

Commissioner O’Neal, introduced the following Amendments concerning the Surry County Zoning Ordinance, and moved the adoption of the Amendment. The motion was seconded by Commissioner Johnson, the following Amendments were adopted, this the 1st day of December, 2003:

AMENDMENT 12

**SURRY COUNTY
ZONING ORDINANCE**

**PROPOSED AMENDMENT TO ARTICLE 7, SECTION 1, OF THE
SURRY COUNTY ZONING ORDINANCE.**

Article 7 “Establishment and Intent of Districts and Boundaries”, Section 1 shall be amended to include the following:

AO-1 Elkin Municipal Airport Overlay

Article 7 “Establishment and Intent of Districts and Boundaries”, Section 4 shall be amended to include the following:

AO-1 Elkin Municipal Airport Overlay

The purpose of this overlay district is to regulate possible obstructions to flight navigation in the vicinity of the Elkin Municipal Airport.

AMENDMENT 13

**SURRY COUNTY
ZONING ORDINANCE**

**PROPOSED AMENDMENT TO ARTICLE 9 OF THE
SURRY COUNTY ZONING ORDINANCE.**

Article 9, “Overlay Districts”, shall be amended to include the following as Section 3 and Section 4:

Section 3. Elkin Municipal Airport Overlay District (AO-1)

The Elkin Municipal Airport Overlay District (AO-1) is hereby established to identify on the Zoning Map areas in the vicinity of the Elkin Municipal Airport that are critical to air navigation. This Section is adopted pursuant to the authority conferred by N.C. General Statutes, Chapter 63, Article 4. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Elkin Municipal Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the Elkin Municipal Airport; and that an obstruction may in effect reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Elkin Municipal Airport and the public investment therein, and is therefore not in the interest of the public safety, or general welfare.

Section 3.1. Definitions

The following definitions are hereby included for the administration and enforcement of this Section as it pertains to the Elkin Municipal Airport Overlay District (AO-1); additional definitions shall be referenced in Article 30 of this Ordinance:

AIRPORT—Means Elkin Municipal Airport

AIRPORT ELEVATION—The highest point of an airport's usable landing area measured in feet from sea level. The Elkin Municipal Airport is 1,068 feet above sea level.

APPROACH SURFACE—A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Article 3.4 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES—These zones are set forth in Article 3.3 of this Ordinance.

CONICAL SURFACE—A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

HORIZONTAL SURFACE—A horizontal plane 100 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY—A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

NONPRECISION INSTRUMENT RUNWAY—A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

PRECISION INSTRUMENT RUNWAY - A runway having an existing or planned instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE—A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Article 3.3 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

TRANSITIONAL SURFACES—These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

UTILITY RUNWAY—A runway that is constructed for and intended to be used by propeller aircraft of 12,500 pounds maximum gross weight and less.

Section 3.2. Airport Zones

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Elkin Municipal Airport. Such zones are shown on the *Elkin Municipal Airport Height Restriction Zones Map* consisting of one sheet, representing the current version on file in the Surry County Planning and Development Department and made a part

hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- A. Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone—The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Transitional Zones—The transitional zones are the areas beneath the transitional surfaces.
- C. Horizontal Zone—The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- D. Conical Zone—The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet. The conical zone does not include the transitional zone.

Section 3.3. Airport Zone Height Limitations

Except as otherwise provided in this Ordinance, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- A. Runway Larger Than Utility With A Visibility Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone —Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- B. Transitional Zones—Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 100 feet above the airport elevation, or at an elevation of 1,168 feet above mean sea level.
- C. Horizontal Zone—Established at 100 feet above the airport elevation, or at an elevation of 1,168 feet above mean sea level.
- D. Conical Zone—Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 100 feet above the airport elevation and extending to a height of 300 feet above the airport elevation.
- E. Excepted Height Limitations—Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land. Height shall be measured from the highest point on the ground along the periphery of the structure or tree to the highest point on the structure or tree.

Section 3.4. Use Restriction

No use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 3.5. Nonconforming Uses

- A. Regulations Not Retroactive—The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance or any amendment thereto, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
- B. Marking and Lighting—Notwithstanding the preceding provision of this Article, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated and maintained at the expense of the Town of Elkin.

Section 3.6. Permits

- A. Future Uses—Except as specifically provided in 1, 2 and 3 hereunder, no material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Article 5 of this Ordinance.
 - 1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy (70) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
 - 2. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy (70) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
 - 3. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy (70) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Article 3.4, 5. In the event a tree is allowed to grow in excess of the height limits established by this Ordinance, except as set forth in Article 3.4, 5, said tree shall be removed, topped, trimmed, or otherwise modified to bring into compliance with this Ordinance. If the Zoning Administrator or his designee determines that the tree adversely affects the safe use of the airport, the Town of Elkin will pay for the direct cost to remove, top, trim, or otherwise modify said tree to bring into compliance with this Ordinance.

