(Ord. of 7-12-1999, § I(C); Ord. of 1-8-2001(3), § I(C))

Sec. 20-274. Purpose.

The purposes of this division are to:

- (1) Promote the orderly development and growth of subdivisions in the county;
- (2) Help secure safety from fire, floods, panic, congestion, and other dangers in subdivisions;
- (3) Provide for adequate light, air, and open space in subdivisions;
- (4) Ensure that facilities for transportation, parking, water, sewer, and recreation are provided to residents of subdivisions within this division's jurisdiction;
- (5) To coordinate the streets and highways within proposed subdivisions with existing and planned streets and highways and with other public facilities;
- (6) To provide for the traffic in a manner to avoid congestion and overcrowding so as to create conditions essential to public health, safety, and the general welfare;
- (7) Permit orderly development and institution of a land use plan for the county;
- (8) To incorporate in this division those provisions of the Manufactured Home Park Ordinance of the county, set forth in division 2 of article VI of this chapter, that relate to manufactured home subdivisions, in order to have a unified subdivision ordinance; and
- (9) To incorporate the involvement of the Board of Adjustments in the application process.

(Ord. of 7-12-1999, § I(D); Ord. of 1-8-2001(3), § I(D))

Sec. 20-275. Definitions.

For the purposes of this division, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The present tense is included in the future tense and the future tense is included in the present tense. The singular includes the plural and the plural includes the singular.

Board of adjustments means the county board of adjustments.

Board of commissioners means the county governing board

Building authorization and construction authorization mean an authorization for the owner or agent to make physical improvements to a piece of property based on a residential subdivision plan that has received preliminary approval.

Building code means the North Carolina State Building Code.

County means Richmond County, North Carolina.

Health department means the county health department.

Easement means a right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities, like power lines or pipelines, to allow light to reach a neighbor's windows, or to allow access to another property.

Lot means and includes the words plot, parcel or tract. A piece of land whose boundaries have been described by a legal instrument or map recorded with the Register of Deeds.

Lot area means the total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to the 30 feet from the center of the traveled portion of the street.

Lot depth means the distance between the front lot line and the rear lot line, measured from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot frontage means the distance along which the front boundary of the lot and the street lines or right-of-way lines are coincident. On a corner lot the principal frontage shall be the shorter of the street frontages, measured from the point of intersection of the lot lines abutting such streets. Such principal frontage shall be considered the front yard for setback purposes. Where two such frontages are equal in length, the owner shall designate which is the front of building purposes.

Lot line, rear. The rear lot line is that opposite to the front lot line. Where lot lines are irregular, the rear lot shall be assumed to be a line not less than 20 feet long, lying within the lot and parallel to the front lot line at its midpoint.

Lot, nonconforming, means a lot of record existing at the effective date of this ordinance from which this division is derived or any amendment to it (and not created for the purpose of evading the restrictions of this division) that cannot meet the minimum standards of this division.

Lot of record means a lot which is a part of a subdivision, a plat or which has been recorded in the office of the Register of Deeds of the county, or a lot described by metes and bounds, the description of which has been so recorded.

Lot, single tier, means a lot which backs up to a limited access highway, railroad, physical barrier, or to another type of land use, and to which access from the rear is usually prohibited.

Lot types:

- (1) A corner lot is defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.
- (2) An interior lot is defined as a lot other than a corner lot with only frontage on a street.
- (3) A through lot is defined as a lot other than a corner lot with a frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- (4) A reversed frontage lot is defined as a lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

Manufactured Home. See Definitions found in Chapter 20, Article VI of the Richmond County Code of Ordinances defined in G.S. 143-145(7).

May is permissive.

Planning board means the county Planning Board.

Plat, final, means a drawing and related materials showing the layout of lots, streets, etc., in a proposed subdivision which must be approved pursuant to this division prior to recordation of such plat and prior to the transfer of any lots in a subdivision.

Plat, preliminary, means a drawing and related materials showing the layout of a proposed subdivision, including improvements details, which must be approved pursuant to this division prior to the preparation of a final plat.

Private drive, road, or street means an easement or right-of-way not publicly owned and maintained and is used for access by the occupants or owners of a development or subdivision, their guest and general public. Where provided, such private access requires a subdivision streets disclosure statement pursuant to the appropriate provisions of this division.

Class A - Private roads that serve 10 or more lots or dwelling units.

Class B - Private roads that serve 5 to 9 lots or dwelling units.

Class C - Private roads that serve 1 to 5 lots or dwelling units in minor subdivisions or the approved number of lots in a family subdivision.

Public sewer means a sewage system which is owned by any unit of government or authority, or by a private corporation, person, or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.

Public water supply system means any approved water supply system furnishing potable water to ten or more dwelling units or business or any combination thereof.

Residential home space means an area within an approved subdivision meeting all applicable requirements for the purpose of constructing a home.

Shall and will are mandatory.

Street and road shall be synonymous in meaning.

Street, alley, means a strip of land providing secondary access to properties otherwise abutting a street.

Street, arterial, means a major street that serves as an avenue for the circulation of traffic onto, out, or around the county and carries high volumes of traffic.

Street, collector, means a street designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.

Street, cul-de-sac, means a street that terminates in a vehicular turnaround.

Street, half, means a street or public way whose centerline coincides with a subdivision plat boundary, with one-half the street right-of-way being contained within the subdivision plat. The term "street, half" also means any street to which the parcel of land to be subdivided abuts on only one side.

Street, line, means the right-of-way line of a street.

Street, marginal access means a street that is parallel to and adjacent to an arterial street or thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arteriolar direct driveway access from a large number of abutting properties.

Street, minor or residential, means a street designed primarily to provide vehicular access to properties abutting it.

Street, public, means a dedicated and formally accepted public right-of-way for vehicular traffic.

Street, thoroughfare, means a traffic artery designed primarily to carry heavy volumes of through vehicular traffic as shown on the major street plan.

Structure includes the term "building." Built for the support, shelter or enclosure of persons, animals, chattels, or property.

Subdivider means any person, firm, or corporation who creates or proposes to create a subdivision as defined in this division.

Subdivision regulations means divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Article:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (4) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes **G.S 160D-802**

For the purpose of this Division, the following classes of subdivisions are hereby defined.

Subdivision, family, means a division of a tract or parcel to be conveyed to a family member of lineal descent or the property owner's father, mother, grandfather, grandmother, brother, sister, aunt, uncle, niece, or nephew in accordance with the following:

- (1) All property has access via a new or existing right-of-way or access easement of at least the then applicable state road sizes;
- (2) The property must be conveyed to a member of the grantor's lineal descendants, as defined by G.S. 29-2(4), or the property owner's father, mother, grandfather, grandmother, brother, sister, aunt, uncle, niece, or nephew. The family subdivision intent form, on file in the office of the city clerk, must be filled out, notarized, and submitted to the subdivision administrator;
- (3) No more than ten new lots plus the residual may be created under this division and approved administratively. A waiver from the governing board may be sought for additional lots; and
- (4) The approval process for a family subdivision shall be the same as for a minor subdivision.

Subdivision, major, means any subdivision other than a minor subdivision or a family subdivision.

Subdivision, minor, means a division of a tract or parcel of land that does not:

- (1) Create more than four lots, plus the residual acreage, from any one tract or parcel of land;
- (2) Dedicate or improve any new public street; and
- (3) Extend public water and or sanitary sewer system other than laterals to serve individual lots.

Subdivision ordinance administrator. Until ordered by the governing board, the county planning department shall act as the administrator.

Travelway means that portion of an access way easement over which vehicular traffic travels to ingress and egress from one's property, which shall be not less than 15 feet in width.

Vicinity map means a drawing showing the general location of a subdivision within the county.

(Ord. of 7-12-1999, § I(E); Ord. of 1-8-2001(3), § I(E), Ord. Of 11-7-2005)
(Ord. of 10/2/2006)

Cross references: Definitions generally, § 1-2.

Secs. 20-276--20-290. Reserved.

Subdivision II. Applications, Plan Review and Approval

Sec. 20-291. Approval/authorization required.

Physical improvements to the land to be subdivided are authorized by approval of a preliminary plat and sale of lots is permitted after final plat approval.

- (1) No person may subdivide his land except in accordance with all of the provisions of this division. In particular, no person may subdivide his land unless and until a final plat of the subdivision has been approved in accordance with the provisions of this division and recorded in the County Registry.
- (2) The Register of Deeds may not record a plat of any subdivision within the county's jurisdiction unless the plat has been approved in accordance with the provisions of this division.
- (3) If any person who, being the owner or agent of the owner of any land located within the jurisdiction of the county, hereafter subdivides his land in violation of this division or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this division and recorded in the office of the Register of Deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The county may bring an action for injunction of any illegal subdivision transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this division. Building permits required pursuant to G.S 160D-403 may be denied for lots that have been illegally subdivided. In addition to other remedies, the County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.
- (4) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under this Division or recorded with the register of deeds, provided the contract does all of the following:
 - a. *Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.*
 - b. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

- c. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
 - d. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.
- (5) The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds.
- (6) Decisions on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in this Division.

