

MINUTES FROM A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS REGARDING APPLICATION TO LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF FINANCING LIBRARY/ COMMUNITY MEETING ROOM PROJECT HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE COUNTY COURTHOUSE ON APRIL 2, 2007 AT 8:45 AM.

The Public Hearing was called to order by Chairman Clinton G. Alston. Other Commissioners present: William "Bill" Davis, Earnest Fleming, Barry Richardson, and Ulysses S. Ross. Also in attendance: Linda T. Jones, County Manager and Barry Mayo, Finance Director.

Citizen comments were made as follows:

Jereann King Johnson - spoke in favor of project. She visited in Northwest part of state, communities there are having the same discussions about improving libraries. Everyone agrees that libraries are central to community growth.

On motion of Commissioner Ross, which was seconded by Commissioner Davis and duly carried by unanimous vote, the Public Hearing was adjourned at 8:50 am.

/s/ Angelena Kearney-Dunlap
Angelena Kearney-Dunlap, Clerk

MINUTES FROM A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS REGARDING ADOPTION OF A VOLUNTARY AGRICULTURAL DISTRICTING ORDINANCE HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE COUNTY COURTHOUSE ON APRIL 2, 2007 AT 9:00 AM.

The Public Hearing was called to order by Chairman Clinton G. Alston. Other Commissioners present: William "Bill" Davis, Earnest Fleming, Barry Richardson, and Ulysses S. Ross. Also in attendance: Linda T. Jones, County Manager and Barry Mayo, Finance Director.

Citizen comments were made as follows:

Carla Norwood - it's a wonderful program, thanked the Board for their leadership and asked them to consider other policies and incentives to protect farmland and farmers.

E.B. Harris - Agriculture is very important, adopting the ordinance will help farmers in the county, but also will help people moving into the area.

John Skinner - participation is completely voluntary and ordinance has nothing to do with zoning. Adoption of ordinance will protect farmers on the road and with liability insurance.

On motion of Commissioner Davis, which was seconded by Commissioner Ross and duly carried by unanimous vote, the Public Hearing was adjourned at 9:12 am.

/s/ Angelena Kearney-Dunlap
Angelena Kearney-Dunlap, Clerk

MINUTES FROM A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS REGARDING AMENDMENTS TO WARREN COUNTY FLOOD CONTROL ORDINANCE HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE COUNTY COURTHOUSE ON APRIL 2, 2007 AT 9:15 AM.

The Public Hearing was called to order by Chairman Clinton G. Alston. Other Commissioners present: William "Bill" Davis, Earnest Fleming, Barry Richardson, and Ulysses S. Ross. Also in attendance: Linda T. Jones, County Manager, Michael Williams, County Attorney and Barry Mayo, Finance Director.

Citizen comments were made as follows:

Carla Norwood - had questions relative to map references in ordinance and requested Board clear up language on Page 6, Section B "Limit" or "No new development in flood plain(s)".

On motion of Commissioner Ross, which was seconded by Commissioner Davis and duly carried by unanimous vote, the Public Hearing was adjourned at 9:25 am.

/s/ Angelena Kearney-Dunlap
Angelena Kearney-Dunlap, Clerk

MINUTES FROM A PUBLIC HEARING TO RECEIVE CITIZEN COMMENTS REGARDING AMENDMENTS TO THE SUBDIVISION ORDINANCE HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE COUNTY COURTHOUSE ON APRIL 2, 2007 AT 9:30 AM.

The Public Hearing was called to order by Chairman Clinton G. Alston. Other Commissioners present: William "Bill" Davis, Earnest Fleming, Barry Richardson, and Ulysses S. Ross. Also in attendance: Linda T. Jones, County Manager and Barry Mayo, Finance Director.

Citizen comments were made as follows:

Carla Norwood - changes are straight forward and pointed out:

- 1) "9 lots" are used to describe a minor subdivision, and
- 2) minor subdivisions do not have to gain permission from the county

Interim County Planner, Joyce Green-Williams gave a brief overview of proposed amendments.

9:35 am Commissioner Richardson left the public hearing.

On motion of Commissioner Fleming, which was seconded by Commissioner Davis and duly carried by majority vote, the Public Hearing was adjourned at 9:45 am.

/s/ Angelena Kearney-Dunlap
Angelena Kearney-Dunlap, Clerk

MINUTES FROM THE REGULAR MONTHLY MEETING HELD BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF WARREN IN THE COUNTY COURTHOUSE ON APRIL 2, 2007 AT 10:00 AM.

The meeting of the Board of County Commissioners was called to order by Chairman Clinton G. Alston. Other Commissioners present: William "Bill" Davis, Ernest Fleming, Barry Richardson, and Ulysses S. Ross. Others in attendance: Linda T. Jones, County Manager, Michael A. Williams, County Attorney and Barry Mayo, Finance Director.

A moment of silence was followed by citizen comments:

Dr. M.R. Dieckman, Board of Elections - presented two resolutions: 1) reconsider salary of Robin Green, Elections Administrative Assistant and 2) adequate space needs for Elections office.

Jereann King Johnson, citizen - requested county explore and expand leadership development for youth that serve on county boards and for youth overall.

