

TABLE 7-2-3 Institutional, Recreational, Comm., Industrial & High Density Residential Scoresheet				
Maximum Points		Factor	Point Value	Points Earned
10	1.	Built-upon area: less than 7.5 % Built-upon	10	
		7.5% - 15% Built-upon	5	
25	2.	Proximity to Floodway as Defined By The FEMA		
		More than 2000 feet	25	
		1000 - 2000 feet	20	
		500 - 1000 feet	15	
		100 - 500 feet	10	
		50 - 100 feet	5	
15	3.	Soils - Hydrologic Soil Group (When 50% or more of the site remains Undisturbed.)		
		B	15	
		C	5	
20	4.	Drainageways: Vegetated Waterways (Swales)	10	
		Minor Channels with Riprap	10	
		Preserve Natural Drainageways	10	
		Preserve and Protect Natural Drainageways	20	
25	5.	Land Slope (where 50% or more of site remains undisturbed.)		
		0 - 6% Average Slope of Subdivision or Lot	25	
		6 - 10%	20	
		10 - 15%	5	
25	6.	Undisturbed Area: Greater than 50% Undisturbed	25	
		30% - 50% Undisturbed	15	
		20% - 30% Undisturbed	10	
10	7.	Permanent Erosion Control		
		Revegetating Bare Soil Areas	5	
		Revegetating and Protecting Concentrated Flow Areas	10	
60	8.	Permanent Runoff Control Strategies:		
		Natural Infiltration of Required Runoff from:		
		100% of Built-upon Area	60	
		75% of Built-upon Area	45	
		50% of Built-upon Area	30	
		Wet Detention Pond Meeting Performance Standards Controlling Pollutants from:		
		100% of Built-upon Area	50	
		75% of Built-upon Area	40	
		50% of Built-upon Area	25	
		Vegetative Filter for Sites with less than 25% Built-upon Area Meeting Performance Standards	15	
10	9.	Sewage Disposal: Public Sewer System	10	
15	10	Road & Driveway Design: with water from roadside swales or curb cuts directed into natural infiltration	15	
		with Vegetated Ditches	10	
		with Piped Drainage and/or Curb and gutter and Energy Dissipators	5	
Total: 215			Total	

SUBMISSION REQUIREMENTS

NOTE:

- 1) All plans must have 100 or more points and meet all other requirements to be accepted.
- 2) Do not use this table if built-upon area exceeds twenty-four (24%) percent.

RESIDENTIAL/COMMERCIAL/INDUSTRIAL SUBDIVISIONS: Rated prior to approval of preliminary plat.

RESIDENTIAL/INSTITUTIONAL/COMMERCIAL/INDUSTRIAL SITE PLANS: Rated prior to approval of site plan unless lot was prequalified by subdivision.

COMMERCIAL/INDUSTRIAL PROJECTS WITHOUT SITE PLANS: Rated prior to approval of the building permit.

RATING SYSTEM DEFINITIONS, EXPLANATIONS AND STANDARDS

1. Built-upon area coverage includes: paved and gravel parking lots, driveways, roads and streets; buildings or other structures which cover the soil. It is computed by the equation: Acres built-upon area divided by total acres in the tract times one-hundred (100%) percent.
2. Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closest boundary of the tract.
3. Hydrologic Soil Groups as defined on pg. 35 of the USDA – SCS Guilford County Soil Survey (12/19/77) and referenced in Table 15.
4. Vegetated waterways (swales) are to be constructed according to USDA – SCS specifications or equivalent methods, and includes installation of channel liners (plastic, jute, or excelsior) where expected flow velocity (10 yr. storm) exceeds three (3) feet per second.

Rip-rap lined channels are to meet Guilford County specifications.

Preserving natural drainageways shall mean no disturbance of natural drainageways by cutting, filling, channelization or destroying natural vegetation.

Preserve and protect natural drainageways shall mean protecting natural channels against stream bank erosion by rip-rap, or establishing soil stabilizing vegetation on stream banks and/or providing for a natural or revegetated buffer strip of twenty-five (25) feet or more on each side of the stream.

5. Slope shall mean the maximum inclination of the land surface from the horizontal as measured in percentage slope. The average slope shall be determined for the entire lot, tract or subdivision.
6. Undisturbed area shall be that portion of a lot, tract or subdivision which has not and will not be occupied and which has not and will not be graded to change land contours or to destroy existing vegetation. Only areas that are wooded or reforested are considered undisturbed for the purposes of watershed protection scoresheet evaluation.
7. Revegetating bare soil areas shall mean providing a stabilizing vegetative cover on those areas disturbed by grading of the site where no other land cover (structure, etc.) are to be located.
8. All runoff control methods or devices shall meet or exceed Guilford County design specifications. Retention ponds will be considered in lieu of wet detention ponds on a case by case basis.
9. No points will be allowed for on-site septic tank systems or private sewage treatment systems.
10. Self Explanatory.

(D) Runoff Control:

- 1) When runoff control is required for development using the low density option [see definition in Section 2-1.2 (Drainage and Watershed Protection) and Table 2-1-1] the runoff control structure(s) may be any one of the following meeting the guidelines in the Guilford County Water Quality Protection Manual:
 - a) Wet Detention Ponds
 - b) Retention Pond
 - c) Natural Infiltration Area
 - d) Filter Basin
 - e) Any other technology that the Enforcement Officer finds which may be shown to equal or exceed watershed protection standards. The Advisory Board for Environmental Quality (ABEQ) will review proposed new technology and give a recommendation to the Town Council within sixty (60) days of submission.
- 2) When runoff control is required for development using the high density option [see definition in Section 2-2.1 (Drainage and Watershed Protection) and Table 2-1-1] the runoff control shall be by use of a wet detention pond meeting the guidelines in the Guilford County Water Quality Protection Manual.

7-2.2 GWA – Watershed Classification WS-IV

Development shall not exceed seventy 70% percent built-upon area.

7-2.3 GWA – Watershed Classification WS-III

(A) Built-Upon Area Limit: Development shall not exceed fifty (50%) percent built-upon area.

(B) Ten / Seventy (10/70) Option for Non-Residential:

- 1) Ten (10%) percent of the local jurisdiction's portion of a WS-III GWA, as delineated on July 1, 1993 may be developed with new non-residential development at up to seventy (70%) percent built-upon area.
- 2) Allocation shall be made on a first come – first served basis. When a building permit for the site is issued or the subdivision plat for a development is recorded, an allocation shall be assigned. Expiration of a building permit shall terminate the allocation under this Section.
- 3) Developments using this option shall provide an engineer's certification of runoff control for control of the runoff from a one inch (1") rain.

(C) Prohibited Uses: No new discharging landfills.

7-3 WATERSHED CRITICAL AREAS (WCA)

7-3.1 General Provision

The Watershed Critical Area is a district covering the portion of the watershed adjacent to a designated existing or proposed water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

7-3.2 District Description

- (A) WCA Boundary: The Town of Sedalia Designated Water Supply Watershed Map(s) shows the defined Watershed Critical Area boundaries. The WCA boundary shall not be less than one-half (1/2) mile from the normal pool elevation of existing or proposed designated reservoirs.

(B) Divisions within the Watershed Critical Area:

The WCA consists of four divisions as follows:

1) Tier 1

- a) Tier 1 consists of those lands within two hundred (200) feet of the existing or proposed normal pool elevation and those lands within one (1) mile upstream of a water intake structure(s).
- b) Tier 1 areas are intended for public purpose and should remain undisturbed.

2) Tier 2

- a) Tier 2 consists of those lands lying within an area bounded by Tier 1 and a line parallel to and seven hundred and fifty (750) feet in distance from the normal pool elevation.
- b) Tier 2 areas are intended primarily for public purpose.

3) Tier 3

- a) Tier 3 consists of those lands lying within an area bounded by Tier 2 and a line parallel to and three thousand (3000) feet from the normal pool elevation.
- b) Tier 3 areas shall not exceed the WCA Boundary.

4) Tier 4: Tier 4 consists of those lands lying in the area between the outer boundary of Tier 3 and the WCA Boundary.

7-3.3 Runoff Minimization

The density and built-upon area coverage limits defined in Table 7-3-1 shall apply within the WCA; however, if the limits provided in Table 2-1-1 are more restrictive, then these standards would apply.

TABLE 7-3-1

Density and Built-Upon Area Coverage Limits

Residential Density Limits (expressed as dwelling units / gross acre)				
	Tier 1	Tier 2	Tier 3	Tier 4
No Public Sewer	NA	1 du / 5 ac.	1 du / 3 ac.	1 du / 1 ac.
Public Sewer	NA	1 du / 5 ac.	2 du / 1 ac.	2 du / 1 ac. or less than or equal to 24% built-upon area.

Built-Upon Area Coverage Limits (expressed as % maximum) (for use with high density residential, institutional, commercial, and industrial uses)				
	Tier 1	Tier 2	Tier 3	Tier 4
No Public Sewer	NA	2.5%	4.0%	12.0%
Public Sewer	NA	2.5%	24.0% ^a	30.0% ^a

NOTES:

^a Built-upon area coverages may be increased by ten percent (10%) in Tier 3 and 4 of a WS-IV watershed, when the development is served by public sewer for high density residential, institutional, commercial and industrial areas, if the owner provides for on-site control of the runoff from a one (1) inch rainfall in accordance with this Ordinance.

7-3.4 Land Disturbance Minimization

- (A) Erosion Control Plan: See Section 7-4.1 (General Requirements) to determine when an erosion control plan is required.
- (B) Street Standards: Refer to Article V (Subdivision: Procedures and Standards) for the minimum street standards. To the extent practicable, the construction of new roads in the WCA should be avoided.
- (C) Protection of Fragile Areas:
 - 1) Slopes Greater than Fifteen Percent and Wetlands.
 - a) Slopes greater than fifteen (15%) percent lying adjacent and parallel to natural drainageways or streams, and wetlands shall remain in a natural and undisturbed condition except for road crossings, utilities, erosion control devices and runoff control devices.
 - b) Dedication of these areas to the local jurisdiction and the public as drainageway and open space may be required wherever authorized by Article V (Subdivision: Procedures and Standards) or any other provision in local ordinances.
 - c) Where such dedication is not required, a water quality conservation easement shall be recorded over such wetlands and slopes.
 - d) Where a water quality conservation easement serves to bring two (2) or more properties into compliance with WCA requirements, the Town Council may require that the wetlands and slopes covered by such easements be held as common area by an owners' association.
 - 2) Drainage
 - a) Drainage shall be provided by means of open channels.
 - b) All such areas shall have protected channels or remain in a natural and undisturbed state, except for road crossings, utilities, erosion control devices and runoff control devices.
 - c) The undisturbed area width shall be the easement width as specified in Article V (Subdivision: Procedures and Standards).
 - 3) Development on the best soils and terrain of any site is encouraged.
 - 4) Clustering of residential development may be required by the Planning Board or Town Council in accordance with Section 4-4.1(B) (Cluster Development).

