

FLOOD DAMAGE PREVENTION ORDINANCE  
OF  
SURRY COUNTY, NORTH CAROLINA

ARTICLE I. Statutory Authorization, Findings of Fact, Purpose and Objectives

SECTION A. Statutory Authorization

The General Assembly of the State of North Carolina has in General Statutes Chapter 143 empowered local governmental units to adopt floodway regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Surry County, North Carolina, does ordain and enact as follows:

SECTION B. Findings of Fact

(1) The flood hazard areas of Surry County are subject to periodic inundation which may result in loss of life and property, health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused in part by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the presence in flood hazard areas of land uses vulnerable to floods or hazardous to other properties which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

SECTION C. Statement of Purpose

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

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

SECTION D. Objectives

The objectives of this ordinance are:

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

(7) To insure that potential purchasers are notified that property is in a flood area.

## ARTICLE 2. Definitions

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

Accessory use: A use of a nature customarily subordinate or incidental to, and located on the same parcel, as the principle use of any structure or property.

Appeal: A request for a review of the Surry County Building Inspector's interpretation of any provision of this ordinance or a request for a variance.

Area of special flood hazard: The land area within a community which is subject to a one percent (1%) chance of flooding annually, i.e., the 100-year flood.

Base flood elevation: The crest elevation in relation to mean-sea-level expected to be reached by the one percent annual chance flood, i.e., the 100-year flood.

Building Inspector: The Surry County Building Inspector or his designee.

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

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale exclusively for mobile homes, for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

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

"Flood" or "flooding" 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;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Study" is the official report provided by the Federal Insurance Administration. The report may contain flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Flood Control Works: Any man-made construction, such as a dam, levee, groin or jetty designed to alter the flood potential of the body of water on or adjacent to which it is built.

Flood Plain: Any normally dry land area that is susceptible to being inundated by waters of the 1% annual chance flood, i.e., the 100-year flood.

Floodproofing: Structural additions, changes, or adjustments to structures subject to flooding which will reduce or eliminate flood damages to water and sewer facilities, structures, and contents of buildings.

Flood Fringe Area: That area of the floodplain lying outside the floodway but still lying within the area of special flood hazard, i.e., within the 100-year floodplain.

Floodway: The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the velocity waters of the regulatory flood.

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

Lowest Floor (including basement): Any floor usable for living, which includes working, sleeping, eating, cooking or recreation facilities, or any combination thereof.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing varying elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD).

"Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

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

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New mobile park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale exclusively for mobile homes, for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.

Regulatory Flood: For purposes of this ordinance, a flood event having a 1% chance of occurring in any given year, although the flood may occur in any year, i.e., the 100-year flood.

Regulatory Flood Elevation: The crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.

Special Exception: Authorization by the Board of Adjustment to allow activities in accordance with the provisions of this ordinance as well as other conditions specified by the Board.

Start of Construction:

- (a) The First placement or permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. Permanent construction does not include land preparation such as clearing, grading, or filling; or 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.
- (b) For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation for sites other than mobile home parks, or the affixing of any prefabricated structure to its permanent site.
- (c) For mobile home parks which are equipped with concrete pads on which mobile homes are to be placed, "start of construction" means the date on which the pouring of the pads has begun. For mobile home parks which are not equipped with concrete pads, "start of construction" means the date on which installation of utilities and final site grading are completed.

Structure: A walled and roofed building, that is principally above ground and affixed to a permanent site, as well as a mobile home on foundation. The term includes a building while in the course of construction, alteration or repair but does not include building materials or supplies intended for use in construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises. The words "building" and structure shall have the same meaning for the purposes of this ordinance.

"Substantial improvement" means, for a structure built prior to the enactment of this ordinance, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

### ARTICLE 3. General Provisions

#### SECTION A. Lands to Which This Ordinance Applies

This ordinance shall apply to all lands within the jurisdiction of Surry County that are depicted on the Flood Insurance Rate Map dated December 1, 1981, as being a Flood Hazard District.

The Flood Hazard District shall be considered as an overlay district to existing zone districts. Uses permitted within the underlying districts shall be permitted provided they meet the requirements of this ordinance.