Chevette Hunter, Soul City VFD - addressed agenda item # 11 "Consider Fire Commission recommendation to dissolve Warren County's relationship with Soul City VFD". New leadership has been elected and new members have joined. Requested Board allow Soul City VFD 6 months to improve their status.

On motion of Commissioner Richardson which was seconded by Commissioner Ross and duly carried by unanimous vote, it was ordered to amend the April 2, 2007 Suggested Agenda as follows:

Add: 9A - Adopt Resolution Supporting Renovation of Warren County Armory as Cultural Arts Center

9B - Replace Detention Center Fire Alarm

9C - Amendment #12 to FY 2006-07 Budget Ordinance

14A - Reschedule April 18th Commissioners' Work Session

Delete: 10B - Enter Into Lease with Agape' Family Counseling

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, it was ordered to adopt the April 2, 2007 suggested agenda as amended.

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, it was ordered to approve Consent Agenda item # 5A Minutes of March 12, 2007:

* Public Hearing - National Guard Armory Future Use

* Regular Board of Commissioners Meeting

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, it was ordered to approve Consent Agenda Item #5B - Interest Income Report for February 2007:

INTEREST INCOME REPORT
Month of February 2007

| FUND | FEBRUARY INCOME | FISCAL YEAR TO - DATE |
|-------------------------------------|--------------------|--------------------------|
| General | 48,131.80 | 298,827.32 |
| Revaluation | 1,479.14 | 12,262.63 |
| E 911 Telephone System | 1,261.10 | 10,330.47 |
| E 911 Wireless | 864.74 | 7,632.72 |
| Admin Off Bld Cap Reserve Fund | 0.00 | 3,191.84 |
| Buck Spring Project | 1,052.77 | 9,024.69 |
| Recreation Complex | 230.12 | 5,611.92 |
| Animal Control | 0.00 | 6,000.77 |
| Recreation Complex Phase II | 931.87 | 5,700.43 |
| Library Building Project Fund | 1,077.14 | 2,608.56 |
| Regional Water Enterprise Fund | 1,120.01 | 9,619.25 |
| District 1 Enterprise Fund | 1,652.21 | 13,138.41 |
| Solid Waste | 1,953.72 | 6,444.80 |
| District II Enterprise Fund | 1,516.84 | 12,481.28 |
| District III Capital Project Fund | 922.67 | 7,783.84 |
| District III Phase II | 10.95 | 93.83 |
| District III Enterprise Fund | 344.26 | 2,847.50 |
| Soul City Pump Station Improvements | 34.06 | 291.93 |
| District II Phase II | 68.30 | 585.48 |
| | 62,651.70 | 414,477.67 |

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, it was ordered to adopt Item #5C - Tax Collector's Report for February 2007:

Tax Collector's Report
to the Warren County Board of Commissioners
For the Month FEBRUARY, 2007

Current Year Collections

| Tax Year | Charge | Collected in FEB | Collected to Date | Balance Outstanding | Percentage Collected |
|-----------------------------|-------------------|---------------------|----------------------|------------------------|-------------------------|
| 2006 | 11,302,895 | 370,401 | 10,340,066 | 962,829 | 91.48% |
| FY 06 FEB Comparison | 10,908,883 | \$ 182,079 | \$ 10,019,157 | \$ 889,726 | 91.84% |

Delinquent Collections

| | | | | | |
|-------------------------------|---------------------|------------------|-------------------|---------------------|--------------|
| 2005 | 626,474 | 29,329 | 222,696 | \$ 403,778 | 35.55% |
| 2004 | 296,933 | 5,633 | 41,605 | \$ 255,328 | 14.01% |
| 2003 | 199,511 | 2,419 | 18,349 | 181,162 | 9.20% |
| 2002 | 253,742 | 3,368 | 12,804 | 240,938 | 5.05% |
| 2001 | 223,819 | 1,845 | 10,784 | 213,035 | 4.82% |
| 2000 | 126,442 | 1,221 | 7,129 | 119,313 | 5.64% |
| 1999 | 58,559 | 854 | 3,444 | 55,114 | 5.88% |
| 1998 | 53,384 | 398 | 2,760 | 50,624 | 5.17% |
| 1997 | 43,924 | 480 | 2,294 | 41,630 | 5.22% |
| 1996 | 34,937 | 541 | 1,892 | 33,045 | 5.42% |
| Total Delinquent Years | \$ 1,917,725 | \$ 46,088 | \$ 323,758 | \$ 1,593,967 | 3.29% |

Other Financial Data

Other February Receipts

| | | |
|---------------------|-----------|------------|
| County Penalties | \$ 19,922 | \$ 77,476 |
| Landfill User Fees | \$ 66,862 | \$ 926,309 |
| Municipalities | \$ 11,590 | \$ 354,389 |
| Fire District Taxes | \$ 22,193 | \$ 493,298 |
| Advance Taxes | \$ 12,399 | \$ 15,664 |

| | | |
|-----------------------------|-------------------|----------------------|
| FEBRUARY GRAND TOTAL | \$ 549,455 | \$ 12,530,960 |
|-----------------------------|-------------------|----------------------|