(Ord. of 9-12-1999, § II(A); Ord. of 1-8-2001(3), § II(A)) (Ord. of 10/2/2006)

Sec. 20-292. Application procedure.

(a) Minor / Family subdivision approval.

- (1) Planning conference. A planning conference with the Subdivision Administrator to acquaint the applicant with the approval process shall be required prior to or in conjunction with a plan or preliminary sketch of a proposed minor subdivision.
- (2) Application. The applicant for minor subdivision plat approval, before complying with subsection (a)(3) of this section, shall submit a sketch plan to the Subdivision Administrator for a determination of whether the approval process authorized by this section can be and should be utilized. The Subdivision Administrator may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of a tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five years.
- (3) Submittal to administrator. Applicants for minor subdivision approval shall submit to the Subdivision Administrator a copy of a plat conforming to the requirements set forth in appendix A, on file in the county offices, as well as two prints of such plat, and a minor

subdivision plat shall contain the appropriate certificates as found in Appendix C, on file in the county offices.

- (4) Review procedure. The Subdivision Administrator shall require the following agencies to review the preliminary plat and certify to the Subdivision Administrator that the proposed design meets the respective agency's requirements before preliminary approval may be granted. This list is not inclusive or exhaustive and may be expanded at the discretion of the Subdivision Administrator without notice and on a case-by-case basis. Such agency review shall be completed within a reasonable time under the circumstances:
 - a. State Department of Transportation District Engineer as to street entrance design and proposed intersection with a state-maintained road.
 - b. Health Department as to proposed water, sewer, and solid waste collection systems design, if any. In the case of a subdivision to be attached to a public water supply, the Subdivision Administrator shall submit the proposed design to the County Engineer.
 - c. Building Inspection Department as to design compliance with the State Building Code (all applicable sections).
- (5) The Subdivision Administrator shall take expeditious action on an application for minor subdivision plat approval. However, either the Subdivision Administrator or the applicant may at any time refer the application to the major subdivision approval process.
- (6) Not more than a total of four lots plus the resultant lot may be created out of one tract using the minor subdivision plat approval process during any 24-month period. Extensions of previously platted minor subdivisions are not permitted and will result in the conversion of the entire subdivision into a major subdivision for the purpose of this division.
- (7) If the subdivision is disapproved, the Subdivision Administrator shall, within 30 days, mail by certified mail, return receipt requested, to the applicant a written statement of the reasons for disapproval. If the Subdivision Administrator does not take any action within this 30-day time period, then the subdivision shall be deemed to be disapproved.

(b) Major subdivision approval.

- (1) Planning conference. A planning conference with the Subdivision Administrator to acquaint the applicant with the approval process may be required prior to submitting preliminary plat. At the time of such conference, the applicant shall provide a general sketch for discussion and comment.
- (2) Application. Prior to constructing a new subdivision, or phase thereof, or prior to expanding an existing subdivision, an applicant shall submit five legible copies of the preliminary plat, drawn at a scale no less than one-inch equals 200 feet, including all the required elements listed for preliminary plans in appendix A, on file in the county offices, plus required fees to the Subdivision Administrator. The preliminary plan may be divided into several maps and

plans indicating the different elements required. The Subdivision Administrator may waive certain elements from the plan but will always reserve the right to re-request the item or additional items and information as deemed necessary.

(3) Agency review. The Subdivision Administrator shall require the same agencies as listed in subsection (a)(4) of this section to review the preliminary plan and certify to the Subdivision Administrator that the proposed design meets each such agency's requirements before preliminary approval may be granted. This list is not inclusive or exhaustive and may be expanded at the discretion of the Subdivision Administrator without notice and on a case-by-case basis. Such agency review shall be completed within a reasonable time under the circumstances.

(4) Review procedure. Within 30 days of receipt of a preliminary plat, the Subdivision Administrator shall review it for conformance with the standards of this division and shall approve, approve with conditions, or deny it as outlined in this division. If the Subdivision Administrator does not take any action within this 30-day time period, then the preliminary plat will be deemed disapproved.

(5) Preliminary plat approval.

- a. Approval. If the Subdivision Administrator approves the application, he or she shall sign off at the appropriate certification on the preliminary plat. Upon request, the Subdivision Administrator may furnish to the applicant a written approval of the preliminary plat. Such authorization shall state the improvements that must be constructed by the applicant prior to approval of the final plat.
- b. Approval with conditions. If the Subdivision Administrator approves the preliminary plat with conditions, he or she shall provide such conditions to the applicant in writing to be mailed by certified mail, return receipt requested, within 30 days of the decision. The applicant must fulfill all conditions in addition to all site improvements before the Subdivision Administrator will approve the final plat. Any development activity started prior to obtaining such final plat approval shall be at the applicant's own risk and shall be deemed a violation of this division.
- c. Application denial. If the Subdivision Administrator denies the application, he or she shall inform the applicant in writing by certified mail, return receipt requested, of the reasons for the denial within 30 days of the action. The applicant shall have 30 days from receipt of such certified letters to appeal the decision to the Board of Adjustments.

(Ord. of 7-12-1999, § II(B); Ord. of 1-8-2001(3), § II(B))

Sec. 20-293. Completion of improvements.

- (a) Time period. Upon approval of the preliminary plat, the applicant shall have four years to complete construction of site improvements for the subdivision or phase thereof, except as

otherwise noted in subsection (b) of this section. Extensions may be granted by the Subdivision Administrator for good cause upon receipt of a written request from the applicant.

(b) Site improvements. A subdivision applicant shall be required to construct or install the following improvements, in accordance with the approved preliminary plat, in order to obtain final plat approval:

- (1) Public water supply systems, if applicable;
- (2) Public sewage disposal systems, if applicable;
- (3) Fire protection improvements;
- (4) Drainage improvements, where applicable; and
- (5) Internal roads, if applicable.

(c) Inspection. The Subdivision Administrator (or his or her designee), Code Enforcement Officer, and the County Engineer are authorized to make such inspections of subdivisions as necessary and at any time to ensure compliance with the division.

(Ord. of 7-12-1999, § II(C); Ord. of 1-8-2001(3), § II(C))

Sec. 20-294. Major subdivision final plat approval process.

- (a) The Subdivision Administrator shall approve or disapprove major subdivision final plats in accordance with the provisions of this section.
- (b) The applicant for major subdivision plat approval shall submit to the Subdivision Administrator a final plat, drawn in waterproof ink on a sheet made of material that will be acceptable to the County Register of Deeds for recording purposes, and having dimensions as follows: either 18 inches by 24 inches or 24 inches by 36 inches. When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivisions. The scale of the plat shall be at one-inch equals not less than 200 feet. The applicant shall also submit two prints of the plat.
- (c) The plats referenced in subsection (b) of this section shall include the elements and conform to the requirements set forth in appendix A, on file in the county offices, as well as two prints of such plat.
- (d) The Subdivision Administrator shall approve the proposed plat unless he or she finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this division or that the final plat differs substantially from the plans and specifications approved in conjunction with the approval of the preliminary plat.

(e) If the Subdivision Administrator disapproves the final plat, the applicant shall be furnished with a written statement, delivered by certified mail, return receipt requested, of the reasons for the disapproval.

(f) Approval of a final plat is contingent upon the plat being recorded within 60 days after the Subdivision Administrator or his or her designee signs the approval certificate.

(Ord. of 1-8-2001(3), § II(D))

Sec. 20-295. Authorizing the sale of lots before completion of approval preliminary plat.

If at least 75 percent of the infrastructure of the subdivision is completed in accordance with the preliminary plat, the governing board may authorize final plat approval and the sale of lots before all the requirements of this division are fulfilled if the subdivider provides a performance bond, surety bond, or letter of credit in the amount approved by the governing board to ensure that all of the requirements of this division and the approved preliminary plat will be fulfilled within not more than 6 months after final plat approval. The type of performance guarantee from the list above shall be at the election of the developer.

(Ord. of 1-8-2001(3), § II(E), Ord. of 11-7-2005) (Ord. of 10/2/2006)

Sec. 20-296. Amendments to the subdivision development plan.

The Subdivision Administrator may authorize minor changes in the preliminary plat after it has been approved, if required by engineering or other circumstances not foreseen at the time the plan was approved, provided that such changes are within the minimum or maximum requirements set forth in this division. All changes and amendments to the preliminary plan after initial approval shall be documented in writing and kept in the case file.

(Ord. of 7-12-1999, § II(D); Ord. of 1-8-2001(3), § II(F))

Secs. 20-297--20-310. Reserved.

Subdivision III. Site Development and Improvement Standards

Sec. 20-311. Streets and roads.

(a) Every lot within a subdivision must have either frontage on a public (state-maintained) road or a private road, as defined in appendix D, on file in the county offices.