7-3.5 Spill Risk Reduction

- (A) Prohibited Uses: The following uses shall be prohibited in a WCA district:

<u>DESCRIPTION</u>	<u>SIC INDUSTRY GROUP MAJOR GROUP NUMBERS</u>
1) <u>Agricultural Uses</u> Animal Feeder/Breeder	0210
2) <u>Agricultural Services</u> Chemical Treatment and Fertilizer Application for Crops, Weed Control for Crop Operations, including Aerial Crop Dusting	0710, 0721
3) <u>Mining Uses</u> Mining and Quarrying	1000

4) <u>Business, Professional and Personal Services</u>	
Automobile Rental or leasing	7510
Automobile Repair Services, Major	0000
Automobile Repair Services, Minor	0000
Automobile Towing and Storage Services	7549
Boat Repairs	3730
Car Wash	7542
Commercial Chemical and Biological Research	8731
Furniture Stripping or Refinishing (including secondary or accessory operations)	7641
Equipment Repair, Heavy	7690
Agricultural Equipment Repair	
Boiler Cleaning and Repair	
Cesspool Cleaning	
Engine Repair, except automotive	
Farm Machinery Repair	
Industrial Truck Repair	
Machinery Cleaning	
Motorcycle Repair Service	
Rebabbiting	
Repair of Service Station Equipment	
Sewer Cleaning and Rodding	
Tank and Boiler Cleaning Service	
Tank Truck Cleaning Service	
Tractor repair	
Welding Repair Shops	
Heavy Construction Equipment Rental and Leasing	7350
Lawn Care, Lawn Fertilizing Services, Lawn Spraying Services, Ornamental Shrub & Tree Services with Spraying	0780
Laundry or Dry—cleaning Plant	7211, 7216, 7217, 7218
Laundromats, Coin—operated	7215
Pest or Termite Control Services	7342
Septic Tank Services	7699
Truck Driving Schools	8249
Truck & Utility Trailer Rental & Leasing, Light	0000
Truck Tractor & Semi Rental & Leasing, Heavy	0000
Truck Washing	7542
5) <u>Retail Trade</u>	
Fuel Oil Sales	5980
Convenience Stores with fuel pumps	5411
Motor Vehicle Sales (new and used)	5511
Motorcycle Sales	5571
Recreational Vehicle Sales	5561
Service Stations, gasoline	5541
Truck Stops	5541
6) <u>Wholesale Trade</u>	
Agricultural Chemicals, Pesticides, Fertilizers	5191
Chemical and Allied Products	5169
Motor Vehicles	5012
Nursery Stock, Plants Potted	5193
Paints & Varnishes	5198
Petroleum & Petroleum Products	5170
Scrap and Waste Materials	5093
7) <u>Transportation, Warehousing, and Utilities</u>	
Air Transportation Facilities	4789
Bus Terminal and Service Facilities	4100, 4170
Hazardous & Radioactive Waste (transportation, Storage, Disposal.)	4953

Inert Debris Landfills, Major	0000
Petroleum Contaminated Soil Remediation Disposal Sites	0000
Pipelines, except Natural Gas	4600
Railroad Terminal or Yard	4010
Recycling Processing Centers	0000
Refuse & Raw Material Hauling	4212
Sanitary Sewer & Water Treatment Plant Sludge Application Sites	0000
Sewage Treatment Plants	4952
Solid Waste Disposal (nonhazardous)	4953
Trucking or Freight Terminals	4230, 4213
8) <u>Manufacturing and Industrial Uses</u>	
Animal Slaughter or Rendering	0000 (2010)
Arms and Weapons	3480
Asbestos, Abrasive, and Related Products	3290
Asphalt Plant	2951
Batteries	3690
Chemicals, Paints & Allied Products	2800
Concrete, Cut Stone & Clay Products	3240, 3270
Cement, Hydraulic	3241
Contractors, Heavy construction	1600
Contractors, Special Trade	1700
Dairy Products	2020
Fats and Oils, Animal	2077
Fats and Oils, Plant	2070
Fish, Canned, Cured or Frozen	2091
Leather and Leather Products (tanning)	3110
Magnetic & Optical Recording Media	3695
Meat & Poultry, Packing & Processing (no rendering)	2010
Metal Coating and Engraving	3470
Paper Products (no coating or laminating)	2670
Paper Products (coating or laminating)	2670
Petroleum and Related Products	2900
Primary Metal Products & Foundries	3300
Pulp and Paper Mills	2610
Rubber & Plastics, Misc.	3000
Rubber & Plastics, Raw	3000
Salvage Yards, Auto Parts	5015
Salvage Yard, Scrap Processing	5903
Solvent Recovery	7389
Surface Active Agents	2843
Textile Products, (no Dying & Finishing)	2200
Textile Products (with Dying & Finishing)	2260

(B) Containment Structures

- 1) Storage tanks for fuels and chemicals and associated pumping and piping shall be provided a spill containment system.
- 2) Such containment systems shall be of sufficient volume to contain one hundred (100%) percent of all the tank(s) contents stored in the area and shall have a leak detection system installed.
- 3) The containment system shall be approved by the Enforcement Officer and the Fire Marshall.
- 4) Such tanks and containment structures shall not be placed closer than one thousand (1,000) feet to the normal pool elevation of the existing or proposed reservoir.

- (C) Underground Storage Tanks: Underground storage tanks for fuels and chemicals shall not be permitted except as approved by the Planning Board.
- (D) Point Source Discharges
 - 1) No expansion of any existing private wastewater facilities or establishment of any new public or private wastewater treatment plants of any kind shall be permitted. On-site individual residential septic systems approved by the Guilford County Health Department are permitted.
 - 2) Industrial pre-treatment facilities which prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.

7-3.6 Storm Water Management

- (A) Control of Run-off: Run-off from built-upon areas, shall be controlled as follows:
 - 1) If the built-upon area is twelve (12%) percent or less, the runoff control may be accomplished through use of a permanent infiltration area if the guidelines in the Guilford County Water Quality Protection Manual are met or runoff control from a one-half inch (1/2") rainfall over the total drainage area.
 - 2) If the built-upon area is greater than twelve (12%) the runoff control storage volume shall not be less than the runoff from a one-inch (1") rainfall over the total drainage area flowing into the runoff control structure.
- (B) Design Approval: All designs for runoff control structures, shall meet the requirements of Section 7-1.6 (Improvements) and shall be subject to the approval of the Enforcement Officer.

7-4 SOIL EROSION AND SEDIMENTATION CONTROL

7-4.1 General Requirements

- (A) Plan Required: No person shall initiate any land-disturbing activity without an erosion control plan approved by the Jurisdiction, if the land-disturbing activity:
 - 1) Exceeds one (1) acre;
 - 2) Will take place on highly erodible soils with a "k" factor greater than .36 in a watershed critical area;
 - 3) Includes a permanent runoff control structure in a watershed critical area; or
 - 4) Will take place in Tier 1 or Tier 2 of a watershed critical area.
- (B) Protection of Property: Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.
- (C) More Restrictive Rules Shall Apply: Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

7-4.2 Basic Control Objectives

A soil erosion and sedimentation control plan may be disapproved pursuant to Section 7-4.12(M) Grounds for Plan Disapproval) of this Ordinance if the plan fails to address the following control objectives:

- (A) Identify Critical Areas: On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention;

- (B) Limit Time of Exposure: All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;
- (C) Limit Exposed Areas: All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;
- (D) Control Surface Water: Surface water runoff originating upgrate of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;
- (E) Control Sedimentation: All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage; and
- (F) Manage Storm Water Runoff: When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

7-4.3 Mandatory Standards for Land-disturbing Activity

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

- (A) Buffer Zone: No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five (25%) percent of the buffer zone nearer the land-disturbing activity, provided, that this subsection (A) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse. Unless otherwise provided, the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five (25%) percent of the strip nearer the land disturbing activity containing natural or artificial means of confining visible siltation;
- (B) Graded Slopes and Fills: The angle for graded slopes and fills shall be no steeper than two (2) to one (1) slope if they are to be stabilized with vegetative cover. Slopes or fills steeper than two (2) to one (1) slope must be protected by structures. In any event, slopes left exposed will, within thirty (30) days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion;
- (C) Ground Cover: Whenever land-disturbing activity is undertaken on a tract comprising more than one (1) acre, if more than one acre is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 7-4.4(B)5) of this Ordinance, provisions for a ground cover sufficient to restrain erosion must be accomplished within thirty (30) working days or one hundred and twenty (120) calendar days following completion, whichever period is shorter; and
- (D) Prior Plan Approval: No person shall initiate any land-disturbing activity on a tract more than one acre is to be uncovered unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the Jurisdiction.

7-4.4 Design and Performance Standards

- (A) Design for Ten-year Storm: Except as provided in Section 7-4.4(B)2) of this Ordinance, soil erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten (10)-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures.
- (B) High Quality Water Zones: In High Quality Water (HQW) zones the following design standards shall apply:

- 1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract to twenty (20) acres. Only the portion of the land—disturbing activity within a HQW zone shall be governed by this subsection. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director (DEHNR).
- 2) Soil erosion and sedimentation control measures, structures and devices within HQW zones shall be so planned, designed and constructed to provide protection from the runoff of the twenty—five (25) — year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agricultural Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.
- 3) Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least seventy (70%) percent for the forty (40) micron size soil particle transported into the basin by the runoff of that two—year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agricultural Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this State or the United States or any generally reorganized organization or association.
- 4) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one (1) vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices, or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.
- 5) Ground cover sufficient to restrain erosion must be provided for any portion of a land—disturbing activity in a HQW zone within fifteen (15) working days or sixty (60) calendar days following completion of construction or development, whichever period is shorter.

7—4.5 Storm Water Outlet Protection

- (A) Intent: Stream banks and channels downstream from any land—disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land—disturbing activity.
- (B) Performance Standard: Persons shall conduct land—disturbing activity so that the post—construction velocity of the ten(10)—year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

- 1) The velocity established by Table 7—4—1; or
- 2) The velocity of the ten(10)—year storm runoff in the receiving watercourse prior to development.

If conditions 1) or 2) above cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by ten (10%) percent.

TABLE 7-4-1
Maximum Permissible Velocity for Stormwater Discharges

Material	Maximum Permissible Velocities	
	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	0.8
Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine Gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source – Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

- (C) Acceptable Management Measures: Measures applies alone or in combination to satisfy the intent of this Section are acceptable if there are no objectionable secondary consequences. The Jurisdiction recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results.

Some alternatives are to:

- 1) Avoid increases to surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;
- 2) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections;
- 3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple rip-rapped sections to complex structures; or
- 4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.

- (D) Exceptions: This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

7-4.6 Borrow and Waste Areas

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, any waste areas for surplus materials other than landfills regulated by the Department's, Division of Solid Waste Management shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting

land—disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land—disturbing activity.

7-4.7 Access and Haul Roads

Temporary access and haul roads, other than public roads, constructed or used in connection with any land—disturbing activity shall be considered a part of such activity.

7-4.8 Operations in Lakes or Natural Watercourses

Land—disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided. The U.S. Army Corps of Engineers shall be notified by the developer of any planned operation in lakes or natural watercourses for possible issuance of Section 404 or other permits.

7-4.9 Responsibility for Maintenance

During the development of a site, the person conducting the land—disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, by any provision of this Ordinance, or by any ordinance adopted pursuant to this Ordinance. After site development, the land owner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

7-4.10 Additional Measures

Whenever the Jurisdiction determines that significant sedimentation is occurring as a result of land—disturbing activity, despite application and maintenance of protective practices, the person conducting the land—disturbing activity will be required to and shall take additional protective action.

7-4.11 Existing Uncovered Areas

- (A) Applicability: All uncovered areas existing on the effective date of this Ordinance which are the result of land—disturbing activity, which exceed one (1) acre, which are subject to continued accelerated erosion, and which are causing off—site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off—site sedimentation.
- (B) Notice of Violation: The Jurisdiction will serve upon the landowner a written notice of violation by registered or certified mail, return receipt requested. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonably attainable time limits for compliance.
- (C) Requiring Erosion Control Plan: The Jurisdiction reserves the right to require preparation and approval of an erosion control plan in any instance where extensive control measures are required.
- (D) Exemption: This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

7-4.12 Erosion and Sedimentation Control Plans

- (A) Applicability: An erosion control plan shall be prepared for all land—disturbing activities subject to this Ordinance whenever the proposed activity is to be undertaken on a tract comprising more than one (1) acre, if more than one (1) acre is to be uncovered.