- B. Existing Uses—No permit shall be granted that would allow the establishment or creation of an airport obstruction that is a hazard to air navigation or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or that it is when the application for a permit is made. Except as indicated all applications for such a permit shall be granted.
- C. Nonconforming Uses Abandoned or Destroyed—Whenever the Surry County Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
- D. Variances—Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Section, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Section. Additionally, no application for variance to the requirements of this Section may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Zoning Administrator or his designee for advice as to the aeronautical effects of the variance. If the Zoning Administrator or his designee does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to deny said application. Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations or Articles of this Ordinance applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. This subsection, pertaining to variances that apply to all lands within the AO-1 overlay zoning district, shall not interfere or supercede those requirements found in Article 5 of this Ordinance, but shall serve as an extension of those requirements.
- E. Obstruction Marking and Lighting—Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Town of Elkin at its own expense, to install, operate and maintain thereon such marking and lights as may be necessary.
- A. Permits—The Zoning Administrator shall review all applications for development to ensure compliance with all regulations of this Ordinance. All applications shall be complete prior to review by the Administrator. The Administrator at his discretion may request that additional information be submitted as necessary to insure a thorough and complete review of the application. All applications shall

be submitted with a non-refundable fee in accordance with a fee schedule adopted by the Surry County Board of Commissioners.

Section 4. Mount Airy-Surry County Airport Overlay District (AO-2)
(Reserved for future codification purposes; refer to the Surry County Airport Height Ordinance)

AMENDMENT 14

**SURRY COUNTY
ZONING ORDINANCE**

**PROPOSED AMENDMENT TO ARTICLE 20 OF THE
SURRY COUNTY ZONING ORDINANCE.**

Article 20, “Definitions”, shall be re-designated Article 30 and be amended to include the following:

AREA OF SHALLOW FLOODING. A designated A0 or V0 Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of the flood is unpredictable and indeterminate, and where the velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

BASEMENT. The lowest level or story which has its floor sub-grade on all sides.

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

BUILDING ADDITION. An extension or increase in the floor area or height of a building or structure.

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

ELEVATED BUILDING. A non-basement building: (a) built in the case of a building in Flood Zones A1-A30, AE, A, A99, A0, AH, B, C, or X to have the top of the elevated floor, above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water and, (b) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of base flood. In the case of Zones A1-A30, AE, A, A99, A0, AH, B, C, and X, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; and (b) the unusual and rapid

accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said maps also contain cross sectional information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

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

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

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

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

LEVEE SYSTEM. A flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

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

REFERENCE FEATURE (FLOOD HAZARD AREAS). The receding edge of a bluff or eroding frontal dune or, if such a feature is not present, the normal high-water line or the seaward line of permanent vegetation if high-water line cannot be identified.

REMEDY A VIOLATION. To bring the structure or other development into compliance with the provisions of this Ordinance.

VIOLATION. The failure of a structure or other development to be fully compliant with the provisions of this Ordinance. A structure or other development that is not in full compliance with this Ordinance shall be presumed to be in violation of this Ordinance until such time as documentation is provided to refute any presumed violation.

AMENDMENT 15

SURRY COUNTY ZONING ORDINANCE

PROPOSED AMENDMENT TO THE SURRY COUNTY ZONING ORDINANCE.

The Surry County Zoning Ordinance shall be amended to include Article 20, "Flood Hazard Areas", which shall consist of the following:

ARTICLE 20. FLOOD HAZARD AREAS

Section 1. Findings of Fact

The flood hazard areas of Surry County are subject to periodic inundation which results in the 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.

These flood losses are caused by the cumulative effective of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section 2. Statement of Purpose

It is the purpose of this Article 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:

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

Section 3. General Provisions

The following subsections detail the general provisions set forth by this Article.

Section 3.1 Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study, dated December 1, 1981, December 1, 1982, and September 15, 1989, as amended, with accompanying maps and other supporting data.

Section 3.2 Issuance of Zoning Permits

Issuance of a Zoning Permit shall only be permitted once the provisions of this Article have been satisfied prior to the commencement of any development activities within a special flood hazard area.

Section 3.3 Compliance

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

Section 3.4 Warning and Disclaimer of Responsibility

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

Section 4. Administration

The administration of this Article shall be performed by adhering to subsections 4.1-4.6.