(b) Where a tract of land to be subdivided adjoins a principal arterial street, the subdivider may be required to provide a marginal access street parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

- (c) All driveway entrances and other openings onto streets within the state's jurisdiction shall be constructed so that:
- (1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets; and
 - (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
- (d) The street system of a subdivision shall be coordinated with existing, proposed, and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, surrounding streets) as provided in this section.
- (e) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the natural drainage and storm water runoff of the surrounding area and shall conform as closely as practicable to the original topography.
- (f) The design of all public streets and roads within the jurisdiction of this division shall be in accordance with the accepted policies and standards of the State Department of Transportation, Division of Highways. The current editions of the State Department of Transportation's Subdivision Roads - Minimum Construction Standards and Policy on Street and Driveway Access to North Carolina Highways shall apply for any items not included in this division. State construction and design standards cover such areas as pavement and base design, grade, radii of curves, sight distances, design speeds, right-of-way widths, pavement widths, curbs and gutters, cul-de-sac designs, islands and medians, subdivision name markers, dams, and bridges, cut and fill slopes, drainage, and utilities. Some of these requirements are subject to change by the state at any time without affecting the validity of this section. The subdivision of a nonresidential subdivision shall provide public streets in accordance with the North Carolina Roads Minimum Construction Standards. Any deviation from the state street design standards shall be noted on the subdivision final plat, approved by the Department of Transportation, and recorded with the Register of Deeds.
- (g) Street and road specifications can be found in appendix D, on file in the county offices. Regardless of whether the proposed road is to be public or private, all new roads and access corridors shall be constructed to the standards as found in appendix D.

(Ord. of 1-8-2001(3), § III (A))

Sec. 20-312. Road frontage and off-site access.

- (a) Any tract of land created through the County subdivision process must either have frontage on a public (state-maintained) road or have a private right-of-way or easement corridor to the property. The minimum width of the public road frontage or width of the private right-of-way or easement corridor shall be 30 feet.
- (b) Easement access shall have a minimum 20-foot cleared, unobstructed corridor, with a vertical clearance of at least 13 feet, 6 inches, to allow passage of emergency vehicles. The grade of

any road, existing or proposed, within an off-site private right-of-way corridor used to access a subdivision shall not exceed 18 percent if the road is paved. If such road is not paved, the grade shall not exceed 15 percent. Included on the final plat shall be a Disclosure of Private Streets or Roadways certificate as required by N.C.G.S. 136-102.6(f). This certificate shall be appropriately signed.

(Ord. of 7-12-1999, § III(B); Ord. of 1-8-2001(3), § III(B), Ord. 11-7-2005)

Sec. 20-313. Density.

- (a) Please refer to Section 3.3 of the Richmond County Zoning Ordinance.
- (b) The acreage of the entire area within the boundary of a subdivision shall be used to determine the overall density of a subdivision. Other standards in this division as well as requirements of The Richmond County Zoning Ordinance, the County Health Department or other agency may also affect the density.

(Ord. of 7-12-1999, § III(C); Ord. of 1-8-2001(3), § III(C), Ord. 11-7-2005)

Sec. 20-314. Separation and setback requirements.

- (a) Please refer to Section 3.3 of the Richmond County Zoning Ordinance.
- (b) *Deleted*
- (c) The separation between buildings and water supply systems and/or sewage disposal systems shall be as required by regulations of the County Health Department and the state.
- (d) If any setback or separation provision in this division shall conflict with any federal statute, regulation, or law or with any state statute, law or agency regulation, the provisions of this division shall not control.

(e) *Deleted*

(Ord. of 7-12-1999, § III(F); Ord. of 1-8-2001(3), § III(D) Ord. 11-7-2005)

Sec. 20-315. Utility requirements.

The approval and installation of all utility improvements, including, but not limited to, water, sewer, electricity, and solid waste collection, shall be in accordance with this chapter.

- (1) Water. Each and every lot located in a subdivision shall be supplied with water from either an approved municipal system or an approved public or community water system. Before the approval of the final plat, any municipal, public, or community water system must be certified by the County Health Department, County Engineer and/or the Public Water Supply Section of the State Department of the Environment and Natural Resources as being installed to meet all state and local regulations. Individual water wells shall not be allowed in subdivisions unless

the administrator finds that such individual water wells can and will meet all applicable state and county health regulations.

(2) Sewer. Each and every home in a subdivision shall be supplied with either a hookup to a public or package sewage system or an approved septic tank system. Before approval of the final plat any proposed municipal, public, or community sewage disposal must be certified by the County Health Department, County Engineer and/or the Public Water Supply Section of the State Department of the Environment and Natural resources as being installed to meet all state and local regulations. If septic tank systems are intended to be used, there shall be a separate tank for each home space.

(3) *Deleted*

(4) *Deleted*

(Ord. of 7-12-1999, § III(G); Ord. of 1-8-2001(3), § III(E), Ord. 11-7-2005)

Sec. 20-316. Fire protection.

Subdivisions proposed to be served by a public water supply system shall meet the minimum requirements of the system owner for fire hydrant installation. For a subdivision without a fire suppression-rated water system, that either has or is adjacent to an adequate permanent surface water supply, the applicant may be required to install a dry fire hydrant system if recommended by the County Fire Marshal. The Fire Marshal shall determine the type and location of such a system. A road providing all-weather access to the water source that is adequate for firefighting equipment shall be required, if applicable.

(Ord. of 7-12-1999, § III(H); Ord. of 1-8-2001(3), § III(F))

Cross references: Fire prevention, Ch. 17.

Sec. 20-317. Utility easements.

Easements for utilities are required. The applicant should discuss with utility providers whether easements must be provided, and, if so, at what size and location. Such easements shall be shown on the preliminary and final plats.

(Ord. of 7-12-1999, § III(I); Ord. of 1-8-2001(3), § III(G))

Sec. 20-318. Erosion and sedimentation control.

Where required under the North Carolina Sedimentation Pollution Control Act of 1973, evidence of approval of an erosion and sedimentation control plan by the State Department of Environment and Natural Resources, Land Quality Division, shall be submitted prior to issuance of a Subdivision Construction Authorization.

(Ord. of 7-12-1999, § III(J); Ord. of 1-8-2001(3), § III(H))

Cross references: Environment, Ch. 14.

Sec. 20-319. Stormwater drainage.

Stormwater drainage improvements shall be designed and constructed to minimize erosion and downstream sedimentation, to follow natural drainage where possible, to minimize flooding or standing water conditions, to maintain desirable groundwater conditions and to avoid excessive stormwater discharge to sensitive natural areas. Points of stormwater discharge shall be within the subdivision site unless otherwise approved by the Administrator and adjoining property owners. The applicant shall properly maintain stormwater control devices. A detailed drainage plan shall be submitted as part of the site plan application for subdivisions. Such plan shall show the general drainage patterns for the subdivision. Where the drainage of the subdivision does not follow the natural drainage of the property, the applicant shall design such new drainage systems, including swales, ditches, pipes, culverts, detention ponds, lakes, or similar devices, to minimize any adverse effect on the proposed subdivision and on adjacent and downstream properties. Such plan shall include the location, type, and size of existing and proposed stormwater drainage improvements.

(Ord. of 7-12-1999, § III(K); Ord. of 1-8-2001(3), § III(I))

Sec. 20-320. Internal road construction standards.

Access to all lots within a subdivision shall be made using internal roads. The maintenance of internal roads and drainage facilities shall be the responsibility of the subdivision applicant.

- (1) Road construction. All public roads must be paved and shall meet the minimum State Department of Transportation road standards for local roads. The road should be built so that water will drain from the road surface into side ditches. Because of the high potential for erosion, roads should be constructed along the contour of the land where possible. The Administrator may require that a professional engineer or surveyor certify on an "as-built" drawing that no portion of any internal roads have grades exceeding the maximum allowed by this division.
- (2) Road drainage and culverts. All internal roads shall be provided with appropriate drainage facilities. Road drainage structures shall be constructed in accordance with minimum state road standards. Road drainage side ditches shall have sufficient depth and width to carry the expected volume of stormwater runoff. Where roads cross streams or minor watercourses, culverts shall be designed and installed in accordance with minimum state road standards.
- (3) Turnarounds. A cul-de-sac or other turnaround approved by the Administrator is required on any internal road which serves ten or more spaces. Cul-de-sacs shall have a minimum radius of 35 feet. Cul-de-sacs and other approved turnarounds shall be surfaced with the same material required on the road they serve.
- (4) Vertical clearance. All internal roads, including shoulder areas, shall have a minimum vertical clearance of 13 feet, six inches, to allow for the passage of emergency vehicles.

(5) Abutting state-maintained roads. In the event that all the homes in a subdivision abut a state-maintained road, no additional internal roads shall be required.

(Ord. of 7-12-1999, § III(L); Ord. of 1-8-2001(3), § III(J))

Sec. 20-321. Road names.

