

ARTICLE XII

ENVIRONMENTAL AND SPECIAL PURPOSE REGULATIONS

12-1 WATERSHED PROTECTION OVERLAY DISTRICT REGULATIONS

The watershed protection overlay districts are designed to protect designated public water supply watershed from activities that could degrade water quality. These two separate watershed protection overlay districts have been established, both of which are within a public water supply watershed that has been classified by the State of North Carolina as a WS-IV watershed:

The WCA, Watershed Critical Area Overlay District consists of that portion of the Tar River public water supply watershed designated by the NC Environmental Management Commission which is located within the Edgecombe County planning jurisdiction and which is located one-half mile upstream from a public water supply intake located directly in the Tar River or the ridge line of the watershed, whichever comes first.

The WPA, Watershed Protected Area Overlay District consists of that portion of the Tar River public water supply watersheds designated by the NC Environmental Management Commission which are located within the Edgecombe County planning jurisdiction and which are located within 10 miles upstream from and draining to the public water supply intake on the Tar River or to the ridge line of the watershed, whichever comes first.

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the Official Watershed Map of Edgecombe County, North Carolina, which is adopted simultaneously herewith. The Watershed Map is hereby made a part of this Ordinance, and will be permanently kept on file in the Edgecombe County Planning Office.

The Watershed Administrator is hereby established to be the same as the Zoning Administrator, and will take action on any remedy for violation of any portion of this Ordinance. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board, hereby established as the Board of Adjustment.

12-1.1 General Requirements

- (A) The regulations delineated in Section 12-1 are intended to comply with the requirements of NCGS 143-214.5. For property located within a WCA or WPA Overlay District, the provisions of Section 12-1 shall apply only to new development activities that require an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.
- (B) No structure or land use shall be allowed within the watershed protection overlay districts that pose a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

12-1.2 Watershed Critical Area (WCA) Supplemental Standards

- (A) Applicability

The provisions of Section 12-1.2 shall apply only to new development activities and expansion of existing uses that require an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.

- (B) Density and Built-Upon Area

Single-family residential uses shall not exceed a maximum density of two dwelling units per acre, as defined on a project-by-project basis. No single-family residential lot shall be less than 20,000 square feet in area, excluding roadway right-of-way, except within an approved cluster development, in accordance with Section 12-1.5.

However, where public sewer service is not available, a minimum of 30,000 square feet in lot area shall be required for each single-family residential lot.

All other types of residential development, and all nonresidential development, shall not exceed 24% built-upon area, on a project-by-project basis. For purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. Higher density development using engineered stormwater control devices may be permitted in accordance with Section 12-1.11.

- (C) Permitted Uses

Agricultural uses (subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission) and silvicultural uses (subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 11.6101-.0209) are permitted with the WCA. Residential and nonresidential uses allowed in the underlying general zoning district or another applicable overlay district are permitted within the WCA except for uses specified in section (D).

(D) Non-Permitted Uses

- (1) sites for land application of residuals or petroleum contaminated soils;
- (2) new landfills;

12-1.3 Watershed Protected Area (WPA) Supplemental Standards

(A) Applicability

The provisions of Section 12-1.3 shall apply only to new development activities and expansion of existing uses that requires an erosion and sedimentation control plan in accordance with the rules established by the North Carolina Sedimentation Control Commission.

(B) Density and Built-Upon Area

Single-family residential uses shall not exceed a maximum density of two dwelling units per acre or three dwelling units per acre for projects without a curb and gutter road system, as defined on a project-by-project basis. No single-family residential lot shall be less than 20,000 square feet or 14,500 square feet for projects without a curb and gutter road system, unless located within an approved cluster development in accordance with Section 12-1.5.

However, where public sewer service is not available, a minimum of 30,000 square feet in lot area shall be required for each single-family residential lot.

All other types of residential development, and all nonresidential development, shall not exceed 24% built-upon area, on a project-by-project basis. For projects without a curb and gutter street system, development shall not exceed 36% built-upon area on a project-by-project basis. For purposes of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed. Higher density development using engineered stormwater control devices may be permitted in accordance with Section 12-1.11.

(C) Permitted Uses

Agricultural uses (subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990 and the rules and regulations of the Soil and Water Conservation Commission) and silvicultural uses (subject to the provisions of the Forest Practices Guidelines Related to Water Quality, 15 NCAC 11.6101-.0209) are permitted within the WPA. Residential and nonresidential uses allowed in the underlying general zoning district or another applicable overlay district are permitted within the WPA.

12-1.4 Best Management Practices

(A) General

The construction of new roads and bridges and nonresidential development shall minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices to minimize water quality impacts. To the extent practicable, the construction of new roads in the WCA Overlay District shall be avoided. The NC Department of Transportation shall use best management practices as outlined in its document entitled, *Best Management Practices for the Protection of Surface Waters*.

(B) Agricultural Uses

Agricultural uses are subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990 (Public Law 101-624) and the rules and regulations of the Soil and Water Conservation Commission.

(C) Forestry Operations

Forestry operations, if allowed in the underlying general zoning district, are subject to the provisions of the Forest Practice Guidelines Related to Water Quality (15 ANCAC 11.0101-.0209).

12-1.5 Cluster Development

- (A) Cluster Development is defined as the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this Ordinance, planned unit developments and mixed use development are considered as cluster development.

Cluster development is allowed in all watershed protection overlay districts provided that the following conditions are met:

- (1) Minimum lot sizes may be reduced for single-family cluster development projects in accordance with the provisions of Section 9-4.1; however, the

total number of lots shall not exceed the maximum number of lots allowed for single-family detached developments in Sections 12-1.2(B) and 12-1.3(B). Density or built-upon area requirements for the project shall not exceed that allowed in Sections 12-1.2(C) and 12-1.3(C).