Section 4.1 Zoning Permit, Development Plan, and Certification Requirements

Application for a Zoning Permit as it relates to any building, structure, or land located within a special flood hazard, shall be made to the Zoning Administrator, or their designated agent, on forms furnished by the County prior to any development activities. The application shall be accompanied by the following:

- A. A development plan conveying the following information shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer:
 - 1. The nature, location, dimensions, and elevations of the property/properties in question;
 - 2. Existing or proposed buildings and structures;
 - 3. Location of fill materials, storage areas, and drainage facilities;
 - 4. A plot plan that shows the 100-year floodplain contour on the property in question or a statement that the entire property is within the floodplain must be shown when the property is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency (FEMA); and
 - 1. The plot plan shall show the floodway, if any, as mapped by the Federal Emergency Management Agency (FEMA).
- B. Where base flood elevation data is provided as set forth in Article 20, Section 3.1, the application for a Zoning Permit within the special flood hazard area shall show:
 - 1. The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and
 - 2. If the structure has been floodproofed in accordance with Article 20, Section 5.2(B), the elevation (in relation to mean sea level) to which the structure was floodproofed.
- C. Where the base flood elevation data is not provided, the application for a Zoning Permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
- D. Where any watercourse will be altered or relocated as a result of proposed development, the application for a Zoning Permit shall include:
 - 1. A description of the extent of the watercourse alteration or relocation;

2. 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
 3. A map showing the location of the proposed watercourse alteration and location.
- E. When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in Article 20, Section 5.2 (B).
- F. A floor elevation or floodproofing certification is required after the lowest floor is completed. Within 21 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 Zoning Administrator, or their designated agent, a certification of the elevation of the lowest floor, or 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 the same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer or architect and certified by the same. Any work done within the 21 day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Zoning Administrator, or their designated agent, shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Section 4.2 Duties and Responsibilities of the Zoning Administrator

The following shall be responsibility of the Zoning Administrator:

- A. Review all Zoning Permits, which pertain to properties located within a special flood hazard, to assure that the requirements of this Article have been satisfied;
- B. Advise applicant 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 Zoning Permit;
- C. 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, if applicable;
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- E. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 20, Section 5 are satisfied;
- F. Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 20, Section 4.1(F);
- G. Obtain actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Article 20, Section 4.1(F);

- H. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 20, Section 5.2(B);
- I. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, make the necessary interpretation. The individual or entity contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article;
- J. When base flood elevation data or floodway data has not been provided in accordance with Article 20, Section 3.1, obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, in order to administer the provisions of this Article;
- K. When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment (LOMA) issued from FEMA will be maintained by the Zoning Administrator with a copy of the Zoning Permit;
- L. Perform on-site inspections of projects in accordance with Article 20, Section 4.3;
- M. Serve notices of violation, issue stop-work orders, revoke permits, and take corrective actions in accordance with Article 20, Section 4.3; and
- N. Maintain all records pertaining to the administration of this Article and make these records available for public inspection.

Section 4.3 Administrative Procedures

- A. Inspections of Work in Progress. As the work pursuant to a Zoning Permit progresses, the Zoning Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being accomplished according to the provisions of this Article and the terms of the Zoning Permit. In exercising this power, the Zoning Administrator has a right, upon presentation of the proper credentials, to enter on any premises within the territorial jurisdiction of Surry County at any reasonable hour for the purposes of inspection or other enforcement action.
- B. Stop-Work Orders. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Article, the Zoning Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.
- C. Revocation of Permits. The Zoning Administrator may revoke and require the return of the Zoning Permit and Building Permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, development plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the Zoning Permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- D. Violations to be Corrected. When the Zoning Administrator finds violations of applicable State and local laws, it shall be their 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 on the property in question.

- E. Actions in the Event of Failure to Take Corrective Action. If the owner of a building or property shall fail to take prompt corrective action, the Zoning Administrator shall give them written notice, by certified or registered mail to their last known address or by personal service, that:
1. That the building or property is in violation of this Article;
 2. That an administrative hearing will be held before the Zoning Administrator at a designated time or place, no later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 3. That following the hearing, the Zoning Administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- F. Order to Take Corrective Action. If, upon an administrative hearing held pursuant to Article 20, Section 4.3(E), the Zoning Administrator shall find that the building or development is in violation of this Article, they shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the Zoning Administrator may prescribe; provided that where the Zoning 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.
- G. Appeal. Any owner who has received an order to take corrective action from the Zoning Administrator may appeal to the Board of Adjustment, as provided for in Article 5.
- H. Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, they shall be in violation of this Article.