R. Edw. Mitchum 3-14-07
 R. Edwin Mitchum, Tax Collector Date

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, it was ordered to adopt Consent Agenda item # 5D, Tax Release Requests Over \$100, as follows:

TAX RELEASE REQUESTS OVER \$100
4/2/2007

Approved by _____
 Date: _____

ERROR CORRECTION RELEASES:

| <u>NAME</u> | <u>Year</u> | <u>ACCT#</u> | <u>MAP #</u> | <u>RECORD #</u> | <u>AMOUNT</u> | <u>REASON</u> |
|-------------------------------------|-------------|--------------|--------------|-----------------|-------------------|---------------------|
| Eisen Jon E | 2006 | 28558 300 | | 23190 | | 611.8 MH Repo |
| Evans Decozie | 2006 | 1556 200 | J11 80C | 27611 | | 162.25 Clerical |
| Franklin Family Partners | 2006 | 27278 300 | B6 11 | 9945 | \$ | 210.16 Clerical |
| Master Mechanics Masonry | 2004 | 10544 104 | | 26264 | \$ | 231.40 Adj Val |
| Master Mechanics Masonry | 2005 | 10544 105 | | 26263 | \$ | 210.60 Adj Val |
| Master Mechanics Masonry | 2006 | 10544 106 | | 26262 | \$ | 183.15 Adj Val |
| Moore Steohanie A | 2005 | 5027 105 | | 56008 | \$ | 575.30 DW Repo |
| Moore Steohanie A | 2006 | 5027 300 | | 20331 | \$ | 536.40 DW Repo |
| Munn Kathy | 2006 | 28308 200 | | 27148 | \$ | 105.00 Stg only |
| Reid Thomas & Aletha | 2005 | 25526 300 | | 18540 | \$ | 848.37 Dbl List |
| Reid Thomas & Aletha | 2006 | 25526 300 | A4 26B | 18540 | \$ | 848.37 Dbl List |
| White K C Harris | 2005 | 6304 05 | | 5835 | \$ | 247.40 Restore Excl |
| White K C Harris | 2006 | 6304 300 | | 54555 | \$ | 215.97 Restore Excl |
| SUB-TOTAL ERROR CORRECTIONS: | | | | | \$4,986.17 | |

MOTOR VEHICLE RELEASES:

| | | | | | | |
|-------------------|------|------------|--|-------|----|---------------------|
| Coleman Glenn J | 2004 | 0 104 | | 45090 | \$ | 155.99 Rel to Frank |
| Richardson Joseph | 2006 | 27693 2318 | | 74370 | \$ | 108.90 Turned in |
| Vaughan James C | 2006 | 30144 2305 | | 77448 | \$ | 104.72 Sold |

SUB-TOTAL MOTOR VEHICLE RELEASES: \$ 369.61

LANDFILL USER FEE RELEASES:

| | |
|--|-------------------|
| SUB-TOTAL LFUF RELEASES | \$0.00 |
| SUB-TOTAL ERROR CORRECTIONS: | \$4,986.17 |
| SUB-TOTAL MOTOR VEHICLE RELEASES: | \$369.61 |
| TOTAL RELEASES: | \$5,355.78 |

Abbreviation Key:

LFUF = Landfill User Fee
 M/H = Mobile Home
 PC=Private Contractor

County Manager approved Releases under \$100:

TAX RELEASE REQUESTS UNDER \$100

4/2/2007

Approved: 2/9Date: 3/20/07**ERROR CORRECTION RELEASES:**

| <u>NAME</u> | <u>ACCT #</u> | <u>RECORD #</u> | <u>AMOUNT</u> | <u>REASON</u> | <u>Twp</u> |
|-------------------------------------|---------------|-----------------|-----------------|---------------|------------|
| Wharton Dennis A & Fa | 2006 273 200 | 26559 | \$ 13.43 | Sold | 111 |
| Wharton Dennis A & Fa | 2005 273 105 | 53701 | \$ 16.24 | Sold | 111 |
| SUB-TOTAL ERROR CORRECTIONS: | | | \$ 29.67 | | |