- (B) Preparation of Plan: The erosion control plan shall be prepared by, and shall bear the seal and signature of a registered professional engineer, architect, landscape architect, or a registered surveyor to the extent permitted by North Carolina laws, at a scale not smaller than one (1) inch equals one hundred (100) feet. The plan shall be filed with the Jurisdiction, and the Guilford Soil and Water Conservation District, thirty (30) days prior to the commencement of the proposed activity.
- (C) Submission of Plan: Persons conducting land-disturbing activity on a tract which covers one or more acres shall file five (5) copies of the erosion control plan with the Jurisdiction, at least thirty (30) days prior to beginning of such activity, and shall keep another copy of the plan on file at the job site. If the Jurisdiction, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Jurisdiction will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.
- (D) Financial Responsibility Statement: Erosion control plans may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. This statement shall be signed by the person financially responsible for the land-disturbing activity or his attorney in fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of this compliance or non-compliance with the plan, this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance.
- (E) Conservation District Review: The Guilford Soil and Water Conservation District within twenty (20) days of receipt of any plan, shall review such plan and submit its comments and recommendations to the Jurisdiction. Failure of the Soil and Water Conservation District to submit its comments and recommendations within these twenty (20) days will not delay final action on the plan.
- (F) Local Jurisdiction Review: The Jurisdiction will review each plan submitted to them and within thirty (30) days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve or disapprove a complete erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. Denial of a plan must specifically state in writing the reasons for denial. The jurisdiction must approve or deny a revised plan within fifteen (15) days of receipt, or it is deemed to be approved. If, following commencement of a land-disturbing activity pursuant to an approved plan, the Jurisdiction determines that the plan is inadequate to meet the requirements of this Ordinance, the Jurisdiction may require such revisions as are necessary to comply with this Ordinance.
- (G) Plan Requirements: The plan required by this Section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures proposed to ensure compliance with the requirements of this Ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation can be found in Appendix 2 (Map Standards) of this Ordinance.
- (H) Application Amendments: Applications for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Jurisdiction, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.
- (I) Work Conducted from Approved Plan: Any person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.
- (J) Plan Approval Required for Permit: No building or location permits, approvals or other documents relating to land or building development or improvement shall be issued or granted under applicable zoning, building, subdivision and other laws and ordinances of the Jurisdiction, unless and until an erosion control plan, as required by this Ordinance, has been submitted to the Jurisdiction, a grading permit has been issued, and a Certificate of Erosion Control Performance has been issued by jurisdiction, indicating that initial erosion control devices have been installed and are functioning properly.

- (K) Work Completed Before Final Subdivision Approval: No final subdivision plat approval nor any Certificate of Occupancy shall be issued or granted where required under applicable zoning, building, subdivision and other laws and ordinances unless and until work at the site has been completed in accordance with a valid grading permit, or an improvement security or performance bond has been approved and accepted as required by this Ordinance.
- (L) Surety: The applicant for a grading permit to grade one (1) acre or more may be required to file with the Jurisdiction an improvement security or bond in the form of an escrow account or other instruments satisfactory to the Jurisdiction attorney in the amount deemed sufficient by the Jurisdiction to cover all costs of protection of the site against erosion and off-site sedimentation according to requirements of this Ordinance. The amount of such surety requirement shall be determined by the Jurisdiction in consultations with the Soil and Water Conservation District and with disinterested private contractors. Such surety shall be valid until the work is completed in accordance with the grading permit and until same is released by the Jurisdiction. Applicable surety shall be forfeited upon violation of this Ordinance and shall be used to establish protective cover on the site, to control the velocity of runoff, and/or prevent off-site sedimentation. Any monies in excess of the cost of providing protective measures shall be refunded to the applicant. Surety shall be released when the Jurisdiction has certified that the requirements of this Ordinance has been met.
- (M) Grounds for Plan Disapproval: A soil erosion and sedimentation control plan may be disapproved upon a finding that an applicant, or any parent or subsidiary corporation if the applicant is a corporation:
- 1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Jurisdiction and has not complied with the notice within the time specified in the notice;
 - 2) Has failed to pay a civil penalty assessed pursuant to the Act or this Ordinance which is due and for which no appeal is pending;
 - 3) Has been convicted of a misdemeanor pursuant to NCGS 113A-64(b) or any criminal provision of this Ordinance; and
 - 4) Has failed to substantially comply with State rules adopted pursuant to the Act or regulations of this Ordinance.

For purposes of this subsection an applicant's record may be considered for only the two years prior to the application date.

- (N) North Carolina Environmental Policy Act: Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (NCGS 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. The Town of Sedalia shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 7-4.12(F) of this Ordinance shall not begin until a complete environmental document is available for review.

7-5 FLOOD DAMAGE PREVENTION

7-5.1 Statutory Authorization

The Legislature of the State of North Carolina has in NCGS 143-21(6), NCGS 153-A-18(3 & 4), NCGS 153-A-6, NCGS 160-A-19(3, 5, & 8), and NCGS 160-A-8, empowered local governmental units to regulate flood hazard areas.

7-5.2 Findings of Fact

- (A) Reason for Regulation of Flood Hazard Areas: The flood hazard areas of the Jurisdiction are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood

protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) Causes of Flood Losses: These flood losses are caused by the cumulative effect of:

- 1) obstructions in flood plains causing increases in flood heights and velocities; and
- 2) occupancy in flood hazard areas of uses vulnerable to floods or hazardous to other lands and uses which are inadequately elevated, inadequately floodproofed, or otherwise unprotected from flood damages.

7-5.3 General Provisions

(A) Lands to Which this Ordinance Applies: This Ordinance shall apply to all areas of special flood hazard within the Jurisdiction. Bonafide farms are not exempt from the provisions of this Ordinance regulating development in floodways and floodplains as required for participation in the National Flood Insurance Program.

(B) Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study dated , December, 1979, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this Ordinance.

(C) Floodway Zone – See Figure 7-A: The floodway zone is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential. No encroachments, including fill, new construction, substantial improvements, or 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 on the base flood discharge. Supporting technical data shall include, but not be limited to a hydrologic and hydraulic analysis performed in accordance with standard engineering practice.

- 1) Permitted Uses: Development within the floodway zone requires a permit from the Corps of Engineers. The following uses shall be permitted within the floodway zone to the extent that they are otherwise permitted by this Ordinance and provided that they do not employ structures or fill except as specified herein:
 - a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, quarrying, wildlife and related uses;
 - b) Ground level loading areas, ground level automobile parking areas, rotary aircraft ports and other similar industrial and commercial uses;
 - c) Tractor-trailer parking, provided that no trailers shall be detached from tractors;
 - d) Lawns, gardens, play areas, and other similar uses;
 - e) Golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, parks, swimming pools, hiking or horseback riding trails, open space and other similar private and public recreational uses;
 - f) Streets, bridges, utility lines, storm drainage facilities, sewage or waste treatment facilities, water supply facilities, and other similar public or private utility uses, but only if the proposed activity combined with the allowable encroachment of the floodway fringe and with any previously placed or previously approved encroachment in the floodway will not increase the base flood elevation by more than one (1) foot. The increase in base flood elevation due to allowable encroachment of the floodway fringe is listed in the Floodway Data Table in the

Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA).
Fill material for utilities shall be permitted only if approved by the Enforcement Officer;

- g) Temporary facilities such as displays, circuses, carnivals, or similar transient amusement enterprises;
- h) Boat docks, ramps, piers, or similar structures;
- i) Dams;
- j) Grading but not fill; and
- k) Cantilevered portions of structures, provided that foundation and supports are located outside the floodway zone and the underside of the cantilevered portion is at least one (1) foot above base flood elevation.

2) Prohibited uses: The following uses are prohibited in the floodway zone:

- a) Storage or processing of materials that are flammable, corrosive, toxic, or explosive, or which could otherwise be injurious to human, animal or plant life in time of flood.
- b) Manufactured dwellings.

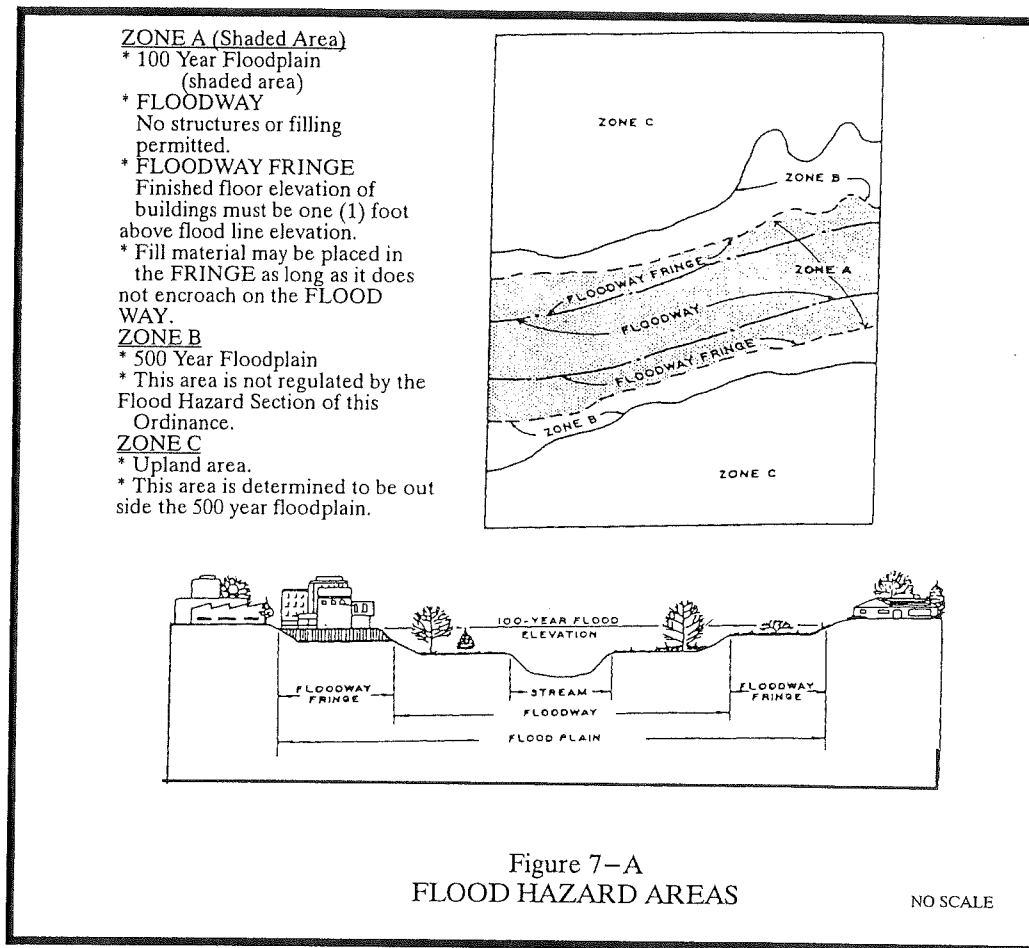
(D) Floodway Fringe Zone – See Figure 7–A

1) Permitted uses

The following uses shall be permitted within the floodway fringe zone to the extent that they are otherwise permitted by this Ordinance:

- a) Uses permitted below flood protection elevation:
 - i) Any use as permitted and regulated in the floodway zone.
 - ii) Fill material graded to drain, provided such is protected against erosion. Any fill material on which a structure is to be located shall be extended at grade ten (10) feet beyond the limits of the structure foundation, and shall have a side slope no steeper than two (2) feet horizontal to one (1) foot vertical.
 - iii) Structure foundations and supports, provided such are firmly anchored to prevent flotation.
- b) Uses permitted above flood protection elevation:
 - i) Any residential or nonresidential use permitted by this Ordinance provided that the finished floor elevation of any structure is located one (1) foot or more above base flood elevation. Heating and electrical equipment installed below flood protection elevation shall be floodproofed.
 - ii) Any nonresidential use permitted by this Ordinance provided that all portions of the structure are floodproofed, as provided in this Article, to an elevation at least one (1) foot above base flood elevation.
 - iii) Heating and electrical equipment installed below flood protection elevation shall be floodproofed. Non-residential structures may floodproof this equipment if placed below the base flood elevation, but the floodproofing must be certified by a professional engineer registered in North Carolina.

- 2) Prohibited Uses: Uses that are prohibited below the flood protection elevation are the storage or processing of materials that are flammable, corrosive, toxic, or explosive or which could otherwise be injurious to human, animal or plant life in time of flood.