Section 4.4 Variances

In addition to the powers and duties of the Board of Adjustment set forth in Article 5, Section 3(B), in relation to variances, the Board of Adjustment shall consider the following when evaluating requests for variances, as applicable:

- A. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- B. In passing upon any variance request, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual and its contents to flood damage and the effect of such damage on the individual property owner;
 4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the Land Use Plan;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities such as sewer, gas, electrical and water systems, and streets and bridges.
- C. The findings listed in Article 20, Section 4.4(B), shall be submitted to the Board of Adjustment, in writing, and included in the application for a variance.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Conditions for Variances:
1. Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations or ordinances;
 2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
 3. Variances shall only be issued upon: a) a showing of good and sufficient cause, b) a determination that failure to grant the variance would result in exceptional hardship, and c) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 4. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

Section 5 Provisions for Flood Hazard Reduction

The following subsections provide for the required standards for flood hazard reduction.

Section 5.1 General Standards

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

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

- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- D. 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;
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- F. New and replacement sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- H. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this Article, shall meet the requirements of “new construction” as contained in this Article.

Section 5.2 Specific Standards

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 20, Section 3.1 and Section 4.2(J), the following provisions are required:

- A. Residential Construction. New Construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- B. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including modular structures) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of base flood elevation. Structures located in the A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required 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. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 20, Section 4.1(F).
- C. Manufactured Homes.
 1. Manufactured homes that are placed or substantially improved on sites 1) outside a manufactured home park or subdivision; 2) in a new manufactured home park or subdivision; 3) in an expansion to an existing manufactured park or subdivision; or, 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two (2) feet about the base flood elevation and

be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Article 20, Section 5.2 (C.1) must be elevated so that the lowest floor of the manufactured home is elevated no lower than two (2) feet about the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 3. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to NCGS 143.143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
 4. An evacuation plan must be developed for evacuation of all residents of all manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Local Ordinance Officer and the Emergency Services Director.
- D. Recreational Vehicles. Recreational vehicles are not permitted to be placed on property located within special flood hazards.
- E. Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed for automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
1. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - a) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b) The bottom of all openings shall be no higher than one foot above grade; and
 - c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 2. Access to the enclosed areas shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 3. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- F. Accessory Structures. When accessory structures, with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
 2. Accessory structures shall be designed to have low flood damage potential;
 3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 4. Accessory structures shall be firmly anchored in accordance with Article 20, Section 5.1 (A);
 5. Service facilities such as electrical and heating equipment shall be installed in accordance with Article 20, Section 5.1(D);
 6. Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with Article 20, Section 5.2(E).
- G. Floodways. Located within areas of special flood hazard established in Article 20, Section 3.1, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
1. No encroachments, including fill, new construction, substantial improvements, and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Zoning Administrator.
 2. If Article 20, Section 5.2 (G.1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 20, Section 5.
 3. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in a existing manufactured home park or subdivision provided the anchoring and elevation standards of Article 20, Section 5.2 (C) are met.

Section 5.3 Standards for Streams Without Established Base Flood Elevations and/or Floodways

Located within the area of special flood hazard established in Article 20, Section 3.1, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- A. No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of the stream bank equal to the setback established by the Coastal Area Management Act (CAMA) regulations. Where no setback is established by CAMA regulations, the area of no encroachment shall be no less than 50-feet from each shoreline, 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.
- B. If Article 20, Section 5.3(A) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable provisions in Article 20, Section 5 and

shall be elevated or floodproofed in accordance with elevations established in accordance with Article 20, Section 4.2(J). When base flood elevation data is not available from a Federal, State, or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

Section 5.4 Standards for Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard established in Article 20, Section 3.1, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

- A. 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.
- B. All new construction and substantial improvements of non-residential structures shall:
 - 1. 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
 - 2. Be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Section 6 Repeal of Previous Flood Damage Prevention Ordinance

The Flood Damage Prevention Ordinance originally adopted on October 29, 1979, with major revisions adopted on October 31, 1981, March 16, 1987, and August 15, 1994, is hereby repealed.

AMENDMENT 16

**SURRY COUNTY
ZONING ORDINANCE**

**PROPOSED AMENDMENT TO THE
SURRY COUNTY ZONING ORDINANCE.**

The Surry County Zoning Ordinance shall be amended to include Article's 21, 22, 23, 24, 25, 26, 27, 28, and 29, and reserve said Articles for future codification purposes.

AMENDMENT 17

**SURRY COUNTY
ZONING ORDINANCE**

**PROPOSED AMENDMENT TO ARTICLE 16, SECTION 8, OF THE
SURRY COUNTY ZONING ORDINANCE.**

Article 16 “Conditional Uses”, Section 8 shall be amended under the “Site Standards” for “Campgrounds and Recreational Vehicle Parks” to read as follows:

2. Minimum lot space of 25’x40’ is required, however, the Surry County Health Department may revise minimum lot size or site requirements through site evaluations, on a case-by-case basis.

9. Minimum interior street widths of twenty (20) feet of gravel, with a six (6) inch gravel base, within the park or campground. Interior streets developed to only be open to one-way traffic shall be a minimum of 12-feet in width, with a six-inch gravel base.