- (2) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.
- (3) The remainder of the tract not built upon shall remain in a vegetated or natural state. The title to the reserved open space area shall be conveyed to an incorporated homeowners or property owners association for management; to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

12-1.6 Buffer Areas

- (A) A minimum fifty-foot vegetative buffer for new development activities is required along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. A minimum one hundred foot vegetative buffer is required for all new development activities that utilize the high density development option authorized by Section 12-1.11. Desirable artificial streambank or shoreline stabilization is permitted.
- (B) No new development is allowed in the buffer except for water-dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious areas, and public projects such as road crossings and greenways where no practicable alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices. Desirable artificial streambank or shoreline stabilization is permitted.
- (C) Whenever the buffer requirements of other portions of this Ordinance, are in conflict with the provisions of this Section, the more stringent requirement shall apply.
- (D) For more information on buffers, see the State of North Carolina Department of Environment & Natural Resources, Division of Water Quality, Procedures for Assignment of Water Quality Standards, Section 15 A NCAC 02B .0259 on the Tar-Pamlico River Basin, and where in conflict with the provisions of this section, the stricter rule shall apply.

12-1.7 Existing Development

- (A) Existing development is defined as those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:
- a) substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
 - b) having an outstanding valid building permit as authorized by NCGS 153A-344.1, or
 - c) having an approved site specific or phased development plan as authorized by NCGS 153A-344.1.

Existing development is not subject to the provisions of the watershed overlay district requirements. Redevelopment of and expansion to existing development is allowed as provided for herein.

- (B) Redevelopment of existing development is allowed if the rebuilding activity does not result in a net increase in built-upon area or if the redevelopment activity includes equal or greater stormwater control than the previous development. However, existing single-family residential development may be redeveloped without any restrictions.
- (C) Expansions to uses and structures classified as existing development must meet the requirements of this Section provided, however, that the built-upon area of the existing development is not required to be included in the built-upon area calculations. However, existing single-family residential development may be expanded without any restrictions.
- (D) A Nonconforming Lot is defined as a lot of record that does not conform to the dimensional requirements of the zoning district in which it is located. The nonconformity may result from adoption of this Ordinance or any subsequent amendment.

If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this Ordinance if it is developed for single-family residential purposes.

12-1.8 (Reserved)

12-1.9 Variances

(A) Minor Variances.

A Minor Variance is defined as a variance from the watershed overlay district requirements that results in a relaxation, by a factor of up to five percent, of any buffer, density or built-upon area requirements delineated in Sections 12-1.11 and 12-1.12 or that results in a relaxation, by a factor of up to ten percent, of any management requirement in Sections 12-1.2, 12-1.3, and 12-1.7.

Minor variances to the provisions of Section 12-1 may be approved by the Board of Adjustment pursuant to the variance procedures outlined for the Board of Adjustment in Article VII, specifically Sections 7-2.1, Section 7-2.3, and Sections 7-4 through 7-12. The Zoning Administrator shall keep a record of all such minor variances and shall submit, for each calendar year, the record to the Water Quality Division of the NC Department of Environment and Natural Resources on or before January 1st of the following year. The record shall include a description of each project receiving a variance and the findings of fact on which the variance is based.

(B) Major Variances.

A Major Variance is defined as a variance from the watershed overlay district requirements that results in any one or more of the following:

- a) the complete waiver of any of the management requirements outlined in Sections 12-1.2, 12-1.3, and 12-1.7.
- b) the relaxation, by a factor of greater than ten percent, of any of the above-referenced management requirements.
- c) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.
- d) the relaxation, by a factor greater than five percent, of any buffer, density or built-upon area requirement under the high density option.

Major variances, as defined in Section 2-4, shall be reviewed by the Board of Adjustment pursuant to the procedures outlined in this Article and a recommendation prepared for submission to the NC Environmental Management Commission (EMC). The record of a major variance review shall include the following items:

- (1) the variance application;
- (2) the hearing notices;
- (3) the evidence presented;
- (4) motions, offers of proof, objections to evidence, and rulings on them;
- (5) proposed findings and exceptions;
- (6) the Board of Adjustment's recommendation, including all conditions proposed to be added to the permit.

Upon receiving the record of a major variance review from the Board of Adjustment, the EMC shall (i) review the variance request, (ii) prepare a final decision on the request, and (iii) forward its decision to the Board of Adjustment.

If the EMC approves the variance as proposed, the Board of Adjustment shall prepare a final decision granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance. If the EMC denies the variance request, the Board of Adjustment shall prepare a final decision denying the variance.

12-1.10 *(Reserved)*

12-1.11 **High Density Development Option**

- (A) Upon approval by the Planning Staff, a high density option may be authorized provided that the requirements of this subsection are met.
 - (1) Within the WCA Overlay District, new development may exceed the density and built-upon area standards set forth in Sections 12-1.2 (B) and (C) provided that (a) engineered stormwater controls are used to control runoff from the first inch of rainfall and (b) that the built-upon area does not exceed 50%. Within the WPA Overlay District, new development may exceed the density and built-upon area standards set forth in Sections 12-1.3 (B) and (C) provided that (a) engineered stormwater controls are used to control runoff from the first inch of rainfall and (b) that the built-upon area does not exceed 70%.
 - (2) The engineered stormwater controls required in subsection 1. shall be designed in accordance with Section 12-1.12.
 - (3) Financial assurance for the purpose of maintenance, repairs, or reconstruction of stormwater control structures shall be provided pursuant to Section 12-1.13.
 - (4) Stormwater control structures shall be maintained and inspected in accordance with the provisions of Section 12-1.14.
 - (5) An occupancy permit shall not be issued for any building within the permitted development until the Planning Staff has approved the stormwater control structure, as provided in Section 4-8.
 - (6) All site plans for developments proposing to utilize the high density option must be reviewed by the Planning Staff.
 - (7) All pertinent permits are to be acquired at the Edgecombe County Office of Planning and Inspections prior to beginning any work.