SECTION B. Establishment of Official Flood Zone Map

The Flood Insurance Rate Map dated December 1, 1981 for Surry County together with all explanatory matter thereon and subsequent amendments thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. Interpretation of District Boundaries

The boundaries of the Flood Hazard District shall be determined by scientific and engineering studies prepared by the Federal Insurance Administration and the results thereof shall be plotted on the Official Flood Zone Map for Surry County. Boundaries for construction or use restrictions set forth within this ordinance shall be determined by scaling distances on the Official Flood Zone Map. Where interpretation is needed in order to allow a surveyor to locate the exact boundaries of the district as shown on the Official Flood Zone Map, the Surry County Building Inspector shall initially make the necessary interpretation based on flood profile information. The decision of the Building Inspector shall be subject to appeal to the Board of Adjustment in accordance with Article 4.7.

SECTION D. Establishment of Development Permit

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

SECTION E. Compliance

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

SECTION F. Abrogation and Greater Restrictions

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

SECTION G. Interpretation

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

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

ARTICLE 4 Administration

SECTION A. Designation of Surry County Building Inspector

The Surry County Building Inspector is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. Permit Procedures

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

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

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

(3) Provide a certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in Article 9, Section A.(7).

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

(5) Provide a flood elevation or floodproofing certification after the lowest floor is completed, Within twenty-one calendar days of establishment of the lowest floor elevation or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Inspector a certification of the elevation of the lowest floor of floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Building Inspector shall review the Flood Elevation Survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

#### SECTION C. Duties and Responsibilities of the Building Inspector

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

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

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

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

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

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B. (5).

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Article 4, Section B (5).

(7) When floodproofing is utilized for a particular structure, the Building Inspector, shall obtain certification from a registered professional engineer or architect in accordance with Article 9, Section A. (7).

(8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(9) When base flood elevation data has not been provided in accordance with Article 3, Section B, then the Building Inspector shall obtain, review, and utilize any base flood elevation and floodway data available from a federal,

state or other source, in order to administer the provisions of this ordinance.

(10) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Building Inspector and shall be open for public inspection.

SECTION D. Construction and Use To Be As Provided in Application, Plans, and Permits

Development permits or special exception permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and enjoined or punishable as provided by Article 12.

SECTION E. Board of Adjustment

The Surry County Zoning Board of Adjustment shall serve as the board of adjustment for this ordinance.

SECTION F. Powers and Duties of the Board

(1) The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.

(2) The Board shall hear and decide appeals from the denial of development permits.

(3) The Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.

(4) The Board shall hear and decide applications for Special Exceptions upon which it is authorized to pass under this ordinance.

(5) The Board may authorize, upon appeal from a decision of the Building Inspector, a variance from the requirements of this ordinance in cases which fall within the provisions of Article 11.

(6) The Board shall interpret the boundaries of the Flood Hazard Districts on appeal from a decision of the Building Inspector.

SECTION G. Hearings and Decisions of the Board of Adjustment

(1) Upon the filing with the Board of Adjustment of an application for a Special Exception permit or an application for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof as well as due notice to parties in interest. At the hearing any party may appear in person or by agent or attorney and present written and oral evidence for the record which may have been transcribed by a court reporter. The written transcript, if presented to the Board by the applicant, shall be part of the record.

(2) The Board shall arrive at a decision on an appeal, special exception, or variance within 45 days after the hearing. In passing upon an appeal, the Board may in conformance with the terms of this ordinance reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from. The decision shall be in writing setting forth the findings of fact and rationale of the Board. In granting special exceptions or variances, the Board may attach appropriate conditions and safeguards which promote the objectives of this ordinance. Violations of such conditions and safeguards shall be deemed violations of this ordinance punishable under Article 12.

(3) Appeals from any decision of the Board may be taken by any person or persons, jointly or separately, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of Surry County, to the Superior Court, as provided in N.C.G.S. 153A-345(e).