7-5.4 Warning and Disclaimer of Liability

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

7-5.5 Flood Plain Development Application, Permit and Certification Requirement

- (A) Application for Permit: On a property containing an area of special flood hazard, application for a Flood Plain Development Permit shall be made in accordance with Section 3-3.5 (Flood Plain Development Permit).
- (B) Certificate of Floor Elevation/Floodproofing: When a property is located in a flood hazard area or when a structure is floodproofed, a certificate shall be provided in accordance with Section 3-8.4 (Certificate of Floor Elevation/Floodproofing).

7-5.6 Provisions for Flood Hazard Reduction

- (A) General Standards: In all areas of special flood hazard the following provisions are required:

- 1) All new construction or 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 or 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 or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 7) New or replacement sanitary sewerage 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; and
- 9) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this Article, shall meet the requirement of "new construction" as contained in this Section.
- 10) Fill material graded to drain, provided such is protected against erosion. Any fill material on which a structure is to be located shall be extended at grade ten (10) feet beyond the limits of the structure foundation, and shall have a side slope no steeper than two (2) feet horizontal to one (1) foot vertical.

(B) Specific Standards: In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 7-5.3(B), the following provisions are required:

- 1) **Residential Construction:** New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of flood waters shall be provided.
- 2) **Non-Residential Construction:** New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Structures located in A-zones may be floodproofed 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 Enforcement Officer as set forth in this Article.
- 3) **Manufactured Housing**
 - a) Manufactured dwellings that are placed, substantially improved, or repaired after incurring substantial damage as the result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured dwelling is elevated no lower than one (1) foot

above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. For the purpose of this requirement, manufactured dwellings shall 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 143.15.

- b) When the required elevation will be met by elevating the chassis at least thirty-six (36) inches above grade, 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 thirty-six (36) inches in height, engineering certification is required.
 - c) An evacuation plan shall be prepared for evacuation of all residents of all new, substantially improved, or substantially damaged manufactured dwelling parks or subdivisions located within flood hazard areas. This plan shall be filed with and approved by the Enforcement Officer and the local Emergency Management Coordinator.
- 4) **Elevated Buildings:** New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to preclude living space and to automatically equalize hydrostatic flood forces on exterior walls allowing for the entry and exit of floodwaters.
- a) Designs for complying with this requirement must be certified by a registered 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 (1) square inch for every square foot of enclosed area subject to flooding;
 - ii) The bottom of all openings shall be no higher than one (1) 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) 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).
 - c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

7-5.7 Standards for Streams Without Established Floodways or Base Flood Elevations

(A) Flood Elevations:

- 1) Within the areas of special flood hazard established in this Article are small streams where no base flood data has been provided or where no floodways have been identified. The provisions in Table 7-5-1 apply within such areas.

TABLE 7-5-1
Stream Non-Encroachment Widths

Cubic Feet per Second (CFS) in 100-year Storm	Required Distance from Stream Centerline
5 – 17 cfs	15 ft.
17 – 70 cfs	30 ft.
70 or more cfs	50 ft. plus 1/2 channel width

- 2) Except for streets, bridges, and utilities as permitted in Section 7-5.3(C)1)f (Floodway Zone), no encroachments shall be permitted in drainage easements as required by Article V (Subdivisions: Procedures and Standards). No encroachments, such as fill, new construction, substantial improvements or new development shall be permitted within the distance from the stream centerline designated in Table 7-5-1 or twenty (20) feet each side from the top of the stream 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.
- 3) If 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 area provisions of this Article and shall be elevated or floodproofed in accordance with elevations established in this Article.
- 4) When base flood elevation data is not available from a federal, state, or other source, and the flow is five hundred (500) cubic feet per second (cfs) or greater for a one hundred (100) year storm, the lowest floor including the basement shall be elevated at least one foot above the one hundred (100) year flood elevation certified by a professional registered engineer.
- 5) When base flood elevation data is not available from a federal, state, or other source, and the flow is less than five hundred (500) cfs for a one hundred (100)-year storm, the lowest floor including the basement shall be elevated at least two (2) feet above the highest adjacent grade.

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

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

ARTICLE VIII

ENFORCEMENT

8-1 VIOLATIONS

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

8-1.1 Development Without Permit

To engage in any development, use, construction, remodeling or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates or other forms of authorization as set forth in this Ordinance.

8-1.2 Development Inconsistent With Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

8-1.3 Violation by Act or Omission

To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the governing body or its agent boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

8-1.4 Use in Violation

To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby.

8-1.5 Subdivide in Violation

To subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of the land before the plat or map has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this Ordinance.

8-1.6 Continue a Violation

Each day's violation of any provision of this Ordinance is a separate and distinct offense.

8-2 ENFORCEMENT INTENT

8-2.1 Questions

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Enforcement Officer's decision. An appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court as provided by law.

8-2.2 Governing Body

It is further the intention of this Ordinance that the duties of the Governing Body in connection with this Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof.

8-3 ENFORCEMENT PROCEDURE

When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

8-3.1 Notice of Violation

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Enforcement Officer shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:

- (A) that the land, building, sign, structure, or use is in violation of this Ordinance;
- (B) the nature of the violation, and citation of the section of this ordinance violated; and
- (C) the measures necessary to remedy the violation.

8-3.2 Appeal

Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Enforcement Officer to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within fifteen (15) days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Notice of Violation shall be final.

8-3.3 Order of Corrective Action

If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

8-3.4 Failure to Comply with an Order

If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 8-4 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

8-4 REMEDIES

Anyone or all of the following procedures may be used to enforce the provisions of this Ordinance.

8-4.1 Injunction

Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

8-4.2 Civil Penalties

Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 8-5 (Civil Penalties – Assessments and Procedures).

8-4.3 Denial of Permit or Certificate

The Enforcement Officer may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

8-4.4 Conditional Permit or Temporary Certificate

The Enforcement Officer may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

8-4.5 Stop Work Orders

Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered or repaired in violation of this Ordinance, the Enforcement Officer may order the work to be immediately stopped. The stop order shall be in writing and directed to the owner, occupant, or person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with NCGS 160A-421 or 153A-361, as applicable, or the NC Building Code.

8-4.6 Revocation of Permits

The Enforcement Officer may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

8-4.7 Criminal Penalties

Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4, subject to a maximum fine of \$500.00.

8-5 CIVIL PENALTIES – ASSESSMENT AND PROCEDURES

8-5.1 Penalties

Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount of \$25.00 for the first violation; \$50.00 for the second violation; \$100.00 for the third violation; and \$200.00 for the fourth and succeeding violations thereafter. Except that any penalties assessed under subsection 3-14 (C) shall be stayed until all appeals are resolved.

8-5.2 Notice

No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 8-3.1 (Notice of Violation). If after receiving a notice of violation under Section 8-3.1, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice.

8-5.3 Responsible Parties

The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

8-5.4 Continuing Violation

For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

8-5.5 Demand for Payment

The Enforcement Officer shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

8-5.6 Nonpayment

If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided, however, if the civil penalty is not paid within the time prescribed, the Enforcement Officer may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.

8-6 CIVIL PENALTIES – SOIL EROSION AND SEDIMENTATION CONTROL

8-6.1 General

Any person who violates any provisions of Section 7-4 (Soil Erosion and Sedimentation Control), or the Act, or rules or orders adopted or issued pursuant to this Ordinance, or who initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required, or not in accordance with the terms, conditions, and provisions of an approved erosion and sedimentation control plan, shall be subject to a civil penalty. No civil penalty shall accrue in excess of \$500 per day, in addition to the penalty for failure to submit an erosion and sedimentation control plan as provided in Section 8-6.5 (Erosion and Sedimentation Control Plan).

8-6.2 Notice of Violation

No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date of receipt of the notice of violation. However, no time period for compliance need be given for failure to submit a soil erosion and sedimentation control plan for approval or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties. Each day of continuing violation shall constitute a separate violation.

8-6.3 Notice of Assessment

The Enforcement Officer shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person in violation, and shall set forth in detail a description of the violation for which the penalty has been imposed. In determining the amount of the penalty the Enforcement Officer shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage. Notice of the assessment shall be by registered or certified mail or other means reasonably calculated to give actual notice. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the Town of Sedalia attorney for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the penalty. Such civil actions must be filed within three (3) years of the date the final decision was served on the violator.

8-6.4 Specific Civil Penalties

Civil penalties for specific violations of Section 7-4 (Soil Erosion and Sedimentation Control) shall be assessed as follows:

- (A) Grading Without Permit: \$500.00 per day for failure to secure a valid grading permit prior to conducting a land-disturbing activity for which a soil erosion and sedimentation control plan is required.
- (B) Failure to Protect: \$500.00 per day for failure to take all reasonable measures to protect public property, or private property, including lakes and/or natural watercourses, from damage caused by land-disturbing activities.

- (C) Failure to Follow Plan: \$300.00 per day for failure to conduct a land-disturbing activity in accordance with the provisions of an approved erosion and sedimentation control plan.
- (D) Failure to Install Devices: \$500.00 per day for failure, when more than one (1) acre is disturbed (\$250 per day when one (1) acre or less is disturbed), to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract(s) and prevent off-site sedimentation. .
- (E) Failure to Maintain Measures: \$300.00 per day for failure to maintain satisfactory erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the ten (10)-year storm or the twenty-five (25)-year storm in a High Quality Storm (HQW) zone.
- (F) Failure to Maintain Temporary Measures: \$250.00 per day for failure to maintain temporary erosion and sedimentation control measures and facilities during the development of the site.
- (G) Failure to Maintain Slopes: \$250.00 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate erosion and sedimentation control devices or structures.
- (H) Failure to Cover Slopes: \$250.00 per day for failure within thirty (30) days of completion of any phase of grading to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, or structures sufficient to restrain erosion.
- (I) Failure to Plant Cover: \$250.00 per day for failure on a tract when more than one (1) acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within thirty (30) working days or one-hundred and twenty (120) calendar days, fifteen (15) working days or sixty (60) calendar days in High Quality Water Zones, whichever is the shorter, following completion of construction or development.
- (J) Failure to Revise Plan: \$250.00 per day for failure to file an acceptable, revised erosion and sedimentation control plan after being notified of the need to do so.
- (K) Failure to Maintain Buffer: \$250.00 per day for failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible siltation within the twenty-five (25%) percent of the buffer zone nearest the land-disturbing activity.
- (L) Interference with Official Duties: \$500.00 per day for obstructing, hampering, or interfering with any authorized agent of the Jurisdiction or the Sedimentation Control Commission while in the process of carrying out his official duties.
- (M) Failure to Provide Control: \$250.00 per day for failure to install or maintain erosion control devices, or prevent off-site sedimentation on sites of land-disturbing activity not requiring a grading permit and with disturbed area of less than one (1) acre.

8-6.5 Erosion and Sedimentation Control Plan

Any person who fails to submit an erosion and sedimentation control plan as required by this Ordinance shall be subject to a single, noncontinuing civil penalty of not more than \$1,000.00. Any person may be subject to additional civil penalties for violation of any other provision of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance.

8-6.6 Civil Penalty Use

Civil penalties collected for erosion and sedimentation control violations shall be used or disbursed as directed by NCGS 113A-64(a).

8-7 CRIMINAL PENALTY – SOIL EROSION AND SEDIMENTATION CONTROL

Any person who knowingly or willfully violates any soil erosion and sedimentation control provisions of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which an erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed \$5,000, or both

8-8 INJUNCTIVE RELIEF – SOIL EROSION AND SEDIMENTATION CONTROL

Whenever the Enforcement Officer has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved soil erosion and sedimentation control plan the Enforcement Officer may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Jurisdiction, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Guilford County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this Section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

8-9 OTHER POWERS AND ACTIONS

8-9.1 State and Common Law Remedies

In addition to other enforcement provisions contained in this Article, the Governing Body may exercise any and all enforcement powers granted to it by state law or common law.