| <u>MOTOR VEHICLE RELEASES:</u> | <u>ACCT #</u> | <u>RECORD #</u> | <u>AMOUNT</u> | <u>REASON</u> | <u>Twp</u> |
|---------------------------------|----------------------------|------------------|--------------------|-----------------|----------------|
| Alexander Donte S | 2006 29671 1264 | 69914 | \$ 12.04 | Sold | 103 |
| Curtis Churchwell B Jr | 2006 11872 1299 | 73351 | \$ 3.43 | Sold | 105 |
| Bledsoe Jennifer Lee | 2006 11738 9999 | 26428 | \$ 90.50 | Dbl List | 110 |
| Brinkley Frank T | 2006 5502 9999 | 26239 | \$ 88.01 | Turned in | 101 |
| Burnette Don Q | 2006 6025 1931 | 68839 | \$ 8.96 | Junked | 105 |
| Davis Kenneth N | 2006 677 2372 | 60737 | \$ 6.40 | Sold | 103 |
| Fleming Rosa B | 2006 14720 1937 | 77080 | \$ 39.51 | Sold | 108 |
| Harrison Clyde Wray | 2006 31539 2195 | 77338 | \$ 21.60 | Adj Val | 107 |
| Hawes Portia Harris | 2006 5679 1887 | 73939 | \$ 41.88 | Total | 112/53 |
| Hawkins Samuel David | 2006 18901 1196 | 75054 | \$ 5.28 | Sold | 108 |
| Hawkins Samuel David | 2006 18901 1196 | 75054 | \$ 5.28 | Sold | 108 |
| Hayes Laura H | 2006 19133 1512 | 73564 | \$ 12.72 | Burned | 108 |
| Jerman Billy J | 2006 17187 2811 | 61176 | \$ 1.27 | Turned in | 112 |
| Jones Barbara Powell | 2006 6268 2039 | 60404 | \$ 1.40 | Total | 110 |
| Jones Nurisha V | 2006 19111 1011 | 76154 | \$ 16.92 | Sold | 104 |
| Korey Sandra M | 2006 16726 2367 | 64417 | \$ 2.10 | Sold | 103 |
| Lewis Judy H | 2006 25419 1172 | 73224 | \$ 9.17 | Sold | 111/51 |
| M & W Hauling | 2006 9220 1241 | 76384 | \$ 59.31 | Sold | 112/53 |
| McAuslan James L | 2006 26204 2443 | 74495 | \$ 48.60 | Sold | 112 |
| Mills William E | 2006 27532 1263 | 59628 | \$ 1.52 | Sold | 101 |
| Perry Zelmora Jr | 2006 31439 105 | 53026 | \$ 34.86 | Sold | 112 |
| Richardson Ivan Donne | 2006 33630 105 | 52385 | \$ 40.67 | Sold | 101 |
| Ward Ruby L | 2006 74028 1976 | 74028 | \$ 62.73 | Sold | 107 |
| West James Alan | 2006 19407 1456 | 76579 | \$ 17.40 | Sold | 106 |
| Yancey Bernice Wright | 2006 29946 1804 | 76947 | \$ 61.24 | | 108 |
| | | | \$ 687.52 | | |

SUB-TOTAL MOTOR VEHICLE RELEASES: \$ 687.52

SUB-TOTAL CORRECTION RELEASES: \$ 29.67

Total Releases \$ 717.19

Abbreviation Key:

M/H = Mobile Home

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, County was ordered to participate in April 14-28, 2007 "Litter Sweep, Roadside Clean-Up" in accordance with Governor Easley's Spring Litter Sweep Proclamation.

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, "Proclamation" declaring April 29-May 6, 2007 Soil & Water Stewardship Week was adopted as presented by Larry West, Director Soil & Water Conservation.

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, Proclamation for "National Day of Prayer" Thursday, May 3, 2007 was adopted:



WARREN COUNTY BOARD OF COMMISSIONERS

POST OFFICE BOX 619
 WARRENTON, NORTH CAROLINA 27589
 Telephone: (252) 257-3115 Fax: (252) 257-5971
 www.warrencountync.com

County of Warren
 State of North Carolina

Clinton G. Alston, Chairman
 Ulysses S. Ross, Vice Chairman
 Barry Richardson
 Ernest Fleming
 William (Bill) Davis

Linda T. Jones
 County Manager

Angelena Kearney-Dunlap
 Clerk to the Board

RESOLUTION

National Day of Prayer May 3, 2007

WHEREAS, Prayer is a strong uniting force that is the backbone of the American Spirit and as the source of healing and renewal, brings people together as a community and as a country; and

WHEREAS, The National Day of Prayer, which has long been a part of our great history, has provided a unifying force for all members of the great religions of the world and has formed a common expression of reverence and respect for God; and

WHEREAS, The occasion of National Day of Prayer allows our community and this nation to further recognize the great blessings of the Lord and to seek His help to face daily concerns and future challenges.

NOW, THEREFORE, WE, THE WARREN COUNTY BOARD OF COMMISSIONERS, do hereby proclaim Thursday, May 3, 2007, a Day of Prayer. We call upon every citizen of Warren County to gather together on this day and, in their own manner, pray for unity of the hearts and minds of all mankind.



Warren County Board of Commissioners

Clinton G. Alston
 Clinton G. Alston, Chairman

ATTEST:

Angelena Kearney-Dunlap
 Angelena Kearney-Dunlap, Clerk

On motion of Commissioner Richardson, which was seconded by Commissioner Ross and duly carried by unanimous vote, Amendment # 11 to the FY 2006-07 Warren County Budget Ordinance was adopted:

AMENDMENT TO THE WARREN COUNTY BUDGET ORDINANCE
 2006/2007
 Amendment No. 11

Section 1 of the Warren County Budget Ordinance, pertaining to the General Fund operations of the County, shall be amended as follows:

Increase/(Decrease) Appropriations:

| | |
|---------------------------------|------------------|
| Health Department | \$ 3,375 |
| Detention Facility | 2,425 |
| Building, Grounds & Maintenance | (2,425) |
| DSS Public Assistance | <u>17,500</u> |
| Total | \$ 20,875 |

Section 2 of the Warren County Budget Ordinance, pertaining to the General Fund operations of the County, shall be amended as follows:

Increase/(Decrease) Revenues:

| | |
|---------------------------------------|------------------|
| Restricted Intergovernmental - Health | \$ 3,375 |
| Restricted Intergovernmental - DSS | <u>17,500</u> |
| Total | \$ 20,875 |

This amendment:

This amendment:

- appropriates funds to the Health Department for the Family Planning Program

Source of Funding: N.C. State Department of Health & Human Services - Division of Public Health

- appropriates funds to the Detention Facility for building repairs and maintenance

Source of Funding: Building, Grounds and Maintenance - Contingency

- appropriates funds to the DSS Public Assistance Budget for Smart Start expenditures

Source of Funding: N.C. State Department of Health & Human Services - Division of Child Development

Respectfully Submitted 4/02/07



Barry J. Mayo, Finance Director

Having held a required public hearing on Monday, April 2, 2007 at 8:45 am to hear citizen comments regarding adopting "Resolution Authorizing the Filing of An Application for Approval of A Financing Agreement Authorized by NC General Statute 160A-20", the following action was taken.

On motion of Commissioner Richardson, which was seconded by Commissioner Davis and duly carried by unanimous vote, Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by NC General Statute 160A-20 was adopted:



WARREN COUNTY BOARD OF COMMISSIONERS

POST OFFICE BOX 619
 WARRENTON, NORTH CAROLINA 27589
 Telephone: (252) 257-3115 Fax: (252) 257-5971
 www.warrencountync.com

**RESOLUTION
 AUTHORIZING THE FILING OF AN APPLICATION FOR
 APPROVAL OF A FINANCING AGREEMENT AUTHORIZED
 BY NORTH CAROLINA GENERAL STATUTE 160A-20**

Anton G. Alston, Chairman
 Charles S. Ross, Vice Chairman
 Barry Richardson
 Robert Fleming
 William (Bill) Davis
 Linda T. Jones
 County Manager
 Selena Kearney-Dunlap
 Clerk to the Board

WHEREAS, the Board of Commissioners of Warren County, North Carolina desires to construct Library/Community Meeting Room (the "Project"); and

WHEREAS, the Board of Commissioners of Warren County, North Carolina desires to finance the Project by the use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Warren County, North Carolina, meeting in a regular session on the 2nd day of April, 2007, make the following findings of fact:

1. The proposed contract is necessary or expedient to facilitate the construction of a Library/Community Meeting Room that is convenient, safe and accessible to all ages of our citizens.
2. The proposed contract is preferable to a bond issue for the same purpose because of the favorable interest rate offered through installment contract financing and the low fixed cost compared to a bond issue. The cost of the undertaking is approximately \$2,101,490 which exceeds the amount that can prudently be raised through appropriation of available fund balance in light of other capital needs the county anticipates meeting in the near future.
3. The cost of financing under the proposed contract is believed to be less than the cost of issuing general obligation bonds, considering expenses relating to special referendum and bond counsel.
4. The sums to fall due under the contract are adequate and not excessive for the proposed purposes due to the County's diligence to provide services at a level previously not available while being conservative in design.

5. The County of Warren's debt management procedures and policies are in compliance and the County is well below its debt margin with no defaults on debt service payments.
6. The increase in ad valorem taxes necessary to meet the sums to fall due under the proposed contract will be less than one cent per \$100 valuation and is not deemed to be excessive.
7. The County of Warren is not in default in any of its debt service obligations.
8. The attorney for the County of Warren will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Officer is hereby authorized to act on behalf of the County of Warren in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption **this 2nd day of April, 2007.**

Having held a required public hearing on Monday, April 2, 2007 at 9:00 am to hear citizen comments regarding adopting "Voluntary Agricultural Districting Ordinance", the following action was taken.

On motion of Commissioner Richardson, which was seconded by Commissioner Ross and duly carried by unanimous vote, "Voluntary Agricultural Districting Ordinance", was adopted as follows:

**WARREN COUNTY
VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE**

**ARTICLE I
TITLE**

An ordinance of the Board of County Commissioners of WARREN COUNTY, NORTH CAROLINA, entitled "**VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE.**"

**ARTICLE II
AUTHORITY**

The articles and sections of this ordinance are adopted pursuant to authority conferred by the N.C.G.S. Sections 106-735 through 106-744 and Chapter 153A.

**ARTICLE III
PURPOSE**

The purpose of this ordinance is to promote agricultural values and the general welfare of the county and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture; and increase protection from non-farm development and other negative impacts on properly managed farms.