12-1.12 Stormwater Control Structures

- (A) Developments located within watershed overlay districts that have been approved for the high density development option authorized in Section 12-1.11 shall comply with the requirements of this Section.
- (B) All stormwater control structures shall be designed by a North Carolina registered professional with qualifications appropriate for the type of system required; these registered professionals are defined as professional engineers, landscape architects, to the extent that the General Statutes, Chapter 89A allow, and land surveyors, to the extent that the design represents incidental drainage within a subdivision, as provided in General Statutes 89(C)-3(7).
- (C) All stormwater controls shall use wet detention ponds as a primary treatment system unless alternative stormwater management measures, as outlined in subsection (D), are used. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Environmental Management. Specific requirements for these systems shall be in accordance with the following design criteria:
 - (1) Wet detention ponds shall be designed to remove 85% of total suspended solids in the permanent pool and storage runoff from a one-inch rainfall from the site above the permanent pool;
 - (2) The designed runoff storage volume shall be above the permanent pool;
 - (3) The discharge rate from these systems following the one-inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two days and that the pond is drawn down to the permanent pool level within at least five days;
 - (4) The mean permanent pool depth shall be a minimum of three feet;
 - (5) The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features; and
 - (6) Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least thirty feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow-through the filter for a 10-year, 24-hour storm with a 10-year, 1-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.
- (D) Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for

approval shall be 85 percent average annual removal of Total Suspended Solids. Also, the discharge rate shall meet one of the following criteria:

- (1) the discharge rate following the 1-inch design storm shall be such that the runoff draws down to the pre-storm design stage within five days, but not less than two days; or
 - (2) the post development peak discharge rate shall equal the predevelopment rate for the 1-year, 24-hour storm.
- (E) In addition to the vegetative filters required in subsection (C)(6) above, all land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within thirty days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance agreement described in Section 12-1.13(C).
- (F) A description of the area containing the stormwater control structure shall be prepared and filed, consistent with Section 12-1.14(I) and (J), as a separate deed with the County Register of Deeds along with any easements necessary for general access to the stormwater control structure. The deeded area shall include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, dikes, etc., and sufficient area to perform inspections, maintenance, repairs and reconstruction.
- (G) Qualifying areas of the stormwater control structure may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.

12-1.13 Financial Security for Stormwater Control Structures

- (A) All new stormwater control structures authorized in Section 12-1.12(A) shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance of the stormwater control structures.

- (B) Financial assurance shall be in the form of the following:
 - (1) **Surety Performance Bond or Other Security.** The permit applicant shall obtain either a performance bond from a surety bonding company authorized to do business in North Carolina, an irrevocable letter of credit or other instrument readily convertible into cash at face value payable to Edgecombe County or placed in escrow with a financial institution designated as an official depository of Edgecombe County. The bond or other instrument shall be in an amount equal to 1.5 times the total cost of the stormwater control structure, as estimated by Edgecombe County and approved by the Board of Commissioners. The total cost of the stormwater control structure shall include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and, grading, excavation, fill, etc. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization.

 - (2) **Cash or Equivalent Security Deposited After the Release of the Performance Bond.** Consistent with Section 12-1.14(K)(1), the permit applicant shall deposit with Edgecombe County either cash or other instrument approved by the Board of Commissioners that is readily convertible into cash at face value. The cash or security shall be in an amount equal to fifteen percent of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a ten-year period, whichever is greater. The estimated cost of maintaining the stormwater control structure shall be consistent with the approved operation and maintenance plan or manual provided by the developer under Section 12-1.14(A). The amount shall be computed by estimating the maintenance cost for twenty-five years and multiplying this amount by two fifths or 0.4.

- (C) The permit applicant shall enter into a binding operation and maintenance agreement between Edgecombe County and all interests in the development. Said agreement shall require the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The operation and maintenance agreement shall be filed with the Edgecombe County Register of Deeds.

- (D) Default under the performance bond or other security. Upon default of the permit applicant to complete and/or maintain the stormwater control structure as spelled out in the performance bond or other security, the Board of Commissioners may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The Board of Commissioners shall return any funds not spent in completing the improvements to the owning entity.
- (E) Default under the cash security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and maintenance agreement, the Board of Commissioners shall obtain and use all or any portion of the cash security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after exhausting all other reasonable remedies seeking the owning entity to comply with the terms and conditions of the operation and maintenance agreement. The Board of Commissioners shall not return any of the deposited cash funds.

12-1.14 Maintenance and Inspection of Stormwater Control Structures

- (A) An operation and maintenance plan or manual shall be provided by the developer for each stormwater control structure authorized in Section 12-1.11, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the operation and maintenance agreement, who is responsible for those actions. The plan shall clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- (B) Landscaping and grounds management shall be the responsibility of the owning entity. However, vegetation shall not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened, or to the extent of interfering with any easement or access to the stormwater control structure.

- (C) Except for general landscaping and grounds management, the owning entity shall notify the Planning Department prior to any repair or reconstruction of the stormwater control structure. All improvements shall be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Planning Department shall inspect the completed improvements and shall inform the owning entity of any required additions, changes or modifications and of the time period to complete said improvements. The Planning Department may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) designated by the Board of Commissioners.
- (D) Amendments to the plans and specifications of the stormwater control structure and/or the operation and maintenance plan or manual shall be approved by the Board of Commissioners. Proposed changes shall be prepared by a North Carolina registered professional engineer or landscape architect (to the extent that the General Statutes, Chapter 89A allow) and submitted to and reviewed by the Planning Department prior to consideration by the Board of Commissioners.
 - (1) If the Board of Commissioners approves the proposed changes, the owning entity of the stormwater control structure shall file sealed copies of the revisions with the office of the Planning Department.
 - (2) If the Board of Commissioners disapproves the changes, the proposal may be revised and resubmitted to the Board of Commissioners as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, it shall be returned to the applicant.
- (E) If the Board of Commissioners finds that the operation and maintenance plan or manual is inadequate for any reason, the Board of Commissioners shall notify the owning entity of any required changes and shall prepare and file copies of the revised agreement with the Edgecombe County Register of Deeds, the office of the Planning Department and the owning entity.
- (F) Processing and inspection fees shall be submitted in the form of a check or money order made payable to Edgecombe County. Applications shall be returned if not accompanied by the required fee.
- (G) A permit and inspection fee schedule, as approved by the Board of Commissioners, shall be posted in the office of the Planning Department.
- (H) Inspection fees shall be valid for 60 days. An inspection fee shall be required when improvements are made to the stormwater control structure consistent with subsection (C). above, except in the case when a similar fee has been paid within the last 60 days.