The site development plan shall show names, approved by the County Mapping Office, for all proposed internal roads, which serve three or more spaces.

(Ord. of 7-12-1999, § III(M); Ord. of 1-8-2001(3), § III(K))

Cross references: Streets, sidewalks and other public places, Ch. 26.

Sec. 20-322. Road name signs and other regulatory signs.

The applicant shall provide road name signs in accordance with the County Mapping Office and regulatory signs (such as "stop" signs) in accordance with applicable state and county policies.

(Ord. of 7-12-1999, § III(N); Ord. of 1-8-2001(3), § III(L))

Sec. 20-323. Property addressing.

Please refer to the Chapter 26, Article III of this Code for Street Naming and Property Numbering (Addressing)

(Ord. of 7-12-1999, § III(O); Ord. of 1-8-2001(3), § III(M)) (Ord. of 10/2/2006)

Cross references: Street numbering, § 26-61 et seq.

Sec. 20-324. Subdivision identification sign.

Subdivisions shall provide at least one sign displaying their names at each entrance. The subdivision name shall not duplicate or closely resemble the name of any existing housing development located in the county. Subdivision name signs shall be at least one foot in height by three feet in width. Subdivision identification signs shall not be located within the right-of-way for any road.

(Ord. of 7-12-1999, § III(P); Ord. of 1-8-2001(3), § III(N))

Sec. 20-325. Subdivision name.

In order to avoid possible confusion for emergency services personnel, the applicant shall choose a name for the subdivision which does not duplicate or closely resemble the name of any existing road, subdivision, or other housing development located in the county.

(Ord. of 7-12-1999, § III(Q); Ord. of 1-8-2001(3), § III(Q))

Secs. 20-326--20-345. Reserved.

Subdivision IV. Administration*

*Cross references: Administration, Ch. 2.

Sec. 20-346. Pre-existing/nonconforming subdivisions.

- (a) Any subdivision existing on the effective date of the ordinance from which this division is derived, or any subsequent amendment thereto, may continue to operate without being subject to the requirements of this division unless expansion or addition is proposed. Any subdivision with a plat that has been duly recorded in the County Register of Deeds office prior to the effective date of the ordinance from which this division is derived is exempt from the provisions of this division.
- (b) Subdivisions existing prior to the effective date of the ordinance from which this division is derived ("preexisting subdivisions") shall be registered with the County Building Inspector within six months of adoption of the ordinance from which this division is derived. Any pre-existing subdivision, which is not registered, may be subject to the provisions of this division. Pre-existing subdivisions registered with the Building Inspector may be expanded provided that any such expansion shall be in accordance with the requirements of this division.

(c) *Deleted*

(Ord. of 7-12-1999, § IV(A); Ord. of 1-8-2001(3), § IV(A), Ord. 11-7-2005)

Sec. 20-347. Expansion of existing subdivisions.

The addition of any new spaces to a subdivision existing prior to enactment of the ordinance from which this division is derived, except as provided below, shall be considered an expansion of such subdivision and shall be subject to the requirements of this division.

- (1) Infilling. If a pre-existing subdivision is to be expanded, but such expansion does not require the construction of new internal roads to serve the new spaces, the development will not be required to comply with the requirements of this division, provided that all of the following conditions are met:
 - a. The development must occur within the boundaries of the existing subdivision;
 - b. The number of new spaces shall not exceed more than 33 percent of the existing spaces; and
 - c. The setbacks for home units built on newly created spaces shall not exceed the average setbacks of existing units located wholly or in part within 100 feet on each side of such new space and which front on the same road as the new space.

- (2) Other expansions. If expansion of a pre-existing subdivision involves new internal road construction, the new development will be considered a new phase and shall comply, to the extent possible, with the requirements of this division. The Administrator on a case-by-case basis shall determine such compliance; however, compliance will not require that any existing units be relocated.
- (3) In all respects, any division or subdivision of land that meets the definition of subdivision as found in Sec. 20-275 shall be recorded in Richmond County Register of Deeds in accordance with Sec. 20-291 of this Code

(Ord. of 7-12-1999, § IV(B); Ord. of 1-8-2001(3), § IV(B), Ord. 11-7-2005)

Sec. 20-348. Waiver of requirements/variances.

The Board of Adjustments is charged with hearing and deciding on Variances of the regulation found within this Article. The Board of Adjustment process and policies are found in Chapter 20, Article II of the Richmond County Code of Ordinances.

(Ord. of 7-12-1999, § IV(C); Ord. of 1-8-2001(3), § IV(C), Ord. 11-7-2005)

Sec. 20-349. Appeals.

Appeals from decisions of the Subdivision Administrator shall be made to the Board of Adjustments; appeals from decisions of the Board of Adjustments shall be made to the Superior Court of the county. An applicant shall file an appeal with the Board of Adjustments by giving written notice to the Subdivision Administrator within 30 days of the Subdivision Administrator's decision. An appeal to the Superior Court must be filed with the Clerk of Superior Court within 30 days after a decision by the Board of Adjustments. Unless otherwise ordered by a court of competent jurisdiction, this division may be enforced as provided in this division while any appeal under this section is pending.

(Ord. of 7-12-1999, § IV(D); Ord. of 1-8-2001(3), § IV(D))

Sec. 20-350. Penalties for violations.

Enforcement of this division is granted to the county under authority of G.S. 153A-123, and violation of this division is a misdemeanor, as provided by G.S. 14-4. The Subdivision Administrator, the Board of Adjustments, the County Manager, and the governing board shall enforce this division in accordance with the provisions of this Code. Each day that a violation of this division exists constitutes a separate violation, pursuant to G.S. 14-4. This division may also be enforced by use of civil action, injunctive relief, and equitable relief, including, but not limited to, orders of abatement.

(Ord. of 7-12-1999, § IV(E); Ord. of 1-8-2001(3), § IV(E))

Sec. 20-351. Powers and duties of the subdivision administrator.

The Subdivision Administrator shall have the following powers and duties in addition to other powers and duties duly assigned:

- (1) To review and either approve, approve with conditions, or disapprove applications for new subdivisions, or expansions to existing subdivisions, under the applicable provisions of this division;
- (2) To take such actions as may be reasonably necessary and required to ensure compliance with and enforcement of the terms and provisions of this division;
- (3) To review all requests for waivers from the provisions of this division and submit all relevant information to the Board of Adjustments and county commissioners for their review and final decision; and
- (4) To make recommendations to the Planning Board on all proposed amendments to this division in accordance with the provisions of this division.

(Ord. of 7-12-1999, § IV(G); Ord. of 1-8-2001(3), § IV(F))

Sec. 20-352. Powers and duties of the board of adjustment.

Under this division, the Board of Adjustments shall have the following powers and duties, in addition to other powers and duties duly assigned to:

- (1) Review and either approve, approve with conditions, or disapprove, under the applicable provisions of this division, any applications referred to it by the Subdivision Administrator;
- (2) Hear and decide appeals where it is alleged that there is an error in an order, requirement, decision, determination, or interpretation made by the Subdivision Administrator in the enforcement of this division;
- (3) Review all requests for variances from the provisions of this division;
- (4) Take such actions as may be reasonably necessary and required to ensure compliance with and enforcement of the terms and provisions of this division; and
- (5) Make recommendations to the governing board on all proposed amendments to this division in accordance with the provisions of this division.

(Ord. of 1-8-2001(3), § IV(G))

Sec. 20-353. Powers and duties of the governing board.

Under this division, the governing board shall have the following powers and duties, in addition to the powers and duties duly assigned:

(1) To take such actions as may be reasonably necessary and required to ensure compliance with and enforcement of the terms and provisions of this division; and

(2) To review all proposed amendments to this division in accordance with this division.

(Ord. of 7-12-1999, § IV(I); Ord. of 1-8-2001(3), § IV(H))

Sec. 20-354. Forms.

Any forms or checklists listed in the appendices of the ordinance from which this division is derived are general in nature and may be modified by the administrator, county manager, or governing board as necessary.

(Ord. of 7-12-1999, § IV(J); Ord. of 1-8-2001(3), § IV(J))

Sec. 20-355. Fees.

Reasonable fees for applications and revisions thereto, certificate of completion inspections, reinspections and variances under this division may be set by the county governing board.

(Ord. of 7-12-1999, § IV(K); Ord. of 1-8-2001(3), § IV(K))

Secs. 20-356--20-375. Reserved.

DIVISION 3. HIGHWAY DEVELOPMENT DISTRICT

Sec. 20-376. – Sec. 20-387. - Repealed

(Ord. of 1-4-1999) (Ord 10/2004 – Book 1293, Page 446)

Secs. 20-388--20-405. Reserved.

DIVISION 4 – ZONING

Not yet Codified

DIVISION 5 – AIRPORT HARZARD

Not yet Codified

ARTICLE VI. MANUFACTURED HOMES AND TRAILERS*

*Cross references: Environment, Ch. 14; buildings and building regulations, § 20-61 et seq.; floods, § 20-166 et seq.; solid waste, Ch. 23; streets, sidewalks and other public places, Ch. 26.