**ARTICLE IV
DEFINITIONS**

The following are defined for purposes of this ordinance:

| | |
|--------------------------------|---|
| <u>Advisory Board:</u> | Warren County Agricultural Advisory Board. |
| <u>Chairperson:</u> | Chairperson of the Warren County Agricultural Advisory Board. |
| <u>District:</u> | Voluntary Agricultural District as established by this ordinance. |
| <u>Board of Commissioners:</u> | Warren County Board of Commissioners. |

**ARTICLE V
AGRICULTURAL ADVISORY BOARD**

- A. Creation
The Board of Commissioners shall establish an Agricultural Advisory Board to implement the provisions of this program.
- B. Membership
The Advisory Board shall consist of no less than six (6) members appointed by the Board of Commissioners.
- C. Membership Requirements
1. Each Advisory Board member shall be a Warren County resident or landowner.
 2. At least five (5) of the members shall be actively engaged in farming.
 3. At least one (1) of the Advisory Board members actively engaged in farming shall be nominated by the Warren County Soil and Water Conservation District Board of Supervisors.
 4. The members actively engaged in farming, as well as other members, shall be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Soil and Water Conservation District Board of Supervisors, the County Office of the North Carolina Cooperative Extension Service, the U.S. Farm Service Agency County Committee, nonprofit agricultural organizations, conservation organizations, agribusiness, and the public at large.
 5. Of the six (6) Board members, five (5) must represent the county districts, with one member from each district. One representative will be employed by the Warren Soil and Water Conservation District and/or the Warren Natural Resource Conservation Service.
 6. Five (5) alternate Board members, one from each district, will be chosen to serve in the absence of an approved member or in the case of an approved Board member stepping down from that same district.
- D. Tenure
The initial board is to consist of one (1) appointee for term of one year; two (2) appointees for terms of two years; and three (3) appointees for terms of three years. Thereafter, all appointments are to be for terms of three years, with reappointment permitted.
- E. Vacancies
Any vacancy on the Advisory Board is to be filled by the Board of Commissioners for the remainder of the unexpired term.
- F. Removal
Any member of the Advisory Board may be removed by the Board of Commissioners upon a two-thirds vote of the Commissioners.
- G. Funding
The *per diem* compensation, if any, of the members of the Advisory Board may be fixed by the Board of Commissioners and funds may be appropriated to the Advisory Board to perform its duties.
- H. Advisory Board Procedure
1. Chairperson
The Advisory Board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairperson shall preside over all regular or special meetings of the Advisory Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall exercise all the powers of the chairperson. Additional officers may be elected as needed.
 2. Jurisdiction
The Advisory Board may adopt rules of procedure not inconsistent with this ordinance or with other provisions of State law.
 3. Advisory Board Year
The Advisory Board shall use the Warren County fiscal year as its meeting year.
 4. Meetings
Meetings of the Advisory Board shall be held at the call of the chairperson and at such other times as the Advisory Board may specify in its rules of procedure or upon the request of at least a majority of the Advisory Board Membership. A meeting shall be held at least annually and notice of any meetings to the members shall be in writing, unless otherwise agreed to by all Advisory Board members. Meeting dates and times shall be posted as far in advance as possible on the door of the meeting site and by advertisement in local newspapers or by other means of public dissemination of the meeting dates as may be agreed upon by at least a majority of the Advisory Board Membership. All meetings shall be open to the public.
 5. Majority Vote

All issues shall be decided by a majority vote of the members of the Advisory Board, except as otherwise stated herein.

6. Records

The Advisory Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Advisory Board and shall be a public record.

7. Administrative

The Advisory Board may contract with the Soil and Water Conservation District office to serve the Board for record keeping, correspondence, application procedures under this ordinance, and whatever services the Board needs to complete its duties.

I. Duties

The Advisory Board shall:

1. Review and approve applications for qualified farmland and voluntary agricultural districts and make recommendations concerning the establishment and modification of agricultural districts;
2. Conduct public hearings;
3. Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or activities within the county that will affect agricultural districts;
4. Review and make recommendations concerning proposed amendments to this ordinance;
5. Develop a draft county wide farmland protection plan as defined in N.C.G.S. §106-744 (e) (1) for presentation to the Board of Commissioners;
6. Study additional methods of farmland preservation and make recommendations to the Board of Commissioners; and
7. Perform other agricultural related tasks or duties assigned by the Board of Commissioners.

ARTICLE VI CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS

A. Regions

Warren County is hereby divided into five (5) regions as defined below:

1. River, Sixpound, and Roanoke precincts.
2. Hawtree., Smith Creek, Nutbush, and Norlina precincts.
3. West Warrenton and East Warrenton precincts.
4. Fishing Creek and Judkins precincts.
5. Sandy Creek, Shocco, and Fork precincts.

B. Implementation

In order to implement the purposes stated in Article III, this program provides for the creation of voluntary agricultural districts which meet the following standards (the guidelines for these requirements are those used by the Warren County tax office in determining tax use valuation.):

1. Agricultural Land – at least ten (10) contiguous acres of qualified farmland; or
2. Horticultural Land – at least five (5) contiguous acres of qualified farmland; or
3. Forest Land – at least twenty (20) contiguous acres of qualified forestland.

All land enrolled in a region, defined in section A, above, shall be part of a single district. If a single farm has acreage in two or more regions, the farm shall participate in the district where the largest acreage is found.

C. Education

The county may take such action as it deems appropriate through the Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the agricultural district program.

D. Addition and Withdrawal

1. Qualifying farmland in a region with an existing district shall be added to the district as herein provided.
2. In the event that one or more participants in the District withdraw and the acreage in the District becomes less than the minimum acreage required or results in the remaining land being noncontiguous, a voluntary agricultural district will continue to exist so long as there is one qualifying farm.