SECTION H. Special Exceptions

(1) Applications for uses requiring Special Exception Permits shall be submitted to the Building Inspector on forms furnished by him. Upon receipt of the properly completed application, the Building Inspector shall submit it to the Board. The application shall contain the following information and any additional information requested by the Board:

(a) A map in duplicate, drawn to scale showing the curvilinear line representing the regulatory flood elevation, dimensions of the lot, existing structures and uses on the lot and adjacent lots, soil type, and natural protective barriers, if applicable, existing flood control and erosion control works, existing drainage elevations and ground contours, location and elevation of existing streets, water supply and sanitary facilities, and other pertinent information.

(b) A preliminary plan showing the approximate dimensions, elevation and nature of the proposed use, amount, area and type of proposed fill, area and nature of proposed grading or dredging, proposed alteration of natural protective barriers, if applicable, proposed flood protection or erosion control works, proposed drainage facilities, proposed road, sewers, water and other utilities, specifications for building construction and materials included in the floodproofing.

(2) The Board shall transmit one copy of the information described in Article 4, Section H.(1) to the Building Inspector for technical assistance in evaluating the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood and erosion protection, the adequacy of drainage facilities, and other technical matters.

(3) The Board shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard, and if a permit is to be issued may attach appropriate conditions.

In passing upon such applications, the Board shall consider the technical evaluation of the County's Building Inspector, all relevant factors, and standards specified in other sections of this ordinance, and:

(a) the danger that materials may be swept onto other lands to the injury of others.

(b) the danger to life and property due to flooding or erosion damage.

(c) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(d) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(e) the importance of the services provided by the proposed facility to the community.

(f) the necessity to the facility of a waterfront location, where applicable.

(g) the availability of alternative locations, not subject to flooding or erosion damage.

(h) the compatibility of the proposed use with existing development anticipated in the foreseeable future.

(i) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area.

(j) the safety of access to and from the property in times of flood for ordinary and emergency vehicles.

(k) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

(l) 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.

(4) The Board shall act on an application in the manner above described within 45 days from receiving the application, except that where additional information is required by the Board pursuant to Article 4, Section H.(2), of this ordinance, the Board shall render a written decision within 45 days from the receipt of such information.

(5) Upon consideration of the factors listed above and the purposes of this ordinance, the Board may attach such conditions to the granting of special exceptions or variances as it deems necessary to further the purposes of this ordinance.

#### SECTION I. Variances

(1) Upon the submission of a written application to the Board, a variance may be granted permitting the erection of structures with a lowest floor elevation, including basement, lower than regulatory flood elevation if all of the following are met:

(a) good and sufficient cause exists for the granting of the variance;

(b) failure to grant the variance would result in exceptional hardship to the applicant;

- (c) the issuance of the variance would not result in increased flood heights, additional threats to public safety or extraordinary public expense;
- (d) The variance allowed is the minimum necessary to afford relief.
- (e) The variance would not have the effect of nullifying the intent and purpose of the ordinance.
- (f) All applications for variances shall be heard by the Board after reference to such committees and administrative officials as may be established for purposes of investigation and recommendation.
- (g) Prior to the granting of a variance, the Board must find that justification exists in accordance with the terms of this ordinance. These findings, together with the grant of a variance, shall be reduced to writing and made a part of county records. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance application.
- (h) Such variance shall be freely transferable with the land and shall not be personal to the applicant.
- (i) Unless otherwise provided therein, a variance shall be valid for a period of one (1) year after the date of its issuance. If construction has not commenced pursuant thereto within such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.
- (j) No variance except as herein specifically permitted may be granted from the provisions of this ordinance. The variance procedures herein provided shall be the exclusive method for obtaining variances under the provisions herein.

(2) Due to the extreme hazardous conditions within the floodway and the effect of obstructions to upstream structures, no variance shall be issued within the designated Floodway District (FWD) which would result in any increase in flood levels during the regulatory flood discharge.

(3) Any applicant to whom a variance is granted shall be given notice that the proposed structure will be located in the flood prone area, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

#### ARTICLE 5. Establishment of Zoning Districts

The areas within the jurisdiction of Surry County having special flood hazard areas are hereby divided into two types of Flood Hazard Districts: Floodway Districts (FWD) and Flood Fringe Districts (FFD). The boundaries of these districts shall be determined from the Official Flood Zone Map, and Flood Hazard Analysis prepared by the U.S. Soil Conservation Service, The U.S. Army Corps of Engineers, and other qualified governmental agencies.