DIVISION 1. GENERALLY

Secs. 20-406--20-420. Reserved.

DIVISION 2. MANUFACTURED HOME PARKS*

*Editor's note: The following appendixes, mentioned throughout this division, are not printed herein, but are on file in the county offices:

Appendix A--Specifications for Road Design and Construction
Appendix B--Manufactured Home Park Application Form
Appendix C--Variance Application Form
Appendix D--Fee Schedule

Subdivision I. In General

Sec. 20-421. Authority and enactment clause.

Pursuant to the authority conferred by G.S. Ch. 153 and G.S. Ch. 160A and G.S. 160D, the governing board does hereby ordain and establish into law this division.

(Ord. of 7-12-1999, § I(A); Ord. of 1-8-2001(1), § I(A))

Sec. 20-422. Short title.

This division shall be known as the "Manufactured Home Park Ordinance of Richmond County, North Carolina," and may be cited as the "County Manufactured Home Park Ordinance."

(Ord. of 7-12-1999, § I(B); Ord. of 1-8-2001(1), § I(B))

Sec. 20-423. Jurisdiction.

These regulations shall govern the establishment, operation, and maintenance of each and every new manufactured (mobile) home park or recreational vehicle camp or park, and any addition or expansion of existing manufactured home parks or recreational vehicle camps or parks lying within the jurisdiction of the county.

(Ord. of 7-12-1999, § I(C); Ord. of 1-8-2001(1), § I(C))

Sec. 20-424. Purpose.

The purposes of this division are to:

- (1) Promote the orderly development of manufactured home parks;
- (2) Help secure safety from fire, floods, panic, congestion, and other dangers in manufactured home parks;
- (3) Provide for adequate light, air, and open space in manufactured home parks;
- (4) Ensure that facilities for transportation, parking, water, sewer, and recreation are provided to residents of manufactured home parks within this division's jurisdiction; and
- (5) Permit orderly implementation of a land use plan for the county.

(Ord. of 7-12-1999, § 1(D); Ord. of 1-8-2001(1), § 1(D))

Sec. 20-425. Definitions.

For the purposes of this division, the following definitions shall apply, unless the context clearly indicates or requires a different meaning. The present tense is included in the future tense and the future tense is included in the present tense. The singular includes the plural and the plural includes the singular.

Board of adjustments means the County Board of Adjustments.

Board of commissioners means the county governing board.

Building code means the State Building Code.

Building permit and construction permit mean a permit authorizing the owner or agent to make physical improvements to a piece of property based on a manufactured home park or subdivision plan that has received preliminary approval.

Developer. means a person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Health department means the County Health Department.

Lot includes the words plot, parcel or tract and means a piece of land whose boundaries have been described by a legal instrument or map recorded with the Register of Deeds.

Manufactured home See Definitions found in Chapter 20, Article VI, Division 3, Section 20-555 of the Richmond County Code.

Manufactured home lot. A manufactured home lot is a piece of land within a manufactured home park:

- (1) Whose boundaries are delineated in accordance with the requirements of this division; and
- (2) That is designed and improved in accordance with this division to accommodate a single manufactured home.

Manufactured home park means a piece of land held in single or corporate ownership and developed in a unified manner for the placement of two or more manufactured homes to be occupied for living and sleeping purposes.

Manufactured home space means an area within an approved manufactured home park meeting all applicable requirements for the purpose of setting up a manufactured home.

May is permissive.

Private drive, road or street means an easement or right of way not publicly owned and maintained and used for access by the occupants or owners of a manufactured home park, their guests, and the general public.

Private driveway means a roadway serving two or fewer lots, building sites or other divisions of land and not intended for public ingress or egress.

Richmond County Manufactured Home Park Ordinance Administrator means, in this division, the Administrator or similar designation. Until otherwise ordered by governing board, the County Planning Department shall act as the administrator.

Setup means the process of placement of a manufactured home on a manufactured home space and includes the minimum requirements for blocking, wiring, plumbing, and anchoring in accordance with applicable local, state, and federal construction regulations.

Shall and will are mandatory.

Steps means a structural component bonded or fastened as one unit in accordance with the North Carolina Residential Building Code, Volume VII, Section 314 (Stairways) and § 315 (Handrails and Guardrails), and for the purpose of ingress and egress from manufactured homes.

Street and road shall be synonymous in meaning.

Structure means and includes the word "building." The term "structure" also means built for the support, shelter or enclosure of persons, animals, chattels, or property.

Tie-down means the process of anchoring a manufactured home to the ground in accordance with applicable local, state, and federal construction regulations.

Tract means a piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office or the county Register of Deeds.

Vicinity map means a drawing showing the general location of a manufactured home park or subdivision within the county.

(Ord. of 7-12-1999, § I(E); Ord. of 1-8-2001(1), § I(E); Ord. of 11-7-2005; Ord 10-1-2007)
Cross references: Definitions generally, § 1-2.

Secs. 20-426--20-440. Reserved.

Subdivision II. Procedure for Securing Approval of Manufactured Home Parks

Sec. 20-441. Approval/authorization required.

No person shall construct or engage in the construction of any manufactured home park or make any addition or alteration to a manufactured home park that either alters the number of lots for manufactured homes within the park; expands the size of the manufactured home park or affects the facilities required therein until a Conditional Use Permit for such activity has been issued by the Richmond County Board of Adjustment in accordance with the Richmond County Zoning Ordinance.

(Ord. of 7-12-1999, § II(A); Ord. of 1-8-2001(1), § II(A); (Ord 10-1-2007)

Sec. 20-442. Application procedure.

Prior to the construction of a new manufactured home park or the expansion of an existing manufactured home park, the developer shall make application to the Administrator for a Conditional Use Permit to construct or expand such a park. The original drawing of the proposed or expanded park plan shall accompany the application. The Administrator will not accept incomplete applications and/or park plans for review. The Conditional Use shall follow the process as outlined in the Richmond County Zoning Ordinance.

(Ord. of 7-12-1999, § II(B); Ord. of 1-8-2001(1), § II(B); Ord. 10-1-2007)

Sec. 20-443. Manufactured home park plan requirements.

The manufactured home park plan shall be drawn on reproducible sheets to a scale of not less than one-inch equals 100 feet and shall show the following on one or more sheets:

- (1) The name of the manufactured home park, the names and addresses of the owners and the designer of the park.
- (2) Date, approximate north arrow, and scale.
- (3) The boundary line of the tract, with accurate linear and angular dimensions, drawn to scale and the area of the park in square feet or acres.

- (4) A location map showing the location of the manufactured home park.
- (5) The locations of existing and platted property lines, streets, buildings, watercourses, railroads, bridges, water mains, sewers, culverts, drainpipes, and any utility easements. The Administrator may require similar information to be shown on proposed park boundaries. The names of adjoining manufactured home parks or the names of recorded owners of adjoining parcels of land shall also be indicated.
- (6) The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, reservations, manufactured home spaces, parking dimensions, and types of all required characteristics shall be shown in a manner that shall distinguish them clearly from the existing characteristics of the land.
- (7) The park plan shall show profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a legible scale.
- (8) Plans of proposed utility layouts (sewer lines, septic tank locations, septic tank drain fields, water lines and storm drainage) showing feasible connections to existing and proposed utility systems. The Administrator may require these proposed layouts to be prepared by a civil engineer, registered land surveyor, or registered professional engineer.
- (9) Proposed storm drainage for the entire manufactured home park, including all proposed grading and sewer installations which may be deemed necessary to insure proper drainage and elimination of ponding. Proper drainage requires a storm drainage capacity to the ten-year storm level.
- (10) Location and number of garbage receptacles.
- (11) An electrical, gas, cable, telephone, and other such utility layout plans. All utilities provided shall be underground. Additional utilities provided to existing parks shall be installed underground.
- (12) Adequate and safe sewage disposal facilities shall be provided in all Manufactured Home Parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of the County Health Department's Sewage Disposal Regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank, unless permitted by the Richmond County Health Department.
- (13) A detailed drawing to scale of not less than 1-inch equals 10 feet shall be prepared of a typical manufactured home lot, showing the location of the manufactured home stand, all utilities, the patio, concrete footing, walks, parking spaces, driveways, and all other improvements.

(Ord. of 1-8-2001(1), § II(C); Ord. 10-1-2007)

Sec. 20-444. Review of the proposed manufactured home park plan.

The Administrator shall present the application to the Richmond County board of Adjustments under the provision of the Richmond County Zoning Ordinance.

(Ord. of 1-8-2001(1), § II(D); Ord. 10-1-2007)

Sec. 20-445. Issuance of the manufactured home park occupancy permit.