8-9.2 Previous Enforcement

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

8-10 REMEDIES CUMULATIVE AND CONTINUOUS

8-10.1 Cumulative Violations

All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

8-10.2 Repeat Violations

If an owner or occupant repeats the same violation within a five (5) year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

8-11 ACTION BY OTHERS

8-11.1 Adjacent or Neighboring Property

In addition to the remedies of the local government hereunder, if any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, any other appropriate authority or any adjacent, nearby or neighboring property owner who would be affected by such violation may institute injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land, or the continuance of any construction whatsoever in violation of this Ordinance.

8-11.2 Land Purchaser

In the event that a purchaser buys land for which there is a surety to secure performance of improvements, after a period of two (2) years has passed since the date of Final Plat recordation, the purchaser may bring action to enforce completion of the improvements. In such a case, the purchaser may seek specific performance.

ARTICLE IX

ADMINISTRATION

9-1 ADMINISTRATIVE PROCEDURES

9-1.1 General

The Governing Body shall provide for the manner in which the provisions of this Ordinance shall be determined, established and enforced, and amended, supplemented or changed. A Board within the context of this Ordinance shall mean any board, commission, or agency empowered therein.

9-1.2 Notice

- (A) Rezoning, Variance, Approved Waiver, Certificate of Appropriateness for a Major Work, or Watershed Modification: Whenever there is a request for a zoning map amendment, Special Use Permit, variance, Certificate of Appropriateness for a Major Work, watershed map amendment, watershed modification, or an approved waiver involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land adjoining and contiguous to that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed request or approved waiver.
- 1) Notice shall be by first class mail to the last addresses listed for such owners on the county tax abstracts.
 - 2) The person or persons mailing such notices shall certify to the governing body that proper notice has been given and such certification shall be deemed conclusive in the absence of fraud.
 - 3) In the case of comprehensive rezoning of all property within the Jurisdiction, notice shall be mailed as required by NCGS 160A-384.
 - 4) Notice of such proposed action shall also be published in a newspaper of general circulation in accordance with North Carolina General Statutes.
 - 5) Each site shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing. Posting shall not be required in the case of comprehensive rezoning.
- (B) Text Amendment and Appeal: Whenever there is a request for an action involving a text amendment to this Ordinance or an appeal of an interpretation of this Ordinance, a notice of such proposed action shall be published in a newspaper of general circulation in accordance with North Carolina General Statutes.
- (C) Board Approval of Subdivision or Site Plan: Whenever there is a request for an action involving a subdivision or site plan requiring a board approval under this Ordinance; the meeting of the designated board shall have an agenda duly posted in accordance with North Carolina Open Meetings Statutes.

9-1.3 Organization

The Governing Body shall require that each of the Boards provided for by this Ordinance adopt rules and maintain records.

- (A) Rules of Conduct: Each Board shall adopt rules necessary to conduct its affairs and to establish Board organization, committees, procedures, meeting notice and meeting conduct.
- (B) Conformance of Rules: Such rules adopted by the Board shall be in accordance with state law and the provisions of this Ordinance.
- (C) Election and Terms of Officers: Unless otherwise provided by this Ordinance, a Chairman and Vice Chairman of the Board shall be elected by members of the Board to serve a one (1) year term. The Secretary does not have to be a member of the Board.
- (D) Record of Meetings: The Board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicate such fact. The Board shall also keep records of its examinations and other official actions. All such records and minutes shall be public record.

9-1.4 Alternate Members

- (A) Inclusion of Alternates: The Governing Body may appoint alternate members to serve in the absence of regular members.
- (B) Powers and Duties: Each alternate member, attending a meeting of the Board and serving in the absence of a regular member, has and may exercise all the powers and duties of a regular member.

9-1.5 Terms

- (A) Length of Terms: Members and alternate members, of the Board shall serve a term of three (3) years, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time.
- (B) Maximum Consecutive Terms: Regular members shall not serve more than two (2) consecutive full terms.
- (C) Filling of Vacancies: Vacancies created by resignation or other causes shall be filled as follows:
 - 1) A new member or an alternate member may be appointed to fill the unexpired term of the member so vacating.
 - 2) Members filling vacancies shall serve for the remainder of the unexpired term.

9-1.6 Compensation

Compensation, if any, for Board members may be provided for by the Governing Body.

9-2 THE PLANNING BOARD

9-2.1 Authority

There is hereby created a planning agency, pursuant to NCGS 160A-361 known as the Planning Board.

9-2.2 Membership

The Planning Board shall consist of at least five (5) members and may have alternates, appointed by the Governing Body.

9-2.3 Powers and Duties

The Planning Board shall have the following powers and duties:

- (A) To hear and recommend to the Town Council matters in accordance with the terms of this Ordinance; to wit: zoning map amendments, Special Use Permits and Zoning Vested Rights;
- (B) To hear and recommend to the Town Council matters on appeal from the Enforcement Officer for soil erosion; to wit: subdivisions, site plans, and soil erosion plans;
- (C) To hear and recommend to the Town Council matters pertaining to road name changes, road closings, right-of-way vacations, easement removals, right-of-way encroachments, and watershed matters as assigned;
- (D) To provide recommendations to the Governing Body with regard to any of the above matters which may be appealed; as well as those matters which remain with the Governing Body as original jurisdiction such as text amendments and minor watershed modifications in the WCA;
- (E) To develop a comprehensive plan for the territory under its Jurisdiction, subject to specific direction from the Governing Body;
- (F) To make such other studies and plans and review such other related matters as directed by the Governing Body;

- (G) To review and recommend to the Town Council new or altered plans including: subdivisions, clustered or attached residential development, planned unit developments, office, commercial, and industrial developments, street and utility improvements, and other proposals for development specified by this Ordinance and waivers authorized in Article V (Subdivision: Procedures and Standards); and
- (H) To exercise other powers and authority provided to it by the Governing Body, this Ordinance, or state law.

9-3 BOARD OF ADJUSTMENT

9-3.1 Authority

A Board of Adjustment is hereby established pursuant to NCGS 160A-338.

9-3.2 Membership

- (A) Number of Members: The Board of Adjustment shall consist of at least five (5) members and may have alternates as appointed by the Governing Body.
- (B) Governing Body Serving as Board of Adjustment: If the Governing Body chooses not to appoint members to the Board of Adjustment, it shall sit as the Board of Adjustment subject to the provisions of this Ordinance.
- (C) Powers and Duties

The Board of Adjustment shall have the following powers and duties:

- 1) To hear and decide appeals from and review any order, requirement, decision, determination, or interpretation made by an administrative official charged with enforcing this Ordinance;
- 2) To review appeals from the proceedings of the Historic Preservation Commission concerning the issuance of a Certificate of Appropriateness, limited to certiorari;
- 3) To hear and decide any exceptions which are specifically delegated to it by this Ordinance;
- 4) To determine and vary application of zoning regulations in harmony with their general purpose and intent and in accordance with general and specific rules contained therein;
- 5) To hear and decide appeals for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation and enforcement of the zoning provisions of this Ordinance result in a loss of privileges shared by other properties within the same zoning district;
- 6) To interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of the Ordinance;
- 7) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; and
- 8) To determine upon application of an owner or upon referral from the Enforcement Officer whether a proposed nonconforming use is equal or less intensive than an existing, legal nonconforming use, in accordance with Section 3-14.2 (Nonconforming Use of Land).

9-3.3 Voting

- (A) Required Vote for Approval: A four-fifths vote of its members shall be required for a Board of five (5) members to:
 - 1) Affirm or reverse any order, wholly or partly; modify a requirement, decision, determination or interpretation; of an administrative officer charged with enforcing this Ordinance;
 - 2) Decide in favor of the applicant on a matter upon which the Board is required to pass under this Ordinance;

- 3) Grant a variance from the provisions of the Ordinance; or
 - 4) Grant special exceptions for Historic Districts and other purposes as assigned.
- (B) Vote of the Chairman: The Board chairman shall vote as any other Board member.
- (C) Delay of Decision: The Board may, in its discretion, direct that its decision be delayed to a date or time subsequent to the Board's vote on an appeal.

9-3.4 Court Review

- (A) Appeal to Superior Court: Each decision of the Board shall be subject to Superior Court review by proceedings in the nature of certiorari.
- (B) Timing of Appeal:
- 1) Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the Planning or Building Inspections Department; or
 - 2) After a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Secretary or Chairman of the Board at the time of its hearing of the case, whichever is later.

9-3.5 Notice of Decision

The decision of the Board may be delivered to the aggrieved party either by personal service or by registered mail return receipt requested.

9-3.6 Oaths

The Chairman of the Board or any member temporarily acting as Chairman, shall administer oaths to witnesses in any matter coming before the Board.

9-3.7 Appeals To The Board

- (A) Appeal Eligibility: Any person aggrieved or any officer, department, board, or bureau of the Jurisdiction may make an appeal.
- 1) Appeals shall be made within the time prescribed by the Board by general rule, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal, specifying the grounds thereof.
 - 2) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record from which such action was taken.
- (B) Effect of Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this Ordinance.
- (C) Effect of Certification: If certification occurs in accordance with Section 9-5.7(B) (Effect of Appeal), proceedings may not be stayed except by a restraining order, which may be granted by a court of competent jurisdiction. Notice of the restraining order shall be given in writing to the officer from whom the appeal is taken.
- (D) Notice of Hearing: The Board shall fix a reasonable time for hearing the appeal, give due notice of the appeal to the parties, and decide the appeal within a reasonable time.

- (E) Action of Board: The Board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination or interpretation appealed from, and shall make any order, requirement, decision, determination or interpretation that in the Board's opinion ought to be made under in the circumstances.
- (F) Conditions of Rehearing: The Board shall not be required to hear an appeal or application previously denied if it finds that there has been no substantial change in conditions or circumstances bearing on the appeal or application.

9-3.8 Variances

- (A) Application: An application for a variance shall be submitted in writing to the Board by filling a copy of the application with the Enforcement Officer.
- (B) Procedure: The Board shall:
 - 1) Fix a reasonable time for holding a public hearing on the variance request;
 - 2) Give notice of the variance request as prescribed in Section 9-1.2 (Notice); and
 - 3) Decide the variance request within a reasonable time.
- (C) Grounds for Variance:
 - 1) The Board shall make findings of fact that the requirements of Section 9-4.8 (D) (Granting of Variance) have been met by the applicant.
 - 2) The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure. The fact that property may be utilized for greater profit, however, will not be considered adequate to justify the granting of a variance.
 - 3) The Board shall not, under any circumstances, grant a variance to permit a use or density not otherwise permitted by this Ordinance in the zoning district involved.
 - 4) Neither the nonconforming use of lands, buildings or structures in the same zoning district, nor the permitted use of lands, buildings or structures in other zoning districts shall be considered as grounds for the issuance of a variance. Furthermore, mere financial hardship does not constitute grounds for the granting of a variance.
 - 5) A variance may be granted where a building permit has been issued and, due to unintentional error of the Enforcement Officer in determining the location of the structure on the property, there is a minimal violation of the dimensional requirements, provided that such relief may be granted without substantially impairing the purpose and intent of this Ordinance.
- (D) Granting of Variance: A variance may be granted by the Board if evidence presented by the applicant persuades it to reach the following conclusions:
 - 1) There are practical difficulties or unnecessary hardships that would result from in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:
 - a) The applicant complies with the provisions of this Ordinance, he can make no reasonable use of his property;
 - b) The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
 - c) The hardship relates to the applicant's property, rather than personal circumstances; and
 - d) The hardship is not the result of the applicant's own actions.