#### ARTICLE 6. General Requirements

##### SECTION A. Applicability

The provisions of this Article shall apply to all flood hazard districts.

##### SECTION B. Requirements

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

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

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

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

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

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

(7) Any alteration, repair, reconstruction, or improvements to a structure on which the start of construction was begun after the effective date of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

ARTICLE 7. Floodway Districts (FWD)

SECTION A. Applicability

The provisions of this article shall apply to all areas designated as FWDs.

SECTION B. Requirements Within a FWD

(1) Within a designated FWD, all fill, encroachments, new construction or substantial improvement shall be prohibited, except as otherwise provided herein as a special or permitted use.

(2) The construction of any portion of a new mobile home park, the expansion of an existing mobile home park, or the placement of any mobile home not in a mobile home park is prohibited in an FWD.

(3) In the event that a mobile home location or relocation is not deemed to constitute the expansion of an existing mobile home park as defined in Article 2, the location or relocation shall be allowed provided that:

- (a) Any mobile home site rental or leasing agreement or any contract for and deed of sale clearly state that the land in question has been designated as part of a Floodway District and may be subject to flooding;
- (b) Any mobile home moved into or relocated within an existing mobile home park shall be anchored in accordance with provisions in Article 8, Section B.(4) (a) and (b).

SECTION C. Permitted Uses

The following and other similar uses having a low flood damage potential and not obstructing flood flows shall be permitted within the FWD to the extent that they are not prohibited by any other ordinance, and provided they do not require structures, fill, dumping of materials or waste, or storage of materials or equipment. But no use shall be permitted which would result in an increase in the regulatory flood elevation.

(1) Agricultural uses, including general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(2) Non-structural industrial-commercial uses, including loading areas, parking areas, and private airport landing strips.

(3) Private and public recreational uses, including golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries for native species, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback trails.

(4) Residential uses such as: lawns, gardens, parking areas, and play areas.

SECTION D. Special Exception Uses

(1) The following uses may be permitted only upon application to the Building Inspector and the issuance of a special use permit by the Board as provided in Article 4, Section G., of this ordinance, and provided that the use will not increase the regulatory flood level:

- (a) Uses accessory to permitted or special uses;
- (b) Circuses, carnivals, and similar transient amusement or entertainment;
- (c) Drive-in theaters, parking areas, new and used car lots;
- (d) Extraction of sand, gravel, and other materials;
- (e) Railroads, streets, bridges, utility transmission lines, and pipelines;
- (f) Marinas, boat rentals, docks, piers, wharves, exclusive of any structures connected with any of the above-mentioned;
- (g) Private storage yards for non-flotable equipment, machinery or materials;
- (h) Other uses similar in nature.

ARTICLE 8. Flood Fringe Districts (FFD)

SECTION A. Applicability

The provisions of this Article shall apply to all areas designated as flood fringe districts.

SECTION B. Requirements Within a FFD

(1) Development permits will be required for all proposed construction or substantial improvement within a FFD.

(2) New construction or substantial improvement of any residential structure within the FFD shall have the lowest floor, including basement, elevated to the regulatory flood elevation.

(3) New construction or substantial improvement of any commercial-industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the regulatory flood elevation or together with attendant utility and sanitary facilities be floodproofed to the level of the regulatory elevation. All floodproofing shall meet the requirements of Article 9.

(4) The construction of a new mobile home park, the expansion of an existing mobile home park, the placement of a new mobile home not in a mobile home park or the substantial improvement of any of the above in a FFD shall be allowed only if the following criteria are met:

- (a) Ground anchors for tie downs are provided;
- (b) Tie down requirements:
  - (i) Over-the-top ties are required at each of the four corners of the mobile home, with one additional tie per side at an intermediate location, for mobile home less than 50 feet long. Two additional ties per side is required for mobile homes more than 50 feet long.
  - (ii) Frame ties are required in conjunction with each over-the-top tie.
  - (iii) All components of the anchoring must be capable of carrying a force of 4,800 pounds.
- (c) Lots or pads are elevated on compacted fill or by any other method approved by the Building Inspector so that the lowest habitable floor of the mobile home is at or above the regulatory flood level.
- (d) Adequate surface drainage and easy access for a mobile home hauler are provided.
- (e) Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten feet apart, and if the support height is greater than 72 inches, the support must contain steel reinforcement.