**ARTICLE VII
CERTIFICATION AND QUALIFICATION OF FARMLAND**

Requirements

To secure county certification as qualifying farmland, a farm must:

1. Be participating in the farm present-use-value taxation program established by N.C.G.S. §105- 277.2 through §105-277.7, or is otherwise determined by the county to meet all the qualifications of this program set forth in G.S. 105-277.3;
2. Be certified by the Natural Resources Conservation Service (formerly the Soil Conservation Service) of the United States Department of Agriculture as being a farm on which at least two-thirds of the land is composed of soils that:
 - a. Are best suited for providing food, seed, fiber, forage, timber, forestry products, horticultural crops and oil seed crops;
 - b. Have good soil qualities;
 - c. Are favorable for all major crops common to the county where the land is located;
 - d. Have a favorable growing season; and
 - e. Receive the available moisture needed to produce high yields for an average of eight out of ten years;

OR

- Have been actively used in agricultural, horticultural or forestry operations as defined by N.C.G.S. §105-277.2 (1,2,3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies;
3. Be managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service defined erosion-control practices that are addressed to said highly-erodible land; And
 4. Be the subject of a conservation agreement, as defined in N.C.G.S. §121-35, between the county and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable county zoning and subdivision regulations.

**ARTICLE VIII
APPLICATION, APPROVAL, AND APPEAL PROCEDURE**

A. Application Procedure

1. A landowner may apply to participate in the program by making application to the Advisory Board. The application shall be on forms provided by the Advisory Board. The application to participate in a district may be filed with the certification for qualifying farmland.
2. A conservation agreement to sustain, encourage, and promote agriculture must be executed by the landowner and recorded with the Advisory Board. Permitted uses include agriculture, horticulture, forestry, and outdoor recreation.

B. Approval Process

1. Upon submission of the application to the Advisory Board, the Advisory Board shall meet within thirty (30) days to approve or disapprove the application. The chairperson shall notify the applicant by first class mail of approval or disapproval of participation in the district.
2. Upon receipt of an application, the chairperson will forward copies immediately to the following offices which shall be asked to provide comments, if any, to the Advisory Board prior to the date let for the Advisory Board vote on the application:
 - a. The Warren County tax assessor;
 - b. The Warren Soil and Water Conservation District office; and
 - c. The Natural Resources Conservation Service.

C. Appeal

If an application is denied by the Advisory Board, the petitioner shall have thirty (30) days to appeal the decision to the Board of Commissioners. Such appeal shall be presented in writing. The decision of the Board of Commissioners is final.

**ARTICLE IX
REVOCAION AND RENEWAL OF PRESERVATION AGREEMENT**

A. Revocation

By providing 30 days advance written notice to the Advisory Board, a landowner of qualifying farmland may revoke the Preservation Agreement or the Advisory Board may revoke the same Preservation Agreement based on noncompliance by the landowner, subject to the same provisions as contained in Article VIII for appeal of denials. Such revocation shall result in loss of qualifying farm status and loss of eligibility to participate in a district. Absent noncompliance by the landowner,

neither the Advisory Board nor the Board of Commissioners shall revoke any preservation agreements prior to its expiration.

B. Renewal

Preservation Agreements shall be deemed automatically renewed for an additional term of 10 years, unless either the Advisory Board or the landowner gives written notice to the contrary no later than 30 days prior to the termination date.

**ARTICLE X
PUBLIC HEARINGS**

A. Purpose

Pursuant to N.C.G.S. §106-740, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Advisory Board to hold a public hearing on the proposed condemnation.

B. Procedure

1. Upon receiving a request, the Advisory Board shall publish notice describing the proposed action in the appropriate newspapers of Warren County within ten (10) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within fifteen (15) days of receipt of the request.
2. The Advisory Board shall meet to review:
 - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
 - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Advisory Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Advisory Board to be necessary for its review of the proposed action.
4. Within five (5) days after the hearing, the Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition.
5. There will be a period of ten (10) days allowed for public comment on the report of the Advisory Board.
6. After the ten (10) day period for public comment has expired, the Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
8. Pursuant to N.C.G.S. §106-740, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Advisory Board.

**ARTICLE XI
NOTIFICATION**

A. Record Notice of Proximity to Voluntary Agricultural District

1. Procedure

When Warren County computerizes its County Land Records System the following requirements outlined in this section shall be implemented and enforced. Upon certification of qualifying farmland and designation of real property as a District, the title to that qualifying farmland and real property, which is contained in the Warren County Land Records System shall be changed to include a notice reasonably calculated to alert a person researching the title of a particular tract within one (1) aerial mile of the boundary of any property of a voluntary agricultural district.

2. Limit of Liability

In no event shall the County or any of its officers, employees, members of the Advisory Board, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by this ordinance.

3. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or voluntary agricultural district as defined in this ordinance.

4. Building Permit Registration

Persons applying for a building permit shall be required to sign the following statement, which shall be maintained at the office of the Register of Deeds:

“I have reviewed the most current Warren County Agriculture Districting map found in the Building Inspection office. I understand that activities such as pesticide spraying, manure spreading, machinery operation, livestock operations, logging, and other common farming and forestry activities may occur at any time in these areas.”

These statements shall be on file in the office of the Register of Deeds.