- (a) Reserved.
- (b) An on-site inspection of the park before a Certificate of Occupancy is issued.
 - (1) If the park conforms to the plan approved by the Richmond County Board of Adjustment, a Certificate of Occupancy Permit may be issued.
 - (2) If the park does not conform to the approved plan, the issuance of the Occupancy Permit shall be delayed until it is brought into conformity with the approved plan.
- (c) The Conditional Use Permit shall constitute the authority for the developer to operate the manufactured home park.
- (d) When a manufactured home park is to be developed in stages, the proposed plan may be submitted for the entire development and approved by the Board of Adjustments. Certificates of Occupancy may be made for each stage completed.
- (e) Violation of any of the division requirements constitutes grounds for refusing to issue a Certificate of Occupancy to any new home located in the park or revoking an issued Certificate of Occupancy for any home located in the park or revoking the parks overall Conditional Use Permit.

(Ord. of 1-8-2001(1), § II(E); Ord. 10-1-2007)

Secs. 20-446--20-460. Reserved.

Subdivision III. Development Standards for the Development of Manufactured Home Parks

Sec. 20-461. Design standards for the development of manufactured home parks.

The following design standards must be met on the park plan before a Manufactured Home Park Permit can be issued:

- (1) Each manufactured home space shall be clearly established on the ground by monuments or markers or stakes.

(2) No more than one manufactured home may be parked or setup on any manufactured home space.

(3) All manufactured homes within an authorized park shall rest upon supports and be set-up in accordance with the State Department of Insurance Regulation for mobile homes and the provisions of this division.

(4) The following dimensional requirements shall be met:

Minimum manufactured home park area..... 2 acres

Minimum park width..... 100 feet

Maximum density..... 3 units per acre

(5) The following separation and building setback requirements shall apply to manufactured home parks:

a. Within a manufactured home park, each manufactured home shall be separated from any other manufactured home by a minimum of 20 feet "short" end to "short" end, 30 feet "short" end to "long" side, and 30 feet "long" side to "long" side;

b. Reserved

c. All accessory buildings (detached from units) shall be at least 20 feet from any manufactured home or other building on a neighboring space within the park.

d. Minimum setbacks for a manufactured home to external park boundaries:

Front yard: 40 feet

Side and rear yards: 20 feet

Maximum building height: 35 feet

Any attached accessory structure, such as room extensions, porches and porch roofs, and carports shall, for the purpose of this setback requirement, be considered to be part of the manufactured home.

(6) A driveway and parking space sufficient to accommodate at least two automobiles shall be constructed within or assigned to each manufactured home lot and shall be paved or covered with crushed stone.

(7) The Board of Adjustments may require the developer to install sidewalks where considerable pedestrian traffic is expected (large scale manufactured home parks).

(8) Reserved.

(9) Every space within a manufactured home park must access to an internal park roadway.

- (10) All manufactured park entrances and other openings onto streets within the state's jurisdiction shall be constructed so that:
- a. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets;
 - b. Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized, and
 - c. Construction meets the NC Department of Transportation's policy of street and driveway access to North Carolina Highways. All access shall be approved by the District Engineer's office.
- (11) The street system of a manufactured home park shall be coordinated with existing, proposed, and anticipated streets outside the park or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.
- (12) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the natural drainage and storm water runoff of the surrounding area and shall conform as closely as practicable to the original topography.
- (13) Notwithstanding any provisions contained in this division, street and road specifications for Manufactured Homes Parks can be found in appendix C of this Chapter.
- (14) The following roads standards for Manufactured Home Parks shall apply:

<u>Type of Park</u>	<u>Class of Internal Road</u>
Small Park (as defined)	Class C for parks with 5 to 10 units
Large Park (as defined)	Class B for all parks with more than 10 units

- (15) The developer or owner of the park shall adequately maintain all internal streets and roads. Such streets or roads shall have adequately lighting to ensure pedestrian and vehicular safety at night.
- (16) No manufactured home space within a manufactured home park shall have direct vehicular access to a public street.
- (17) Area to provide proper drainage ditches and a three-to-one back slope shall be provided where determined necessary by the Administrator upon recommendation by the County Building Inspector and/or County Engineer.
- (18) Closed ends of dead-end streets shall be provided with an adequately surfaced vehicular turning circle at least 60 feet in diameter.
- (19) When the manufactured home park has more than one direct access to a public street, the access driveways shall not be less than 200 feet apart or less than 200 feet from a public street intersection unless topographical or site conditions demand otherwise.

- (20) Adequate signs for the identification of manufactured home parks must be placed at all entrances from public roads.
- (21) The following utility standards shall apply. In every manufactured home park, all installations (other than those within the manufactured home itself) of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the state and county.
- a. Utilities. All utilities shall be installed underground.
 - b. Manufactured home space utilities. Each manufactured home stand shall be equipped with plumbing and electrical connections grouped together within the manufactured home stand.
 - c. Water supply. Each manufactured home park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the County Environmental Health Department and/or the state. The supply shall be adequate for the park requirements. The drinking, cooking, laundry, and general bathroom water supply for each individual manufactured home shall be obtained from faucets or other plumbing connections located within each manufactured home.
 - d. Sewage disposal. Adequate and safe sewage disposal facilities shall be provided in all Manufactured Home Parks. Collection systems and sewage treatment plants complying with the requirements of the North Carolina Department of Health and Environment and the County Health Department shall be provided. Individual septic tank systems are permissible in accordance with the requirement of the County Health Department's Sewage Disposal Regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank, unless permitted by the Richmond County Health Department.
- (22) Reserved
- (23) The manufactured home park may have a central structure containing a retail sales counter or coin-operated machines for the park residents' use only, provided they are completely enclosed within a building and there is no exterior advertising and provided that such structures shall not front on a public street. If such a structure is used it shall be available to residents as a severe weather shelter.
- (24) A storage building, not to exceed 120 square feet in floor space (10 feet by 12 feet), is permitted on each manufactured home lot. Storage buildings shall be located to the rear of the manufactured home, but no closer than five feet to the manufactured home lot line.
- (25) The storage of personal possessions and/or equipment in the area beneath the manufactured home is prohibited.
- (26) Reserved

(27) All Manufactured Home Parks shall be screened or buffered from all adjoining properties and public streets. Such screening shall be located within the boundaries of the Manufactured Home Park and shall materially screen all structures within the Manufactured Home Park from all adjacent properties and public streets. When such a buffer strip is used, the width of said buffer strip may be included within the required setback area. A buffer strip shall consist of 1) a wall or fence designed to visually screen the park from adjoining property owners, or 2) a planted strip at least ten (10) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than twenty (20) feet apart, and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and five (5) feet or more in height after one growing season. Existing natural areas and plants may be incorporated into this planting strip as long as the intent of this provision is met

(Ord. of 1-8-2001(1), § III(A), Ord. 10-1-2007)

Sec. 20-462. Operating standards.

The following operating standards shall be conditions to the issuance of any Permit to operate a manufactured home park and, as such, must be maintained in order to qualify for a permit renewal.

- (1) It shall be unlawful to conduct, on a commercial basis, the sale of manufactured homes or travel trailers or recreational vehicles within a manufactured home park.
- (2) No manufactured home park shall permit a recreation vehicle or travel trailer as defined in this division to locate within its boundaries.
- (3) Reserved.
- (4) All refuse must be placed in refuse containers and it shall be the responsibility of the park operator to provide sufficient container capacity to meet the needs of the Manufactured Home Park. The owner or operator of the Manufactured Home Park shall be responsible for ensuring the proper hauling and disposing of said trash in accordance with all County and State regulations. The burning of refuse within the Manufactured Home Park is not permitted.
- (5) Health regulations. All applicable state and county health regulations shall apply to manufactured home parks within the jurisdiction of the county except where such regulations are in conflict with the provisions of this section, in which case the more restrictive provisions shall apply.
- (6) Fire prevention and detection. In addition to any fire prevention regulations of the county, the following shall apply:
 - a. Reserved

- b. The developer shall install and maintain a fire extinguisher labeled as suitable for class A, B, and C fires and of a type approved by the County Building Inspection Department in any building open to the public and any park office. The park staff shall be instructed in the proper use of any fire protection equipment available in the park, and their specific duties in the event of fire shall be defined.
 - c. The developer shall maintain the park area free of rubbish, dry brush, leaves, weeds, and any other materials, which might encourage the spreading of fire between manufactured homes and other buildings.
 - d. Empty liquefied petroleum gas containers and other objects and materials not approved by the County Building Inspection Department shall not be stored under manufactured homes.
 - e. The manufactured home park developer shall be responsible for payment of any applicable fee if a fire department is called to put out a fire.
- (8) Developers' responsibilities. Manufactured home park developers shall be required to maintain the park in compliance with the requirements of this division. Further, manufactured home park developers shall keep all park owned facilities, improvements, equipment, and common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of materials which would constitute a fire hazard. The grounds of a Manufactured Home Park shall be kept free of trash, litter, debris, noxious weeds, open sewage, or other unhealthy matter. Any septic tanks that fail shall be immediately repaired or replaced by the Manufactured Home Park owner. The Manufactured Home Park owner and/ or operator shall take all necessary steps to prevent infestation by rodents, vermin, and insects. All grounds shall have proper drainage to prevent the accumulation of water. All internal roads shall be maintained and kept in good repair, being free from potholes, depressions and or humps in the roadway. It shall be the responsibility of the Manufactured Home Park owner or operator to maintain the Manufactured Home Park in accordance with these standards at **all** times.