- (I) The stormwater control structure shall be inspected by an engineer or landscape architect designated by the Board of Commissioners, after the owning entity notifies the County that all work has been completed. At this inspection, the owning entity shall provide:
 - (1) The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the Edgecombe County Register of Deeds;
 - (2) A certification sealed by an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) stating that the stormwater control structure is complete and consistent with the approved plans and specifications.

- (J) The County's consulting engineer or landscape architect shall present the materials submitted by the developer and the inspection report and recommendations to the Board of Commissioners at its next regularly scheduled meeting.
 - (1) If the Board of Commissioners approves the inspection report and accepts the certification, deed and easements, the Board of Commissioners shall file the deed and easements with the Edgecombe County Register of Deeds, release up to seventy-five percent of the value of the performance bond or other security and issue an occupancy permit for the stormwater control structure.
 - (2) If deficiencies are found, the Board of Commissioners shall direct that improvements and inspections be made and/or documents corrected and resubmitted to the Board of Commissioners.

- (K) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the Board of Commissioners to release the remaining value of the performance bond or other security. Upon receipt of said petition, the County's consulting engineer or landscape architect shall inspect the stormwater control structure to determine whether the controls are performing as designed and intended. The consulting engineer or landscape architect shall present the petition, inspection report and recommendations to the Board of Commissioners.
 - (1) If the Board of Commissioners approves the report and accepts the petition, the developer shall deposit with the County a cash amount equal to that described in Section 12-1.13(B)(2) after which, the Board of Commissioners shall release the performance bond or other security.

- (2) If the Board of Commissioners does not accept the report and rejects the petition, the Board of Commissioners shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release the performance bond or other security.
- (L) All stormwater control structures shall be inspected by the County at least on an annual basis to determine whether the controls are performing as designed and intended. Records of inspection shall be maintained on forms approved or supplied by the North Carolina Division of Water Quality. Annual inspections shall begin within one year of filing date of the deed for the stormwater control structure.
- (M) In the event that the Planning Department discovers the need for corrective action or improvements, the Planning Department shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements shall be made consistent with the plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the Planning Department shall inspect and approve the completed improvements. The Planning Department may consult with an engineer or landscape architect (to the extent that the General Statutes, Chapter 89A, allow) designated by the Board of Commissioners.

12-2 FLOOD HAZARD DISTRICT OVERLAY REQUIREMENTS

The Flood Hazard Overlay District (FHO), as established in Section 9-1.7(A), is designed for the purpose of protecting people and property from the hazards of flooding in accordance with the authority provided in NCGS 153A-121.

12-2.1 Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used throughout Section 12-2.

(A) Accessory Structure

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

(B) Addition (to an existing building)

An extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

(C) Area of Shallow Flooding

A designated AO or VO 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 flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(D) Area of Special Flood Hazard

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. As used in this Ordinance, the term refers to that area designated as subject to flood from the one hundred year flood on the *Flood Insurance Rate Map* prepared by the Federal Emergency Management Agency and dated August 3, 1981 (#370087) a copy of which is on file in the administrator's office. This area shall comprise the Flood Hazard Overlay District established in Section 9-1.7(A).

(E) Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

(F) Basement

That lowest level or story which has its floor subgrade on all sides.

(G) 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 an architect's or professional engineer's certificate.

(H) Building

Any structure built for support, shelter, or enclosure for any occupancy or storage.

(I) 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.

(J) Elevated Building

A non-basement building (a) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, or X to have the top of the elevated floor, above the ground by means of pilings, columns (posts or 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 the base flood. In the case of Zones A1-A-30, AE, A, A99, AO, 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.

(K) Existing Manufactured Home Park or Manufactured Home Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Ordinance.

(L) Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of the additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs).

(M) Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (3) the overflow of inland or tidal waters; and,
- (4) the unusual and rapid accumulation of runoff of surface waters from any source.

(N) Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

(O) Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and risk premium zones applicable to the community (Map date: August 3, 1981; Community number: 370087).

(P) Flood Insurance Study

The official report (*The Flood Insurance Study for the County of Edgecombe, February 3, 1981*) provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as Flood Boundary Floodway Map and the water surface elevation of the base flood.

(Q) 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 foot. Floodways are located within areas of special flood hazard as defined herein.

(R) Floor

The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(S) Functionally Dependent Facility

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

(T) Habitable Floor

Any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

(U) Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

(V) Historic Structure

Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic place in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

(W) Levee

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

(X) 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.

(Y) Lowest Floor

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

(Z) Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

(AA) Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(BB) 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 within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(CC) National Geodetic Vertical Datum (NGVD)

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

(DD) New Construction

Structures for which the 'start of construction' commenced on or after the effective date of this Ordinance.

(EE) New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs) is completed on or after October 10, 1989.

(FF) Recreational Vehicle

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

(GG) Remedy a Violation

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

(GG.1) Repetitive Loss

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

(HH) Start of Construction

[For other than new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348)]. Includes substantial improvement and

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

(II) Structure

A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

(JJ) Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damaged occurred.

(KK) Substantial Improvement

Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which have incurred 'repetitive loss' or 'substantial damage', regardless of the actual repair work performed.

(LL) Substantially Improved Existing Manufactured Home Park or Subdivision

Where the repair, reconstruction, rehabilitation or improvement of the roads, utilities and pads equals or exceeds 50 percent of the value of the roads, utilities and pads before the repair, reconstruction, or improvement commenced.

(MM) Variance

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.

(NN) Violation

The failure of a structure or other development to be fully compliant with the county's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Section is presumed to be in violation until such time as that documentation is provided.

12-2.2 Artificial Obstructions Within Floodways Prohibited

- (A) Located within areas of special flood hazard 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.
- (B) No artificial obstruction may be located within any floodway, except as provided in Section 12-2.3.
- (C) For purposes of this Section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.
- (D) The following standards shall apply to any permissible use as delineated in Section 12-2.3 or any other use allowed by variance (in accordance with Section 7-2.2):
 - (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted 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 occurrence of the base flood discharge.
 - (2) If subsection (D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 12-2.4.
 - (3) No manufactured home shall be permitted nor relocated in a floodway.