- 2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.
 - 3) The granting of the variance assures the public safety and welfare and does substantial justice.
- (E) Conditions: In granting a variance, the Board may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property to which the variance applies will be compatible with surrounding properties and will not alter the essential character of the neighborhood.
- 1) Violations of such conditions and safeguards, when a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 - 2) A variance granted subject to a condition shall be permitted only so long as there is compliance with the condition.
 - 3) If a violation of a condition of a variance occurs, the Enforcement Officer may revoke the Certificate of Occupancy.
 - 4) In the event that any such condition is held invalid, for any reason, such holding shall have the effect of invalidating the variance granted and shall render the variance null and void.
- (F) Duration: The variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, construction or operation shall be commenced within twelve (12) months of the date of issuance of a variance, or the variance shall become void.

9-3.9 Flood Hazard Appeals

- (A) Authority: The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance.
- (B) Appeal and Variance Considerations: In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;
- 1) The danger that materials may be swept onto other lands to the injury of others;
 - 2) The danger to life and property due to flooding or erosion damage;
 - 3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4) The importance of the services provided by the proposed facility to the community;
 - 5) The necessity to the facility of a waterfront location, where applicable;
 - 6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 7) The comparability of the proposed use with existing and anticipated development;
 - 8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - 9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - 11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and

- 12) The effect that granting the appeal or variance would have on the jurisdiction's eligibility for Federal Flood Insurance.

(C) Granting of Variances:

- 1) Variances may be granted for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure,
- 2) Variances shall not be granted within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4) Variances shall only be issued upon:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creation of a nuisance, fraud on or victimization of the public, or conflict with existing local laws ordinances.
- 5) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

9-4 ENFORCEMENT OFFICER

9-4.1 Establishment and Authority

The Governing Body shall appoint Enforcement Officer(s) to administer and enforce the provisions of this Ordinance. The Enforcement Officer may be provided with such agents to assist in the administration and enforcement as the Governing Body directs.

9-4.2 General Duties

The Enforcement Officer shall:

- (A) Establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;
- (B) Issue permits and certificates pursuant to this Ordinance;
- (C) Review and approve all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;
- (D) Interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;
- (E) Maintain all records pertaining to the provisions of this Ordinance in his office(s) and make said records open for public inspection;
- (F) Periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance;

- (G) Cause to be investigated violations of this Ordinance;
- (H) Enforce the provisions of this Ordinance;
- (I) Issue notice of corrective action(s) when required;
- (J) Use the remedies provided in this Ordinance to gain compliance;
- (K) Be authorized to gather evidence in support of said activities;
- (L) Receive appeals and forward cases to the appropriate body; and
- (M) Perform other duties as may be assigned by the Governing Body.

9-4.3 Flood Hazard Administrator Duties

The Enforcement Officer shall:

- (A) Advise that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit;
- (B) Notify adjacent communities and the N. C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse within a designated Flood Hazard Boundary, and submit evidence of such notification to the Federal Emergency Management Agency;
- (C) Approve development plan where such duty is assigned by this Ordinance;
- (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (E) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions are met;
- (F) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- (G) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed;
- (H) When flood-proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect;
- (I) 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. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article; and
- (J) When base flood elevation data or floodway data have not been provided, the Enforcement Officer shall 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 this Ordinance, in order to administer the provisions of this Ordinance.

9-4.4 Deviation to Dimensional Requirement

If the Enforcement Officer finds that any dimensional requirement in this Ordinance has not been specifically adhered to, but that such deviation was a result of a good faith error and that said error would not adversely impact

an adjoining property, he may permit a dimension deviation up to and including one (1) foot. Only one dimension deviation per building may be allowed.

9-4.5 Historic District Requirements

Subject to a Certificate of Appropriateness, the Enforcement Officer may issue permits for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places under the conditions set forth in Section 4-11.1 (Historic Districts).

9-5 MULTI-JURISDICTIONAL DEVELOPMENT ORDINANCE COMMITTEE (MDOC)

9-5.1 Authority

There is hereby established a text amendment review committee, pursuant to Section 3-12.4 of this Ordinance, to be known as the Multi-jurisdictional Development Ordinance Committee (MDOC).

9-5.2 Membership

The MDOC shall consist of at least two (2) members appointed by each participating jurisdiction who shall be residents of the jurisdiction they represent.

9-5.3 Powers and Duties

The MDOC shall have the following powers and duties:

- (A) To make recommendations to the Planning Board and Governing Body concerning text amendments to this Ordinance;
- (B) To review any other related matters as directed by the Governing Body; and
- (C) To adopt Rules and Procedures for their organizations and operation, subject to an affirmative vote of two-thirds of the members of the Committee.

9-6 APPEALS

9-6.1 General

Unless as otherwise provided, appeals to decisions, actions, orders, or interpretations of this Ordinance shall be:

- (A) In writing;
- (B) Filed within fifteen (15) days of the decision; and
- (C) Filed with the Secretary of the Board or Commission to which the appeal is taken.

9-6.2 Planning Board

Unless otherwise provided, an appeal from a decision of an Enforcement Officer with regard to an erosion control plan or a watershed development plan is to the Planning Board.

9-6.3 Board of Adjustment

- (A) Unless otherwise provided, the decision of an Enforcement Officer with regard to an interpretation of a zoning provision of this Ordinance, a floodplain boundary, or a zoning boundary, may be appealed to the Board of Adjustment.
- (B) Unless otherwise provided, an appeal from an address assignment shall be to the Board of Adjustment.

- (C) Appeal from a decision of the Historic Preservation Commission with regard to a Certificate of Appropriateness shall be to the Board of Adjustment in the nature of certiorari.

9-6.4 Governing Board

- (A) Appeals from a decision of the Planning Board with regard to a zoning map amendment, conditional use district, special use permit, or watershed development plans shall be to the Governing Body.
- (B) Appeals from a decision of the Planning Board with regard to street name changes, road closings, right-of-way vacations, easement removals, subdivision, site plan, or soil erosion and sedimentation control plan shall be to the Governing Body.

9-6.5 Judicial Appeal

Except as otherwise provided, an appeal from a decision of the Governing Body or the Board of Adjustment is to a court of competent jurisdiction.

9-6.6 Soil Erosion and Sedimentation Appeals

(A) Procedure:

- 1) **Written Appeal:** The disapproval or modification of any proposed soil erosion and sedimentation control plan by the Enforcement Officer, shall entitle the person submitting the plan to a public hearing if such person submits written demand for a hearing within fifteen (15) days after receipt of written notice of disapproval or modifications.
- 2) **Timing:** A hearing held pursuant to this Section shall be conducted by the Planning Board, within thirty (30) days or at the next scheduled meeting, after the date of the appeal or request for a hearing.
- 3) **Recommendation:** The Planning Board shall conduct a hearing and shall make a recommendation to the Governing Body, within thirty (30) days after the date of the hearing on any soil erosion and sedimentation control plan.
- 4) **Public Hearing:** The Governing Body will render its final decision on any soil erosion and sedimentation control plan upon which a hearing is requested within fifteen (15) days after receipt of the recommendations from the Planning Board.
- 5) **Appeal of Governing Body Denial:** If the Governing Body upholds the disapproval or modification of a proposed soil erosion and sedimentation control plan following the hearing, the person submitting the plan shall then be entitled to appeal the Governing Body's decision to the North Carolina Sedimentation Control Commission as provided in NCGS 113A-61(c) and Title 15 NCAC 4B.0018(b).

- (B) Direct Appeal to Sedimentation Control Commission: In the event that a soil erosion and sedimentation control plan is disapproved pursuant to Section 7-4.12(M) (Grounds for Plan Disapproval) of this Ordinance, the Jurisdiction shall notify the Director of the Division of Land Resources of such disapproval within ten (10) days. The Jurisdiction shall advise the applicant and the Director in writing as to the specific reasons that the plan was disapproved. The applicant may appeal the Jurisdiction's disapproval of the plan directly to the North Carolina Sedimentation Control Commission.

9-7 PROTEST PETITION PROVISION

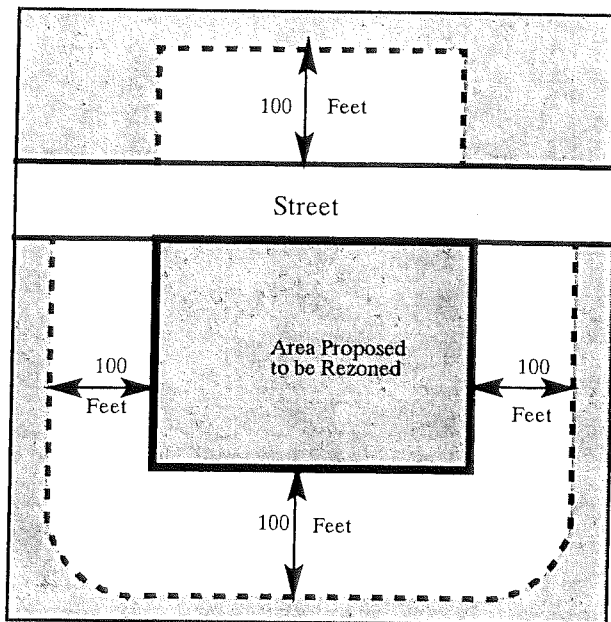
9-7.1 A landowner or neighboring property owner(s) may file a Protest Petition with the Planning Board, which will review and validate the petition, and then submit the petition to the Town Council. Any proposed rezoning would then require a 3/4 favorable vote by the Governing Body before a zoning amendment can be approved.

9-7.2 The property owner or landowner(s) of twenty (20%) percent of a qualifying area must file the petition in writing with the Town Clerk at least two (2) days, excluding Saturdays, Sundays, and holidays, before the Planning Board's advertised public hearing on the proposed zoning change. Where an individual property owner is married, both husband and wife must sign the petition.

9-7.3 A qualifying area is defined as:

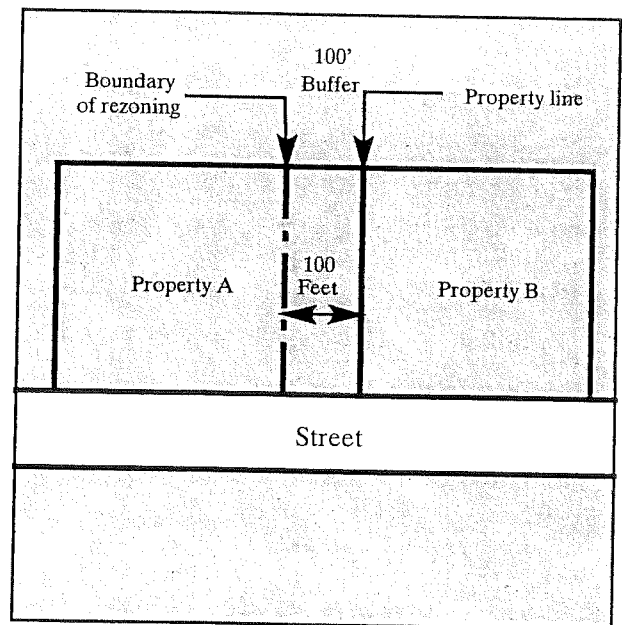
- (A) The property being rezoned; and/or
- (B) A strip of land 100 feet wide adjacent to or across the street from the property. The one hundred (100) foot strip is measured from the boundary of the area being rezoned, not necessarily the property line. Refer to Figure 9-A and 9-B.

9-7.4 Protest petitions can only be used to object to changes in existing zoning district boundaries.



Protest petitions may be filed by landowners being rezoned or by the owners of any one of the four sides shown above.

Figure 9-A



If a 100-foot buffer is left between the area rezoned (a portion of Property A) and Owner B's property line. Owner B has no right to file a protest petition.

Figure 9-B

QUALIFYING AREA FOR PROTEST PETITIONS

APPENDIX 1: STREET NAME AND ADDRESS ASSIGNMENT STANDARDS

A-1 PURPOSE AND AUTHORITY

The purpose of the Town of Sedalia Street Address Assignment Standards is to provide for the orderly assignment of street addresses to protect the safety of the general public by facilitating the finding of individual dwellings and businesses for the delivery of public and private goods and services. The Guilford County Planning Department is the only agency with the authority to assign or modify street addresses within the Jurisdiction.