(Ord. of 1-8-2001(1), § III(B), Ord.10-2-2007)

Secs. 20-463--20-490. Reserved.

Subdivision IV. Administration*

*Cross references: Administration, Ch. 2.

Sec. 20-491. Pre-existing/nonconforming manufactured home parks.

- (a) Any manufactured home park existing on the effective date of the ordinance from which this division is derived, or any subsequent amendment thereto, may continue to operate without being subject to the requirements of this division, unless expansion or addition is proposed.
- (b) Manufactured home parks existing prior to the effective date of the ordinance from which this division is derived (pre-existing manufactured home parks) shall be registered with the County

Code Administrator within six months of adoption of the ordinance from which this division is derived. Any pre-existing manufactured home park, which is not registered, may be subject to the provisions of this division. Pre-existing manufactured home parks registered with the Building Inspector may be expanded provided that any such expansion shall be in accordance with the requirements of this division.

(c) A manufactured home park space shall be considered pre-existing if, on the effective date of the ordinance from which this division is derived, the space:

(1) Contains an occupied manufactured home, or

(2) Is defined on the ground by the presence of the following:

- a. A water supply system service connection;
- b. A sewage disposal system service connection; and
- c. Electric service equipment.

(Ord. of 1-8-2001(1), § IV (A); Ord.10-1-2007)

Sec. 20-492. Expansion of existing manufactured home parks.

The addition of any new spaces to a manufactured home park existing prior to enactment of the ordinance from which this division is derived shall be considered an expansion of such park and shall be subject to the requirements of this division, including obtaining a Conditional Use Permit from the Richmond County Board of Adjustment, except as provided below.

For the purpose of this Section, replacement of a manufactured home or adding a manufactured home to a pre-existing lot as define in Sec.20-491(c) shall not constitute an expansion of the park. However, the Administrator shall require an existing layout plan in accordance with Section 20-443 of this Code be submitted. The Administrator shall review the plan, inspect the existing Park, and issue a new Manufactured Home Park Certification prior to any replacement homes to be placed. No Certificate shall be issued unless all the internal roads are passable and each and all existing manufactured homes within the Park meet the requirements of Division 3 of this Article, specifically, but not limited to proper underpinning and anchorage and listing of the VIN or NCDMV numbers or title for tax purposes.

(Ord. of 1-8-2001(1), § IV(B); Ord. 10-1-2007)

Sec. 20-493. RESERVERD

(Ord. of 1-8-2001(1), § IV(C); Ord.10-1-2007)

Sec. 20-494. Variances and Appeals.

The Board of Adjustments is charged with hearing and deciding on Variances of the regulation found within this Article. The Board of Adjustment process and policies are found in Chapter 20, Article II of the Richmond County Code of Ordinances

(Ord. of 1-8-2001(1), § IV(D); Ord. 10-1-2007)

Sec. 20-495. Penalties for violation.

Enforcement of this division is granted to the county under authority of G.S. 153A-123, and violation of this division is a misdemeanor, as provided by G.S. 14-4. The Administrator, the County Manager, and the governing board shall enforce this division in accordance with the provisions of this Code.

(Ord. of 1-8-2001(1), § IV(E))

Sec. 20-496. Enforcement.

If the Administrator finds that any of the provisions of this division are being violated, he or she shall provide written notice to the person responsible for the violation, specifying the nature of the violation and what corrective measures must be taken. The Administrator shall order the discontinuance of the illegal use of land, buildings, or structures; the removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; the discontinuance of any illegal work being done; or shall take any other action authorized by law to ensure compliance with, or to prevent the violation of, the provisions of this division. This division, pursuant to G.S. 153-123, may be enforced using involving criminal action, civil action and/or court injunctions and orders of abatement.

(Ord. of 1-8-2001(1), § IV(F))

Sec. 20-497. Forms.

Any forms or checklists listed in the appendices of the ordinance from which this division is derived are general in nature and may be modified by the Administrator, County Manager, or governing board as necessary.

(Ord. of 1-8-2001(1), § IV(G))

Sec. 20-498. Fees.

Reasonable fees for applications and revisions thereto, Certificate of Completion inspections, reinspections and variances under this division may be set by the governing board.

(Ord. of 1-8-2001(1), § IV(H))

Secs. 20-499--20-520. Reserved.

Subdivision V. Recreational Vehicle Parks

Sec. 20-521. Purpose.

The intent of this subdivision is to establish minimum standards for the orderly layout of recreational vehicle parks; to secure safety from fire, panic, and other dangers; to provide adequate light and air; and to ensure that facilities for transportation, parking, water, sanitation, and yard areas are provided.

(Ord. of 1-8-2001(1), § V(A))

Sec. 20-522. Definitions.

The following words, terms, and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Existing approved recreation vehicle park means a park that is operating within areas where recreation vehicle parks are permitted and have been operating since before the adoption of the ordinance from which this division is derived.

Existing nonconforming recreational vehicle park means a park that is operating outside of areas where recreational vehicle parks are permitted and that has been operating since before the adoption of the ordinance from which this division is derived or any other previous manufactured home regulations.

Recreational vehicle (RV) means a vehicular, portable structure built on a chassis, designed to be used as a temporary residence for travel, recreational and vacation uses, permanently identified as a recreational vehicle by the manufacturers of the unit which either has its own motive power or is mounted on or drawn by another vehicle. The term "recreational vehicle (RV)" shall include, but is not limited to, travel trailer, camper, truck camper or motor home. Recreational vehicles shall not be used as permanent residences.

Recreational vehicle park means a parcel, tract, plat, or lot, consisting of a minimum of one acre, which is designed and improved to accommodate two or more RVs and is permitted as a RV park.

Recreation vehicle site (lot) means a piece of land within a RV park whose boundaries are delineated in accordance with this division and designed and improved to accommodate a RV.

Service building means a structure housing a toilet, lavatory and other such facilities as the County Manager or Health Department may require.

(Ord. of 1-8-2001(1), § V(B))

Cross references: Definitions generally, § 1-2.

Sec. 20-523. Design standards.

Any site, tract of land or lot to be developed as a recreational vehicle park shall not be less than two acres. The following requirements also take into account the need for adequate space to prevent overcrowding, prevent fire hazards, provide sufficient light, air, and the like:

- (1) Minimum space between each recreational vehicle shall be 20 feet;
- (2) Maximum density shall be 25 spaces per usable acre;
- (3) All streets serving the park shall at a minimum, be graveled;
- (4) All spaces shall have direct access to the interior streets of the park; and
- (5) Every park shall have adequate parking areas. If parking is not available on the lot, then provisions shall be made in other areas. Parking areas may be paved or graveled.
- (6) The use of cabins, as part of the RV parks amenities for sleeping and housing quarters shall be allowed under the following requirements:
 - The number of cabins shall not exceed 10 percent of the total number of RV spaces available on site within the RV Park;
 - The term of use of the cabins shall be not more than 14 days;
 - The total square foot of these cabins shall not exceed 1000 sq/feet;
 - Each cabin shall include full bath facilities within the unit itself.
 - Each cabin shall meet all NC State Building, Health and Environmental Health Codes.

(Ord. of 1-8-2001(1), § V(C)) (Ord. of 1-9-2004)

Sec. 20-524. Facilities.

- (a) Each RV lot shall be equipped with plumbing and electrical connections sufficient to safely meet demands.
- (b) At least one service building shall be provided.
- (c) All RV parks shall provide regular solid waste disposal. All disposal practices shall be in compliance with accepted practices established by the county.
- (d) All RV parks must provide a recreational area for its occupants. The minimum requirements shall be ten percent of the total park area up to a maximum of two acres. Recreational areas shall be located so as to be free of traffic hazards and easily accessible to all park occupants.
- (e) Water supplies and sewage disposal shall be approved by the County Health Department.

(Ord. of 1-8-2001(1), § V(D))

Sec. 20-525. Requirements.

The same development requirements for manufactured home parks shall apply to recreational vehicle parks or subdivisions as set forth in the above sections of this division.

(Ord. of 1-8-2001(1), § V(E))

Secs. 20-526--20-550. Reserved.

DIVISION 3. SAFETY AND APPEARANCE OF MANUFACTURED HOMES

Subdivision I. In General

Sec. 20-551. Authority and enactment clause.

Pursuant to the authority conferred by G.S. Ch. 153 and G.S. Ch. 160A and G.S. 160D, the governing board does hereby ordain and establish into law this division.