12-2.3 Permissible Uses Within Floodways

- (A) Notwithstanding Section 9-3.1 of this Ordinance (Table of Permitted Uses), no permit to make use of land within a floodway may be issued unless the proposed use is listed as permissible both in the Table of Permissible Uses and in the following list and provided that the proposed use does not involve a structure or fill:

- (1) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses.
 - (2) Ground level roads, roads, loading areas, parking areas, rotary aircraft ports, and other similar ground level area uses.
 - (3) Lawns, gardens, play areas, and other similar uses.
 - (4) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space and other similar private and public recreational uses.
- (B) The uses listed in subsection (A) are permissible only if and to the extent that they do not cause any increase in base flood levels.
- (C) No building may be constructed and no substantial improvement of any existing building may take place within any floodway.
- (D) Any accessory structure allowed in subsection (A) shall not be used for human habitation.

12-2.4 Construction Within Areas of Special Flood Hazard Restricted

- (A) No new residential building may be constructed and no substantial improvement of a residential building may take place within any area of special flood hazard except in accordance with subsection (D) or (E) of this Section.
- (B) No new nonresidential building, with the exception of public utility structures, may be constructed and no substantial improvements of a nonresidential building may take place within any area of special flood hazard except in accordance with subsection (D) or (E) of this Section.
- (C) The following general standards shall apply to any permissible use, any public utility structure and any use allowed by variance (in accordance with Section 7-2.2) in an area of special flood hazard:
- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
 - (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
 - (3) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

- (4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
 - (5) 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;
 - (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (7) 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;
 - (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
 - (9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this Ordinance shall meet the requirements of 'new construction' as contained in this Ordinance; and
 - (10) Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this Ordinance. Provided, however, nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this Ordinance and located totally or partially within the Floodway Zone, provided that the bulk of the building or structure below base flood elevation in the Floodway Zone is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.
- (D) In all areas of special flood hazard where base flood elevation data has been provided, the following specific standards shall apply to any permissible use and any use allowed by variance (in accordance with Section 7-2.2):
- (1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at two 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.
 - (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated at two feet above the base flood elevation. Structures located in A-zones may be

flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight 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 Section 12-2.7(A)(5).

(3) Manufactured Homes.

(a) Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or, (iv) 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 at two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(b) 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 subsection (a) above of this Ordinance must be elevated so that the lowest floor of the manufactured home is elevated at two feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

(c) 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 site, 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.

- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Zoning Administrator and the local Emergency Management Coordinator.
- (4) Recreational Vehicles. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:
 - (a) be on site for fewer than 180 consecutive days;
 - (b) be fully licensed and ready for highway use; or
 - (c) meet the requirements of Sections 12-2.4(C) and (D)(3) and Section 12-2.7.
- (5) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (b) 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.
 - (c) Access to the enclosed area 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).

- (d) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (6) Temporary Structures. Prior to the issuance of a building or zoning permit, for a temporary structure, the following requirements must be met:
- (a) All applicants must submit to the Zoning Administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
 - (i) the name, address and phone number of the individual responsible for the removal of the temporary structure;
 - (ii) the time frame prior to the event at which a structure will be removed;
 - (iii) a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
 - (iv) designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
 - (b) The above information shall be submitted in writing to the Zoning Administrator for review and written approval.
- (7) Accessory Structure. When accessory structures (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation;
 - (b) Accessory structures shall be designed to have low flood damage potential;
 - (c) Accessory structures shall be firmly anchored in accordance with Section 12-2.4(C)(1); and
 - (d) Service facilities such as electrical and heating equipment shall be elevated in accordance with Section 12-2.4(C)(5).
- (E) Located within the areas of special flood hazard 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 to any permissible use or any use allowed by variance (in accordance with Section 7-2.2;

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to one times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (2) If subsection (E)(1) 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 flood hazard ordinance provisions of Section 12-2.4 and shall be elevated or flood-proofed in accordance with elevations established in accordance with Section 12-2.7(A)(5). 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.
- (F) Whenever any portion of an area of special flood hazard outside of the floodway is filled in with fill dirt, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

12-2.5 Special Provisions for Subdivisions

- (A) An applicant for subdivision plat approval shall be informed by the Zoning Administrator of the use and construction restrictions contained in Sections 12-2.2, 12-2.3, and 12-2.4 if any portion of the land to be subdivided lies within an area of special flood hazard.
- (B) Final plat approval for any subdivision containing land that lies within an area of special flood hazard may not be given unless the plat shows the boundary of the area of special flood hazard and floodway boundary and contains, in clearly discernible print, the following statement: 'Use of land within an area of special flood hazard is substantially restricted by Section 12-2 of the Edgecombe County Unified Development Ordinance.'
- (C) Subject to the following sentence, a request for final plat approval for any subdivision may not be granted if:
 - (1) The land to be subdivided lies within a zone where residential uses are permissible and it reasonably appears that the subdivision is designed to create residential building lots; and
 - (2) Any portion of one or more of the proposed lots lies within an area of special flood hazard; and
 - (3) It reasonably appears that one or more lots described in subsections (C)(1) and (C)(2) could not practicably be used as a residential building site because of the restrictions set forth in Sections 12-2.2, 12-2.3, and 12-2.4.

The foregoing provision shall not apply if a notice that the proposed lots are not intended for sale as residential building lots is recorded on the final plat, or if the developer otherwise demonstrates to the satisfaction of the authority approving the final plat that the proposed lots are not intended for sale as residential building lots.

- (D) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (E) All subdivision proposals shall have public utilities and facilities such as water, sewer, gas, and electrical systems located and constructed so as to minimize flood damage.
- (F) All subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (G) Base flood elevation data shall be provided for subdivision proposals which contain fifty lots or five acres, whichever is less.
- (H) Any lot wholly contained within an area of special flood hazard shall be a minimum of five acres in size.
- (I) When a portion of a lot lies within an area of special flood hazard, that portion shall not be counted towards the minimum lot size. Minimum lot size area shall be calculated exclusive of the area of special flood hazard.