A-2 STREET ADDRESS SYSTEM

A-2-1 Establishment of Grid System

- (A) From Greensboro: Elm Street and Market Street are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from Market Street shall be numbered starting with the 100 block. Streets running east and west from Elm Street shall be numbered starting with the 100 block.
- (B) From High Point: Main Street and the Southern Railroad tracks are the base lines used in numbering a street in a north/south or east/west direction. Streets running north and south from the Southern Railroad tracks shall be numbered starting with the 100 block. Streets running east and west from Main Street shall be numbered starting with the 100 block.

A-2-2 Odd-Even Numbers

- (A) From Greensboro: Going north and south from Elm Street and east and west from Market Street, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.
- (B) From High Point: Going north and south from Main Street and east and west from the Southern Railroad tracks, EVEN addresses will be on the right hand side of the street while ODD addresses will be on the left hand side of the street.

A-2-3 Vacant Properties

Because there is no way of determining how many structures will eventually be built on vacant land within a block, any system which attempts to number structures consecutively does not provide the flexibility to accommodate change. A street number is assigned for each one hundred (100) feet of lot frontage.

A-2-4 Corner Lot

Corner lots are assigned two (2) numbers since the unit could face either street. The owner or developer shall be assigned the street address that accommodates the front entrance of the structure, at the time of permit application.

A-2-5 Street Address Assignment

- (A) Primary Address: Each unit of property will be assigned a primary address. Primary addresses will consist of up to four (4) numerals, and will be determined by the block in which the property is located. The determination of block length will be by each municipality. Single family structures (attached or detached) and townhouses are assigned individual street numbers for each unit.
- (B) Secondary Address
 - 1) Multi-family Dwellings: Apartment, twin homes, duplexes, and condominiums are assigned secondary addresses. The secondary address will include the primary address followed by a dash and a number and/or letter. An example would be "1621-A Smith Street" with "1621" being the primary address and "A" being the secondary address. The first unit on the first floor would be addresses "1621-1A Smith Street; the second floor "1621-2A Smith Street"; etc.
 - 2) Nonresidential Buildings: Office, commercial and industrial buildings with more than one tenant are also assigned secondary addresses. The designation of the address will be according

to the individual jurisdiction only when sufficient numbers are not available or common exterior drives are used. The secondary address will include the primary address followed by a suite number. The first unit on the first floor would be addressed "1621 Smith Street, Suite 101", the second floor "1621 Smith Street, Suite 201," etc.

- (C) Timing: Addresses are assigned following preliminary plat or site plan approval for single family attached or cluster developments, townhouses and condominiums and nonresidential group development. Approval of a final plat is required for conventional single family developments before numbers are assigned and building permits issued. The Enforcement Officer is furnished with an approved plat or site plan on which to assign addresses. The plat or site plan will be kept on file in the Planning Department.

A-3 POSTING OF ADDRESSES

Posting of addresses by the property owner shall be as per Guilford County Street Address Ordinance adopted April 16, 1984. Only digits to be used in the number as opposed to script.

A-4 CHANGE OF EXISTING ADDRESS

In assigning new addresses, as few existing addresses as possible will be changed.

A-4-1 Reason for Change

Existing addresses may be changed for just cause. Examples of just cause are:

- (A) Area where no addresses were left for vacant lot(s).
- (B) Street name change approved by Planning Board.
- (C) Person unknowingly using the wrong address.
- (D) Change from rural route and box number to urban street address number.
- (E) Street address number series presently in use is incorrect and misleading

A-4-2 Notification

The Planning Department will notify all necessary local government departments, utility service companies and the U.S. Postal Service of any new assignment or change in street address.

A-5 ALPHABET NOT USED

The letters "I" and "O" will not be used in street addresses.

A-6 STREET NAMES

The developer shall submit names for new streets contained within proposed developments. The Planning Department shall approve all street names with right of appeal to the Town Council. Proposed streets obviously in alignment with existing streets shall be given the same name. In no other case shall the name of proposed streets duplicate existing street names. The proposed name shall not be phonetically similar to existing names irrespective of suffix.

A-7 STREET NAME PREFIX AND SUFFIX

A-7-1 Prefixes

- (A) The prefix "North" shall be used for the northern portion of roadways having the same name. (According to each users grid system.)
- (B) The prefix "South" shall be used for the southern portion of roadways having the same name. (According to each users grid system.)

- (C) The prefix "East" shall be used for the eastern portion of roadways having the same name. (According to each users grid system.)
- (D) The prefix "West" shall be used for the western portion of roadways having the same name. (According to each users grid system.)
- (E) The prefix "N.C. Highway" shall be used for all State numbered routes or roadways.
- (F) The prefix "U.S. Highway" shall be used for all Federal numbered routes or roadways (excluding those on Interstate System).
- (G) The prefix "Interstate Highway" shall be used for all Federal numbered routes or roadways on the Interstate System.

A-7-2 Suffixes

- (A) The suffix "Street" shall be used for roadways running generally in a north-south direction or parallel to the base line for the grid system
- (B) The suffix "Avenue" shall be used for roadways running generally in a east-west direction or parallel to the base line for the grid system depending on the individual user policy.
- (C) The suffix "Drive," "Trail," and "Trace" shall be used for roadways which follow a wandering alignment in different directions and/or intersect both street" and "avenue" and generally have scenic attractiveness.
- (D) The suffix "Road" shall be used for roadways running generally in a diagonal direction and/or connecting urban areas.
- (E) The suffix "Boulevard" and "Parkway" shall be used for divided roadways, the sides of which are separated by a park or open median strip for their main extent.
- (F) The suffix "Terrace," "Point", "Cove", "Dale", or "Way" shall be used for short roadways with an exit from one end only (dead end) with no potential for extension.
- (G) The suffix "Court" shall be used for cul-de-sacs.
- (H) The suffix "Circle" shall be used for short roadways that are circular or semi-circular in form and intersect the roadways from which they emanate at two different places.
- (I) The suffix "Place" or "Lane" shall be used for short roadways generally not over a block in length (exit from both ends) with no regard to predominant direction. (Guilford County uses "Lane" only for Private Lanes as defined by this Ordinance.)
- (J) The suffix "Alley" shall be used for short roadways of substandard width as between buildings or at the rear of property, generally used for service.
- (K) No suffix shall be used for roadways which bears a name which in actuality is a suffix designation (i.e. Parkway or Boulevard).

A-8 STREET NAME SIGNS

For new public streets, private streets, and private lanes, street name signs and traffic control signs shall be installed to standards found in Section 5-13.3(P) and (Q).

APPENDIX 2: MAP STANDARDS**A-1 NUMBER OF REVIEW AND FILING COPIES TO BE SUBMITTED**

Type of Map	Review # of Prints	Filing (after plan approval)		
		# of Prints	# of Mylars	# of Mylar As-Built
Sketch Plan	9	4	—	—
Preliminary Plan	9	4	—	—
Final Plat	9	9	1	1
Exclusion Map	4	4	—	—
Plot Plan	3	—	—	—
Site Plan / Group Developments including: *Site Layout *Water and Sewer Utility *Grading / Watershed Development Plan *Landscaping Plan	9 Sets	4 Sets	—	—
Street and Utility Construction Plans and Profiles	10 Sets	7 Sets	—	1 Set

A-2 REQUIRED INFORMATION ON MINOR AND MAJOR SUBDIVISIONS, EXCLUSIONS, ANNEXATIONS, PLOT PLANS, AND SITE PLANS / GROUP DEVELOPMENTS

Submission of all maps and/or plans shall contain the following information before submitted to the Planning Department for review. An "X" indicates required information.

Information required on Site Plan sheets are indicated by the following codes:

- "A" to be included on all sheets,
- "S" to be included on Site Layout sheet,
- "U" to be included on Utility sheet,
- "E" to be included on Soil and Erosion Control sheet
- "L" to be included on Landscaping sheet
- "G" to be included on Grading Sheet
- "W" to be included on Watershed Development Plan.

Depending on the scale or complexity of the development any or all the sheets may be combined. Additional information may be required for approval of the Site Plan. The Enforcement Officer may waive items required for Sketch Plans if it is judged that they are not necessary to complete the review at the Sketch Plan stage. The site layout meeting the requirements of Article V (Subdivisions: Procedures and Standards) of this Ordinance may serve as the preliminary subdivision plat.

Type of Plan Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Development
	Sketch Plan	Preliminary Plan	Final Plat			
Map or plan size: Maps submitted shall not exceed a maximum size of 24" by 36"	X	X				A
Maps of plans may be drawn on more than one sheet with appropriate match lines	X	X	X	X		A

Type of Plan Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Develop- ment
	Sketch Plan	Preliminary Plan	Final Plat			
Standard 18" by 24" sheet for plats to be recorded, 1/2" border on all sides			X	X		
Original drawn on drafting film, matte both sides with a thickness of 0.003 to 0.004 mil, map to be recorded.			X	X		
Plan Endorsement Block		X				A
Watershed Development Plans shall include...						
Watershed name and classification	X	X				W
Watershed boundaries, WCA boundaries, and WCA Tier lines.	X	X	X		X	W
Total built-upon area shown with total # of acres and percentage of total area noted.	X	X			X	W
The shortest distance to the nearest applicable floodway identified on the applicable Federal Emergency Management Agency (FEMA) map.		X				W
Average % of slope, prior to development.		X				W
Undisturbed area (See watershed protection definition of undisturbed area.) shown with number of acres and percent noted.		X				W
Permanent runoff control structures shown and properly labeled.	X	X	X			W
Note type of sewage disposal used.		X			X	W
Existing and proposed utilities that may conflict with runoff control structures.		X				W
Maintenance responsibility note for permanent runoff control structures, when used.	X	X	X			W
Engineer's certification of runoff control, when required by Ordinance.	X	X				W
Title Block containing:						
Name of Development	X	X	X	X	X	A
Name of map or Plan (sketch plan, preliminary plan, etc.)	X	X	X	X	X	A
Owner's name with address and daytime phone #	X	X	X	X	X	A

Type of Plan Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Develop- ment
	Sketch Plan	Preliminary Plan	Final Plat			
Location (including address, city, township, county and state)	X	X	X	X	X	A
Date(s) map(s) prepared or revised	X	X	X	X	X	A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 100'. If all lots are greater than 3 acres a smaller scale may be used	X	X	X	X		A
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 40', if all lots are greater than 3 acres, only the building site needs to be shown.					X	
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 60', if required for an Improvement Permit.					X	
Bar Graph		X	X	X	X	A
Name, address, and telephone # of preparer of map (licensed surveyor, engineer, or architect)	X	X	X	X	X	A
Developer's name, address, and daytime phone number (if different from owner's)	X	X	X	X	X	A
Zoning district(s) within the property and adjacent properties	X	X	X	X	X	S,L
Existing land use within the property and on adjacent properties	X	X				S,L
Plat book or deed book reference, if any.		X	X	X	X	S
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)		X	X	X		S
Tax map, block, and parcel(s) number	X	X	X	X		S, E, W
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale of 1" = 2000'	X	X	X	X		A
Corporate limits, county lines, and other jurisdiction lines, if any, on the tract	X	X	X	X		A
Registration and seal of land surveyor			X			S
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	X	X	X	X	X	A

Type of Plan Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Develop- ment
	Sketch Plan	Preliminary Plan	Final Plat			
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect, or engineer		X			X	S, W
Boundaries of the tract to be subdivided or developed:						
distinctly and accurately represented and showing all distances		X	X	X	X	A
tied to nearest street intersection (within 300') or U.S.G.S.(within 2000')		X	X	X		S
showing locations of intersecting boundary lines or adjoining properties		X	X	X		S
Location and descriptions of all monuments, markers, and control corners			X		X	S
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as "old property lines" and show as dashed lines.	X	X	X	X		S
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to closest property lines	X	X		X	X	S
The name and location of any property or building on the National Register of Historic Places or locally designated historic property		X	X	X		S
Railroad lines and right-of-ways	X	X	X	X	X	A
Water courses, pond, lakes or streams	X	X	X	X	X	A
Marshes, swamp and other wetlands		X			X	A
Areas to be dedicated or reserved for the public or a local jurisdiction		X	X	X	X	A
Areas designated as common area or open space under control of an Owners Association	X	X	X		X	S, L, W
Proposed building locations for twin home or zero lot-line developments	X	X			X	
Location of manufactured dwelling spaces and whether they are designated for single or double wide dwellings					X	S
Typical diagram of manufactured dwelling space						S
Location of designated recreation areas and facilities						