(Ord. of 1-8-2001(2), § I(A))

Sec. 20-552. Short title.

This division shall be known as the "Ordinance to Regulate Safety and Appearances of Manufactured Homes," and may be cited as the "county ordinance to regulate the safety and appearance of manufactured homes."

(Ord. of 1-8-2001(2), § I(B))

Sec. 20-553. Jurisdiction.

These regulations shall apply within all unincorporated areas of the county that are not under the planning and regulatory jurisdiction of a municipality.

(Ord. of 1-8-2001(2), § I(C))

Sec. 20-554. Purpose.

The purposes of this division are to:

- (1) Promote the safe use and attractive appearance of manufactured homes not located within manufactured home parks and subdivisions governed by this Code;
- (2) Help secure safety from fire, floods, panic, congestion, and other dangers in manufactured homes;
- (3) Provide for adequate light, air, and open space in manufactured homes;

(4) Ensure that adequate water, sewer, and other utilities are provided to residents of manufactured homes within this division's jurisdiction; and

(5) Permit orderly implementation of the strategic land use plan of the county, dated July 2000.

(Ord. of 1-8-2001(2), § I(D))

Sec. 20-555. Definitions.

For the purposes of this division, the following definitions shall apply, unless the context clearly indicates or requires a different meaning. The present tense is included in the future tense and the future tense is included in the present tense. The singular includes the plural and the plural includes the singular.

Accessory use or structure means a use or structure on the same lot as a manufactured home or recreational vehicle park lot but of a nature customarily incidental or subordinate to the principal use or structure.

Board of adjustments means the county Board of Adjustment.

Board of commissioners means the county governing board

Building code means the State Building Code.

Building inspector means the County Building Inspector, who will be the Administrator of this division.

Building permit and construction permit mean a permit authorizing the owner or agent to make physical improvements to a piece or property by placing a manufactured home thereon.

Health department means the county health department.

Lot includes the words plot, parcel or tract. The term "lot" also means a piece of land the boundaries of which have been described by a legal instrument or map recorded with the Register of Deeds.

Manufactured home means any structure for the purposes of living and sleeping that does not meet the requirements of the North Carolina State Uniform Residential Building Code, Volume VII, that must be manufactured and approved under regulations of the Department of Housing and Urban Development Standards of 1976 and must have a registered title under state laws. The term "manufactured home" includes, but is not limited to, a doublewide manufactured home, which is two or more portable manufactured housing units designated for transportation on their on chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of 32 feet or more in length and eight feet or more in width.

Manufactured home lot means an area within an approved manufactured home park meeting all applicable requirements for the purpose of setting up a manufactured home.

Manufactured home park means a piece of land held in single or corporate ownership and developed in a unified manner for the rental or leasing of three or more manufactured homes to be occupied for living and sleeping purposes.

May is permissive.

Setup means the process of placement of a manufactured home on a manufactured home lot, and includes the minimum requirements for blocking, wiring, plumbing, and anchoring in accordance with applicable local, state, and federal construction standards.

Shall and will are mandatory.

Steps means a structural component bonded or fastened as one unit in accordance with the North Carolina Residential Building Code, Volume VII, Section 314 (Stairways) and Section 315 (Handrails and Guardrails), and for the purpose of ingress and egress from the manufactured home.

Structure means and includes the word "Building." The term "structure" also means built for the support, shelter or enclosure of persons, animals, chattels, or property.

Tie-down means the process of anchoring a manufactured home to the ground in accordance with applicable local, state, and federal construction regulations.

(Ord. of 1-8-2001(2), § I(E), Ord. of 11-7-2005)

Secs. 20-556--20-580. Reserved.

Subdivision II. Standards

Sec. 20-581. Applicability.

The standards of this subdivision shall apply to all manufactured homes located anywhere within the jurisdiction of the county. IN the event that the requirements of this Division conflict with those in any other Division, Code, Ordinance, regulations, statute, or executive order, then the most restrictive shall apply.

(Ord. of 1-8-2001(2), § II(A); Ord. 10-1-2007)

Sec. 20-582. Requirements for certificate of occupancy.

Except as is otherwise provided, no Certificate of Occupancy for a manufactured home to be located within the jurisdiction of the county shall be issued unless all the requirements of this division have been satisfied.

(Ord. of 1-8-2001(2), § II(A); Ord. 10-1-2007)

Sec. 20-583. Principal use.

- (a) Two or more manufactured homes on the same lot, tract or parcel of land constitutes a manufactured home park as defined in this division as well as in section 20-425.
- (b) Reserved
- (c) Except in and on the premise of a bona fide Manufactured Home Sales Lot, storage of manufactured homes shall be prohibited. Any manufactured home not in use or setup for living and sleeping purposes as intended shall be removed from the jurisdiction of the County under the provision of this Division.

(Ord. of 1-8-2001(2), § II(C); Ord.10-1-2007)

Sec. 20-584. Utilities, anchorage, and skirting.

- (a) Water. Connection shall be made to system approved in writing by the County Health Department or the State Department of Natural Resources Public Water Supply Section.
- (b) Sewage. Connection shall be made to a system approved by the County Health Department in writing.
- (c) All manufactured homes placed outside bona fide manufactured home parks shall be placed upon a permanent foundation of either poured concrete or a pre-cast solid concrete pad. The bottom of the pad shall be below the frost line or 4 inches deep; whichever is greater.
- (d) The towing tongue or hitch (if applicable), the wheels, and the axle shall be removed upon final placement of unit.
- (e) Underskirting and permanent steps.
 - a. All manufactured homes governed by this division shall have the entire perimeter of each home enclosed from the ground to the bottom of the structure with material manufactured for this purpose in accordance with standards set by State Regulations for Manufactured Homes.
 1. Building materials to be used as underpinning shall include brick, masonry, concrete block with stucco finish, natural or synthetic stone masonry, and metal or vinyl sidings. If vinyl or metal products or materials manufactured for the purpose of underpinning are used, the underpinning must have horizontal support of a maximum of every two feet on center, with treated lumber.
 2. The underskirting shall be vented in accordance with the State Building Code.
 3. There shall be a permanent means for ingress and egress of the crawlspace under the home; and that access area shall be located on the side of the home opposite the road or street.

4. Outside air conditioning and heating units shall be placed on the side or end of the home opposite from the road or street.
- b. All manufactured homes governed by this division shall have steps and landings in accordance with the size, dimensions and constructions requirements as found in the North Carolina State Building Code.

Sec. 20-585. Appearance criteria.

(a) All manufactured homes governed by this division shall meet the following appearance criteria:

- (1) Reserved.
- (2) The roof of the manufactured home shall be the original roof as installed by the manufacturer. The original roof may be replaced only in accordance with the manufacturer's specifications or the North Carolina State Building Code.
- (3) Exterior finish. The exterior siding shall consist predominantly of vinyl or aluminum lap siding, wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(Ord. of 1-8-2001(2), § II(E); Ord 10-1-2007)

Secs. 20-586--20-600. Reserved.

Subdivision III. Administration

Sec. 20-601. Building permit; certificate of occupancy.

- (a) It shall be unlawful for anyone within the county's jurisdiction, to locate and/or to set up a manufactured home on that lot unless and until he or she shall first obtain a County Zoning Permit and a County Building Permit. Where applicable, VIN numbers and or a NCDMV title shall be required when applying for permits.
- (b) A certificate of occupancy shall not be issued unless and until the requirements of this division have been satisfied.
- (c) Once a certificate of occupancy has been issued, it shall be unlawful for a person to alter or make substantial changes in the location or structure of the manufactured home on the subject lot until a new County Building Permit has been issued.

(Ord. of 1-8-2001(2), § III(A--C); Ord. 10-1-2007)

Sec. 20-602. Penalties for violation.

If a lot owner sets up, or allows to be set up, a manufactured home on a lot in violation of this division, he or she shall be guilty of a misdemeanor as provided by G.S. 14-4; and this division shall be enforceable pursuant to G.S. 153A-123.

1. Every day that a manufactured home has been set up in violation of any provision of this division constitutes a separate and distinct violation pursuant to G.S. 14-4.
2. The Building Inspector, the County Manager, the County Engineer, and the governing board shall enforce this division in accord with the Code of Richmond County Ordinance.
3. This division shall be enforceable by criminal or civil actions, including, but not limited to, actions for abatement, injunction, restoration and otherwise.

(Ord. of 1-8-2001(2), § III(D))

Sec. 20-603. Forms.

The Administrator, the County Manager, or the governing board shall prepare and implement the use of any forms or checklists they deem reasonable and necessary for carrying out the spirit and intent of this division.

(Ord. of 1-8-2001(2), § III(E))

Sec. 20-604. Fees.

Reasonable fees for applications and revisions thereto, certificate of completion inspections, reinspections and variances under this division may be set by the Governing board.

(Ord. of 1-8-2001(2), § III(F))