12-2.6 Water Supply and Sanitary Sewer Systems in Areas of Special Flood Hazard

Whenever any portion of a proposed development is located within an area of special flood hazard or whenever replacement water supply and sewage disposal systems are proposed within an area of special flood hazard, the agency or agencies responsible for certifying to the County the adequacy of the water supply and sewage disposal systems for the development (as set forth in Section 10-7.4) shall be informed by the developer that a specified area within the development lies within an area of special flood hazard. Thereafter, approval of the proposed system by that agency shall constitute a certification that:

- (A) Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.
- (B) Such sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharges from it into flood waters.
- (C) Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

12-2.7 Permit Requirements, Certifications, and Duties and Responsibilities of the Zoning Administrator

- (A) Application for a zoning, special use, or conditional use permit shall be made to the Zoning Administrator on forms furnished by the Administrator prior to any

development activities. The application permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- (1) Where base flood elevation data are provided in accordance with subsection (B)(2), the application for a permit within the Zone A on the Flood Insurance Rate Map shall show:
 - (a) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - (b) if the structure has been floodproofed in accordance with Section 12-2.4(D)(2), the elevation (in relation to mean sea level) to which the structure was floodproofed.
- (2) Where the base flood elevation data are not provided, the application for a permit must show construction of the lowest floor at least 2 feet above the highest adjacent grade.
- (3) Where any watercourse will be altered or relocated as a result of proposed development, the application for a permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- (4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in Section 12-2.4(D)(2).
- (5) A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one (21) 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 Zoning Administrator 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 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 (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Zoning Administrator 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.

- (B) The Zoning Administrator shall review all zoning, special use, or conditional use permits to assure that any development within an area of special flood hazard is reasonably safe from the hazards of flooding and shall:
- (1) Where base flood elevation data or floodway data are available:
 - (a) Obtain the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - (b) Obtain, for all structures that have been floodproofed (whether or not such structures contain a basement), the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - (c) Maintain a record of all such information.
 - (2) Where base flood elevation data or floodway data have not been provided:
 - (a) Obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to Section 12-2.5(G), for enforcing the requirements set forth in Section 12-2;
 - (b) Obtain and record the actual elevation constituting the highest adjacent grade, to which all new or substantially improved structures are elevated or floodproofed; and
 - (c) Maintain a record of all such information.
 - (3) Notify, in riverine situations, adjacent communities, the NC Department of Crime Control and Public Safety, Division of Emergency Management prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency.
 - (4) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (5) Ensure that all necessary permits have been received from those agencies from which approval is required by federal or state law.
 - (6) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 12-2.4(D)(2).

- (7) Where interpretation is needed as to the exact location of 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), 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 Ordinance.

12-2.8 Location of Boundaries of Areas of Special Flood Hazard

As used in Section 12-2, the term 'areas of special flood hazard' refers in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of this term. This term also refers to overlay zoning districts whose boundaries are the boundaries of the areas of special flood hazard shown on the map referenced in Sections 12-2.1(N) and (O), which boundaries are intended to correspond to the actual, physical location of areas of special flood hazard. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy, rather than physical criteria.) Therefore, the Zoning Administrator is authorized to make necessary interpretations as to the exact location of the boundaries of areas of special flood hazards if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the Zoning Administrator, may be appealed to the Board of Adjustment in accordance with the applicable provisions of this Ordinance.

12-2.9 Amendments to the Official Flood Hazard Zoning and Flood Hazard Boundary Map; Variance Procedures

(A) Amendments to the Official Flood Hazard Zoning and Flood Hazard Boundary Map:

- (1) All requests for revisions of areas of special flood hazard boundaries and base flood elevations shall be reviewed and approved by the Federal Emergency Management Agency.
- (2) The existing location of any area of special flood hazard as hereinabove defined may be amended in cases where:
 - (a) A flood control project of the federal, state, county or city government has substantially altered the flood hazard;
 - (b) Flood data indicates that the boundaries of either of the areas as shown on the official flood boundary and floodway map are no longer correct; or

- (c) A private individual, corporation, firm or county agency has submitted plans for a channel improvement or relocation requiring an amendment to the official flood hazard boundary map.

(B) Variance Procedures

Requests for variances from the Flood Hazard Overlay District Requirements shall be reviewed by the Board of Adjustment in accordance with the procedures outlined in Section 7-2.2.

12-2.10 Regulations Do Not Guarantee Flood Protection

The degree of flood protection required by this Ordinance is considered reasonable for regulating 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.

12-2.11 Setbacks from Streams Outside Designated Areas of Special Flood Hazard

In any area that is located outside a designated area of special flood hazard but where a stream is located, no building or fill may be located within a distance of the stream bank equal to two times the width of the stream at the top of the bank or twenty feet on each side, whichever is greater.

12-3 STORMWATER MANAGEMENT

The general standards contained in this Section shall apply throughout the planning jurisdiction. However, developments located within watershed protection overlay districts shall comply with the applicable additional requirements of Section 12-1.

12-3.1 Natural Drainage System Utilized to Extent Feasible

- (A) To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (B) To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

12-3.2 Developments Must Drain Properly

- (A) All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:
 - (1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

- (2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
- (B) No surface water may be channeled or directed into a sanitary sewer.
- (C) Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or roads.
- (D) All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:
 - (1) No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties; and
 - (2) No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

12-4 SOIL EROSION AND SEDIMENTATION CONTROL

- (A) No zoning, special use, or conditional use permit may be issued and preliminary plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity requiring prior approval of an erosion and sedimentation control plan by the NC Sedimentation Control Commission under NCGS 113A-57(4) unless the Commission has certified to the County, either that:
 - (1) An erosion control plan has been submitted to and approved by the Commission; or
 - (2) The Commission has examined the preliminary plans for the development and it reasonably appears that an erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until the Commission approves the erosion control plan.
- (B) For purposes of this Section, 'land disturbing activity' means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to

sedimentation except activities that are exempt under NCGS 113A-52(6)). Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

12-5 COORDINATION WITH THE US ARMY CORPS OF ENGINEERS REGARDING WETLANDS

If a developer, corporation, private landowner or other person proposes to perform construction/filling activities in or near a lake, stream, creek, tributary or any unnamed body of water and its adjacent wetlands, Federal permit authorization may be required from the US Army Corps of Engineers prior to commencement of earth-disturbing activities. The US Army Corps of Engineers shall be notified by the developer or person proposing such earth-disturbing activities for possible issuance of Section 404 or other permits.