Type of Plan Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Develop- ment
	Sketch Plan	Preliminary Plan	Final Plat			
Location of floodway and floodway fringe from Flood Hazard Boundary Maps and cross-section elevations	X	X	X	X	X	A
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level	X	X				A
Proposed lot lines and dimensions	X	X	X	X	X	A
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size		X	X	X	X	S
Lots sequenced or numbered consecutively		X	X	X	X	S
Environment Health Division Information for subdivisions without public sewer available ... 1) Denied lots or lots not evaluated shall be crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."		X	X		X	S
2) The specific location of the proposed facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters.					X	
Site calculations including;						
acreage in total tract	X	X	X	X		S, E, W
acreage in public greenways and other open space		X	X			S,L
total number of lots proposed	X	X	X			S
linear feet in streets		X	X			S
area in newly dedicated right-of-way		X	X			S
Show dimensions and location of all parking areas, total provided and minimum required number of parking spaces, driveways, service areas, off-street loading facilities and pedestrian walkways					X	S,L
Within parking areas clearly indicate each parking space, angle of parking and typical size					X	S
Street data illustrating:						
Existing and proposed rights-of-way lines within and adjacent to property	X	X	X	X	X	S

Type of Plan Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Develop- ment
	Sketch Plan	Preliminary Plan	Final Plat			
Existing and proposed rights-of-way within and adjacent to property showing...						
total right-of-way width dimension	X	X	X	X		S
right-of-way width dimension from centerline of existing public streets		X	X	X	X	S
Existing and proposed streets showing...						
pavement or curb lines	X	X		X		S, W
pavement width dimension (face-to-face)	X	X		X		S, W
cul-de-sac pavement radius	X	X		X		S, W
existing and proposed street names (refer to Appendix 1)	X	X	X	X		A
Location, dimension and type of all easements	X	X	X	X	X	A
Utility Layout Plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blowoffs, valves, manholes, catch basins, force mains, etc. for the following types of utility lines...						
sanitary sewer		X			X	U
water distribution		X			X	U
storm sewer		X			X	U, G, W
natural gas, electric, cable T.V. etc.		X			X	U
Erosion Control Plans shall included...						
scale of the drawing shall be no smaller than One (1) inch equals one hundred (100) feet						E
construction sequence		X				E
area to be disturbed with number of graded acres and percentage noted		X				E
temporary sediment control measures, including the design, locations, dimensions and calculations		X				E
permanent erosion controls, including design, locations, dimensions, and calculations. Proposed ponds should have the drainage area and impervious surface area draining to the pond noted.		X	X			S, E

Type of Plan Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Develop- ment
	Sketch Plan	Preliminary Plan	Final Plat			
permanent watershed protection controls including ponds, maintenance and access easements and natural filtration and infiltration areas		X	X			S, E, W
stormwater network, including swales, culverts, inlet and outlet structures with grades, elevations, dimensions and hydraulic calculations.		X				U,E
seeding specifications, including seedbed preparation, soil type and amendments, seeding rates and schedule		X				E
soil types as defined in Table 7 of the Guilford County Soil Survey		X				E, W
Landscaping Plan shall include...						
Location of required Street Planing Yard, Planting Yard and/or Parking Lot Plantings.		X				S,L
Location and type of exterior lighting.						L
Location and screening of dumpsters/compactors (show pad dimensions)						S,L
Location, species, size (caliper or DBH), number, spacing, height of trees and shrubs in required planting areas. (If existing vegetation is to be preserved, indicate approximate height and species mix.)						L
Size of planting yard, walls, berms and fences.		X				S,L
Provisions for watering, soil stabilization, plant protection and maintenance access.						L
Location and description of barriers to protect any vegetation from damage both during and after construction.						L
Location and dimensions of central mail structure(s).						S
Existing and proposed signs (location, height and area).		X				S
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities.		X				S,L
Front, side and rear elevations of proposed building(s)						If req. by Pln.. Bd.

Type of Plan Information	Minor and Major Subdivisions			Exclusion Map	Plot Plan	Site Plan/ Group Develop- ment
	Sketch Plan	Preliminary Plan	Final Plat			
Certificates and Endorsement: (See A-2-3 Map Certificates for wording. Certificates and endorsements should be placed along left border of map.)						
Certificate of Survey Accuracy signed by surveyor and attested by Notary Public.			X	X		
Certificate of Ownership and Dedication signed by owner(s)			X	X		
Certificate of Approval by Division of Highways of the North Carolina Department of Transportation			X	X		
Certificate stating that no approval is required by Division of Highways of the N.C. Department of Transportation.			X	X		
Certificate of Local Jurisdiction Approval for Recordation			X	X		
Review Officer Certification as required by NCGS 47-30			X	X		
Certificate of Purpose for Plat as required by NCGS 47-30			X			

A-3 MAP CERTIFICATES**(A) Certificate of Survey Accuracy:**

I, xxxxxxxxxxxxxx, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book xxxx, Page xxxx, etc.) (Other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book xxxx, Page xxxx; that the ratio of precision as calculated is 1:xxxxxx; this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this xxxx day of xxxx, A.D. 19xx.

SEAL OR STAMP

xxxxxxxxxxxxxxxxxxxxxx
Surveyor

xxxxxxxxxxxxxxxxxxxxxx
Registration Number

(B) Certificate of Acknowledgement of Notary Public:

North Carolina, xxxxxxx County.

I, a Notary Public of the county and State aforesaid, certify that xxxxxxxxxxxxxx, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness may hand and official stamp or seal, this xxxx day of xxxx, 19xx.

xxxxxxxxxxxxxxxxxxxxxx
Notary Public
SEAL or STAMP My commission expires:

xxxxxxxxxxxxxxxxxxxxxx

(D) Certificate of Ownership and Dedication:

The undersigned hereby acknowledge(s) that the land shown on this plat is within the subdivision regulation jurisdiction of the Town of Sedalia and this plat and allotment to be xxx free act and deed and hereby dedicate(s) to public use as streets and easements, forever all areas so shown or indicated on said plat.

Signed xxxxxxxxxxxxxxxxxxxxxx

Attest xxxxxxxxxxxxxxxxxxxxxx

(E) Certificate of Approval by Division of Highways of the North Carolina Department Transportation:

Department of Transportation
Division of Highways
Proposed Subdivision Road
Construction Standards Certificate

Approved xxxxxxxxxxxxxxxxxxxxxx

District Engineer

Date xxxxxxxxxx

(F) Certificate stating no approval is required by Division of Highways of the North Carolina Department of Transportation:

This plat does not require certificate of approval by the Division of Highways as provided in N.C.G.S. 136-102.6, subsection (g).

Signed xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx Date xxxxxxxxxx

Town of Sedalia - Enforcement Officer

(G) Certificate of Local Jurisdiction Approval for Recordation:

Approved by the Town of Sedalia, North Carolina on the xxxx day of xxxx, 19xx pursuant to Article V of the Sedalia Development Ordinance.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
Town of Sedalia - Enforcement Officer

(C) Certificate of Review Officer:

State of North Carolina
Town of Sedalia

I, xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx, Review Officer of Sedalia, NC, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

xxxxxxxxxxxxxxxxxxxxxx
Review Officer

xxxxxxxxxx
Date

(I) Certificate of Purpose of Plat:

The Final Plat shall contain one (1) of the following surveyor's certificate, signed and sealed by the surveyor:

- a. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one of the following::
 - 1. This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
 - 2. This survey is on an existing building or other structure, or natural feature, such as a watercourse; or
 - 3. This survey is a control survey.
- d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
- e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed: xxxxxxxxxxxxxxxxxxxx SEAL
Surveyor

Date: xxxxxxxxxx

APPENDIX 3: REQUIRED INFORMATION FOR OBTAINING A BUILDING, SIGN, USE/LOCATION, EVENT, FLOODPLAIN AND GRADING PERMIT

Information	Building	Sign	Use/Location	Event	Floodplain	Grading
Plot Plan, for requirement see ...	App. 2	App. 2	App. 2		Sct. 7-5	
Address of job	X	X	X	X	X	X
Name, Address and Telephone of ...						
Property Owner	X	X	X	X	X	X
Building Contractor	X	X	X			
Grading Contractor						X
Name of Subdivision or Development	X		X		X	X
Plat Book and Page Number	X		X		X	X
Tax Map Number	X		X		X	X
Township		X		X		X
Type of Sewage Disposal (i.e. Public Sewer, Septic Tank etc.)	X		X	X		
Type of Water Supply (i.e. Public Water, Private Well etc.)	X		X	X		
Proposed Use (i.e. single family, church, garage etc.)	X		X	X		
Application Type (new, addition, alteration or installation)	X	X	X			
Construction Plans, as required by ...	NC Building Code	Sct. 6-1	NC Building Code			
Erosion Control Plan, if disturbing greater than one acre	X		X		X	X
Watershed Development Plan, if job is located in designated watershed	X		X		X	X
Heated Square Feet	X					
Unheated Square Feet	X					
Number of Stories	X					
Number of Rooms, do not count baths, foyer, etc.)	X					
Number of Baths	X					
Type of Heat and Air Conditioning	X					

Information	Building	Sign	Use/Location	Event	Floodplain	Grading
Subcontractor(s) Name and License Number:						
Electrical	X	X	X			
Plumbing	X		X			
Mechanical	X					
Electrical Power Company	X	X	X			
Gas Power Company	X					
Type of Sign		X				
Dimensions of Sign		X				
Sign Illumination (electrical contractor)		X				
Master Sign or Common Sign Plan, if required		X				
Name, Address and Telephone Number of Sponsor or Organizer				X		
Dates of Event				X		
Financial Responsibility/Ownership Form						X
Manufactured Dwelling only ...						
Year and Model Name			X			
Name, Address and Telephone Number of Setup Contractor			X			
If to be located in Manufactured Dwelling Park						
Name of Park			X			
Space Number			X			

APPENDIX 4: DECISION AND APPEALS CHART

Decision Makers . . .

Decision On A . . .	Enforcement Officer	Historic Preservation Commission	Multijurisdictional Development Ordinance Committee	Planning Board	Board of Adjustment	Town Council
Minor Subdivision Plat				R		D
Minor Site Plan				R		D
Major Subdivision Plat				R		D
Major Site Plan				R		D
Zoning Boundary (Rezoning)				R		D
Historic District Designation		R		R		D
Certificate of Appropriateness		D			D	
Floodplain Boundary	D				D	
Floodplain Development Permit	D				D	
Building, Sign, Use/Location Permit	D				D	
Grading Permit	D			R		D

Legend R = Recommendation Made & Forwarded = Route of Recommendation D = Final Decision Made = Route of Appeal

APPENDIX 4: DECISION AND APPEALS CHART

Decision Makers ...

Decision On A ...	Enforcement Officer	Historic Preservation Commission	Multijurisdictional Development Ordinance Committee	Planning Board	Board of Adjustment	Town Council
Special Use Permit						
Erosion & Sedimentation Control Plan	D			R		D
Watershed Development Plan	D			R		D
Development Ordinance Text Amendment				R		D
Historic District Text Amendment		R	R	R		D
Street Address	D				D	
Street Name	D			R		D
Enforcement Officer Decision	D				D	
Enforcement Officer Interpretation	D				D	
Zoning Variance					D	
Subdivision Waiver				R		D
Legend R = Recommendation Made & Forwarded [redacted] = Route of Recommendation D = Final Decision Made [redacted] = Route of Appeal						