(5) In the event that a mobile home location or relocation is not deemed to constitute the expansion of an existing mobile home park as defined in Article 2, the location or relocation shall be allowed provided that:

- (a) Any mobile home moved into or relocated within an existing mobile home park, shall be anchored in accordance with the provisions in Article 8, Section B. (4), (a) and (b).
- (b) Easy access for a mobile home hauler is provided.

#### SECTION C. Small Streams and Shallow Flooding Provision

(1) No building or fill material shall be located within a distance of the stream bank equal to five (5) times the width of the stream at the top of the bank or 20 feet on each side from top of bank, whichever is greater.

(2) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(3) All new construction and substantial improvements of non-residential structures shall:

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

### ARTICLE 9. Floodproofing

#### SECTION A. Minimum Floodproofing Requirements

Wherever any of the provisions of this ordinance require that a building be floodproofed or specify that floodproofing may be used as an alternative to elevating a structure above the regulatory flood level, floodproofing shall be deemed to include all of the following:

(1) Wherever possible, the location, construction and installation of all electrical and gas utility systems in such a manner as to assure the continuing functioning of those systems in the event of a regulatory flood;

(2) The location, construction and installation of all potable water supply systems in such a manner as to prevent contamination from flood waters during the regulatory flood.

(3) Approved backflow preventers or devices shall be installed on main water service lines, at water wells and at all building entry locations to protect the system from backflow or back siphonage of flood waters or other contaminants.

(4) Sanitary sewer and storm drainage systems that have openings below the regulatory flood elevation shall be equipped with automatic back water valves or other automatic backflow devices that are installed in each discharge line passing through a building exterior wall.

(5) Sanitary sewer systems, including septic tank systems, that are required to remain in operation during a flood shall be provided with a sealed holding tank and the necessary isolation and diversion piping, pumps, ejectors, and appurtenances required to prevent sewage discharge during a flood.

(6) A registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact and uplift forces associated with the regulatory flood at the location of the building and that the walls below the regulatory flood level are substantially impermeable to the passage of water.

#### SECTION B. Approval of Floodproofing

Prior to construction, plans for any structure that is required to be flood-proofed must be submitted to the Building Inspector for approval. The Building Inspector will review the plans for compliance with the provisions of Article 9, Section A. for general compliance techniques specified in the U.S. Army Corps of Engineers publication entitled "Floodproofing Regulations", June 1972, GPO: 19730-495-386 and for compliance with any other applicable building codes or regulations. The Building Inspector shall approve, reject or recommend modifications of the plans within 45 days from the receipt of the plans.

#### ARTICLE 10. Non-conforming Uses

SECTION A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this ordinance but which is not in conformity with its provisions may be continued as a non-conforming use subject to the following conditions:

- (1) Any substantial improvement of a non-conformity structure shall be made in compliance with the provisions of this ordinance.
- (2) If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to the ordinance.
- (3) If any non-conforming use or structure is destroyed by any means, including floods, to an extent of 60% or more of its market value immediately prior to the destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.
- (4) Any use which has been permitted as a special exception use and is in full compliance with this act and attached conditions shall be considered a conforming use.

#### ARTICLE 11. Standards for Subdivision Proposals

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

ARTICLE 12. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Surry County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 13 Severability

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in effect.

ARTICLE 14. Adoption

This ordinance shall be in full force and effect on and after October 31, 1981.

By vote: For 5  
Against 0

SURRY COUNTY BOARD OF COMMISSIONERS

/s/ W. Fletcher Harris

W. Fletcher Harris, Chairman

Attest:

/s/ Martha Hiatt  
Clerk to the Board