12-6 AIRPORT OVERLAY DISTRICT REQUIREMENTS

- (A) The Airport Overlay (AO) District, as established in Section 9-1.7 (B), is not intended to be utilized as a district classification, but as a designation which identifies areas subject to regulations which are supplementary to the regulations of the district to which such designation is attached, appended or overlaid. Regulations which apply to areas designated on the zoning map as being within such appended or overlaid designation must be determined by joint reference to the regulations of both the basic district classification and the overlay classification.
- (B) It is the intent of this Section to restrain influences which are adverse to the airport property and safe conduct of aircraft in the vicinity of the Tarboro-Edgecombe County Airport, to prevent creation of conditions hazardous to aircraft operation, to prevent conflict with land development which may result in loss of life and property, and to encourage development which is compatible with airport use characteristics within the intent and purpose of zoning. To this end, the AO designation, when overlaid to a basic district classification, is intended to coordinate the purpose and intent of this Section with other regulations duly established by the County of Edgecombe whose primary intent is to further the purposes set out above.
- (C) The following definitions shall apply to this Section:
 - (1) Airport. Tarboro-Edgecombe County Airport.
 - (2) Airport Elevation. The highest point of the airport's useable landing area measured in feet above mean sea level (52.0').
 - (3) 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 subsection (4) below.
 - (4) Approach Zones. The inner edge approach zone coincides with the width of the primary surface and begins 200 feet from the runway end and is

500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- (5) Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.
- (6) Conical Zone. The conical zone is established on the area that commences at the periphery of the horizontal zone and extends outward therefrom for a distance of 4,000 feet and upward at a slope of 20:1.
- (7) Hazard to Navigation. An obstruction determined to have a substantial adverse effect on the safety and efficient utilization of the navigable airspace.
- (8) Height. For the purpose of determining the height limits in the airport height restrictive area, the datum shall be mean sea level elevation unless otherwise specified.
- (9) Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincided with the perimeter of the horizontal zone.
- (10) Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of the 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.
- (11) 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.
- (12) Nonconforming Use. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
- (13) 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 nonprecision instrument approach procedure has been approved or planned.
- (14) Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in subsection (D).
- (15) Person. An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

- (16) Precision Instrument Runway. A runway having an existing 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.
 - (17) Primary Surface. A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet.
 - (18) Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.
 - (19) Transitional Surfaces. These surfaces extend outward at right angles (ninety degree angles) to the runway centerline and extend at a slope of 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.
 - (20) Transitional Zones. The transitional zones are the areas beneath the transitional surfaces.
 - (21) Tree. Any object of natural growth.
 - (22) Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
 - (23) Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.
- (D) Except as otherwise provided in this Section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limitations herein established for each zone in questions as follows:
- (1) Approach Zone (AO-A). Slopes 20 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 5,000 feet along the extended runway centerline. The inner dimension is 500 feet and its outer dimension is 2,000 feet.
 - (2) Transitional Zones (AO-T). Slopes 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 150 feet above the airport elevation (or 202 feet above mean sea level). In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the

approach surface, and extending to where they intersect the horizontal surface.

- (3) Horizontal Zone (AO-H). Established at 150 feet above the airport elevation or at a height of 202 feet above mean sea level.
 - (4) Conical Zone (AO-C). Slopes twenty feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to an elevation of 402 feet above mean sea level.
- (E) Notwithstanding any other provisions of this Section, no use may be made of land or water within any zone established by this Section 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.
- (F) The regulations prescribed by this section 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 Section, 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 Section, and is diligently prosecuted.
- (1) Notwithstanding the preceding provision of this subsection, 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 Tarboro-Edgecombe County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Tarboro-Edgecombe County Airport Authority.
- (G) The Zoning Administrator shall not issue a zoning permit within an AO-A, AO-T, AO-H, or AO-C zone until he has been determined that the proposal upon which he is requested to act is in compliance with the terms of these regulations.
- (1) Except as specifically provided in (i), (ii), and (iii) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor 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 section shall be granted unless a variance has been approved in accordance with subsection (G)(4).

- (i) 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 75 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.
- (ii) 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 75 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.
- (iii) In the areas lying within the limits of the transition zones, no permit shall be required for any tree or structure less than 75 feet 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, alteration of any structure or growth of any tree in excess of any of the height limits established by this Section except as set forth in subsection 12.6 (D).

- (2) No permit shall be granted that would allow the establishment or creation of an obstruction 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 Section, or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (3) Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than sixty 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 regulations of this Ordinance.
- (4) Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in compliance with the regulations prescribed in this Section may apply to the Board of Adjustment for a variance in accordance with the provisions of Section 7-2.4.

12-7 TRANSPORTATION CORRIDOR OVERLAY DISTRICT REQUIREMENTS

The Transportation Corridor Overlay District, as described in Section 9-1.7, is established to provide specific appearance and operational standards for major highway

corridors in Edgecombe County while accommodating development along the corridors. All uses in the Transportation Corridor Overlay District (TCO) shall require site plan approval from the Planning Board. All other requirements of the underlying zoning districts shall also apply, with the more stringent regulations prevailing when standards conflict.

12-7.1 Procedures

- (A) The applicant shall submit a site plan of the parcel and the proposed use to the Zoning Administrator. The Planning Director shall review the site plan and make recommendations to the Planning Board. Approval of the site plan and the proposed uses by the Planning Board authorizes the issuance of permits except for those uses that require additional approval by the Board of Adjustment or Board of Commissioners.
- (B) Permits are issued at each phase of development and only in accordance with the approved site plan.
- (C) If a site plan was approved and a use permit was issued for the development of a lot or lots, no subsequent change or expansion which was not shown on the site plan shall be allowed unless also approved by the Planning Board.

12-7.2 General Standards

- (A) A site development plan shall provide for the following:
 - (1) Convenient vehicular servicing of the buildings in the parking areas, and no undue interference with through traffic in gaining ingress to and egress from the proposed site;
 - (2) A vegetative buffer not less than 20 feet wide where the TCO district development abuts a residential subdivision;
 - (3) A building group that is architecturally unified. Accessory buildings shall conform in appearance to the exterior design standards of the principal structure;
 - (4) Vehicular loading spaces in conformance with the requirements of Section 11-2.7;
 - (5) Convenient and safely located pedestrian crosswalks;
 - (6) Signs in accordance with the requirements of Section 11-1; and
 - (7) A maximum building height of 50 feet.
- (B) A traffic analysis indicating the estimated effect of the proposed development on adjacent existing road traffic, including volume flows to and from the development prepared by a registered professional engineer.

- (C) A preliminary plan or engineering feasibility report providing for the site grading, landscaping, storm drainage, sanitary sewerage, and water supply prepared by a licensed professional engineer.
- (D) A brief listing of intended deed restrictions.

12-7.3 Usage of Required Setbacks

- (A) Sediment impoundments, boundary fences, gates and security stations may be located in any required yard.
- (B) Accessory buildings, other than as specified in subsection (A), shall not be located in any required road, side, or rear yard setback.
- (C) Parking and loading is permitted in any required yard, however, all parking and loading areas shall be a minimum of 20 feet from any lot line and 50 feet from any public road right-of-way. Loading areas shall be oriented such that they are not visible from any public road right-of-way.

12-7.4 Landscaping of Undeveloped Areas

- (A) Those portions of the road, rear, or side yards that are not devoted to the uses, buildings, parking lots, and structures that are permitted within this section shall be landscaped in accordance with the following requirements:
 - (1) All site plan drawings shall include a landscaping plan which shows the area to be landscaped along with the types of trees, shrubs, or plants.
 - (2) When an area is required to be landscaped through vegetation, the requirements shall be met by the installation and maintenance of a combination of trees, shrubs, grasses and other ground cover. For vegetative property lines adjacent to corridor rights-of-way, a minimum 50-foot wide buffer is required along the entire adjoining property line.
 - (3) No less than one tree shall be planted for each 2,000 square feet of landscaped area.
 - (4) When planted, all canopy trees shall be at least 10 percent of their mature height and all understory trees shall be at least 20 percent of their mature height. A 'canopy tree' is a variety expected to reach a height in excess of 30 feet at maturity (e.g., oaks, pines, sycamores, etc. 'Understory tree' is a variety not expected to reach a height of 30 feet at maturity (e.g., dogwoods, crepe myrtles, certain types of maples, etc.
 - (5) All tree and plant material selections shall be native or adaptable to the Edgecombe County region and its climate.
 - (6) When the required landscaping improvements have not been completed prior to the issuance of a building Certificate of Occupancy, the developer

shall provide a guarantee in accordance with the requirements of Section 11-3.8.

12-7.5 Outdoor Lighting

All outdoor lighting shall be shielded in such a manner that no direct glare from the light source can be seen from a major highway or from above.

12-7.6 Landscaping at Driveway and Road Intersections

To ensure that landscape materials do not constitute a driving hazard, a sight triangle will be observed at all intersections of driveways with roads. Within this sight triangle, landscape materials, except for required grass or ground cover, shall not be permitted. The sight triangle shall be formed by measuring at least 25 feet along the driveway curb and 25 feet along the highway right-of-way and connecting these points. Road intersection sight triangles shall meet the above requirement or that of the North Carolina Department of Transportation, whichever is more stringent.

12-7.7 Lot Coverage

The maximum lot coverage by total impervious surfaces such as roof tops, paving, walkways, etc. shall be 50 percent of the lot area except when stormwater is retained or detained on the site. Any additional runoff resulting from lot coverage in excess of 50 percent must be compensated for by such on-site detention or retention measures.

12-7.8 Roads and Access

- (A) Each building lot shall be limited to two points of ingress to and two points of egress from the adjacent access or major highway. Points of ingress and egress may be combined into one two-way driveway with appropriate separation of lanes. Additional points of ingress to and egress from an access road or highway shall not be allowed unless necessary to improve traffic movement or safety, increase sight distances, or similar reasons.
- (B) Ingress to and egress from a corner lot or lots may be limited to the feeder road and shall be prohibited within 175 feet of the intersection with the interchange along the highway for residential uses and 225 feet for industrial and commercial uses.
- (C) All points of ingress and egress to access roads or major highways shall be designed according to the applicable standards of the North Carolina Department of Transportation.

- (D) If the owners of two or more lots jointly provide a direct point of both ingress and egress to serve their lots, adequate provisions shall be made by dedication, covenants, restrictions, or other legal instruments for ensuring that such point of ingress and egress on such roads are provided and maintained consistent with the regulations and intent of this Section of the Ordinance.
- (E) Driveway widths and design shall conform to the applicable standards of the North Carolina Department of Transportation.
- (F) All roads, including frontage roads, rear access roads, and culs-de-sac shall be approved by the North Carolina Department of Transportation and dedicated to the public.

12-7.9 Spacing Standards

The spacing standards of this Section are intended to improve the compatibility of roadside uses with adjacent highways by ensuring the separation and proper location of ingress and egress.

- (A) The spacing requirements for lots with direct points of ingress and egress to highways shall be as follows:
 - (1) for lots with general uses, a minimum of 150 feet.
 - (2) for lots with conditional or special uses, a minimum of 200 feet.
- (B) The spacing requirements of this Section shall be measured from the center line of the nearest points of ingress and egress. The spacing of direct points of ingress and egress for different lots shall be spaced as evenly as possible.
- (C) Where topography, line of sight distances of motorists, vegetation, geological formations, or other site characteristics are such that strict adherence to spacing dimensions would impose unnecessary hardship upon the permit applicant or undue hazard to the motoring public, the Zoning Administrator may authorize a decrease in the spacing dimensions of up to 20 percent, provided that a record of why such decrease is necessary is made a part of the permit.

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