5. Land Transfer

Persons acquiring land as a result of land transfer shall be required to sign the following statement, which shall be maintained at the office of the Register of Deeds:

“I have reviewed the most current Warren County Agriculture Districting map found in the Register of Deeds office. I understand that activities such as pesticide spraying, manure spreading, machinery operation, livestock operations, logging, and other common farming and forestry activities may occur at any time in these areas.”

These statements shall be on file in the office of the Register of Deeds.

B. Signage

Signs identifying approved agricultural districts shall be placed along the rights-of-way of major roads that pass through or next to those districts. There shall at least one sign posted by the road at the county line as motorists enter Warren County, or as many as may be deemed appropriate by the Advisory Board, or its administrative agent for the county's agricultural district program. Placement of signage shall be coordinated with the N.C. Department of Transportation.

C. Maps

Maps identifying approved agricultural districts shall be provided to the following agencies or offices:

1. Planning Department
2. Register of Deeds;
3. Natural Resources Conservation Service;
4. North Carolina Cooperative Extension Service;
5. Soil and Water Conservation District;
6. Tax Assessor;
7. All local real estate offices;
8. Chamber of Commerce; and
9. All local attorney's offices.

ARTICLE XII

WAIVER OF WATER AND SEWER ASSESSMENTS

A. No Connection Required

A landowner belonging to the District shall not be required to connect to Warren County water and/or sewer systems.

B. Abeyance

Water and sewer assessments shall be held in abeyance, without interest, for farms in an agricultural district, until improvements on such property are connected to the water or sewer system for which the assessment was made.

C. Termination of Abeyance

When the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.

D. Suspension of Statute of Limitations

Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.

E. Other Statutory Abeyance Procedures

Nothing in this section is intended to diminish the authority of the County to hold assessments in abeyance under N.C.G.S. §153A-201, or other applicable law.

F. Conflict with Water and/or Sewer System Construction and Improvements Grants

To the extent that this section conflicts with the terms of federal, state, or other grants under which county water and/or sewer systems are constructed this section shall not apply.

ARTICLE XIII

COUNTY LAND-USE PLANNING

A. Duty of the Advisory Board

It shall be the duty of the Advisory Board to advise the Board of Commissioners or the agency or office to which the Board of Commissioners delegate authority to oversee county land use planning, on the status, progress, and activities of the county's agricultural district program and to also coordinate

the formation and maintenance of agricultural districts with the county's land use planning activities and the county's land use plan if one currently exists at the time this ordinance is enacted or when one is formed.

B. Posting of Notice

The following notice, of a size and form suitable for posting, shall be posted in the office of the Register of Deeds, and any other office or agency the Advisory Board deems necessary:

Warren County has established agricultural districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped by the county to inform all purchasers of real property that certain agricultural and forestry activities, including but not limited to pesticide spraying, manure spreading, machinery operation, livestock operations, logging, and other common farming or forestry activities may occur in these districts any time during the day or night. Maps and information on the location and establishment of these districts can be obtained from the North Carolina Cooperative Extension Service office, the office of the Register of Deeds, the County Planning office, or the Natural Resources Conservation Service office.

C. Growth Corridors

At such time as the county might establish designated growth corridors, agricultural districts will not be permitted in the designated growth corridors, as delineated on the official county planning map without the approval of the Board of Commissioners. Districts located in growth corridors designated after the effective date of this program may remain, but shall not be expanded within the growth corridor area without the approval of the Board of Commissioners.

**ARTICLE XIV
CONSULTATION AUTHORITY**

The Advisory Board may consult with the North Carolina Cooperative Extension Service, the Natural Resources Conservation Service office, the North Carolina Department of Agriculture and Consumer Services, and with any other individual, agency, or organization the Advisory Board deems necessary to properly conduct its business.

**ARTICLE XV
NORTH CAROLINA AGENCY NOTIFICATION**

Annually Report to the North Carolina Department of Agriculture and Consumer Services

A copy of this ordinance shall be sent to the Office of the North Carolina Commissioner of Agriculture and Consumer Services, the Board of Commissioners, the County Office of the North Carolina Cooperative Extension Service, and the Soil and Water Conservation District office after adoption. At least annually the county shall submit a written report to the Commissioner of Agriculture and Consumer Services on the county's agricultural district program, including the following information:

1. Number of landowners enrolled;
2. Number of acres enrolled;
3. Number of acres certified during the reporting period;
4. Number of acres denied during the reporting period;
5. Number of acres for which applications are pending;
6. Copies of any amendments to the ordinance; and
7. Any other information the Advisory Board deems useful.

**ARTICLE XVI
LEGAL PROVISIONS**

A. Severability

If any article, section, subsection, clause, phrase, or portion of this ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

B. Conflict with other Ordinances and Statutes

Whenever the provisions of this ordinance conflict with other ordinances of Warren County, this ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.

C. Amendments

This ordinance may be amended from time to time by the Board of Commissioners.

**ARTICLE XVII
ENACTMENT**

The Warren County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this ordinance.

Adopted this the 2nd day of April, 2006.

Having held a required public hearing on Monday, April 2, 2007 at 9:15 am to hear citizen comments regarding adopting "Amendments to the County's Flood Damage Prevention Ordinance", the following action was taken.

On motion of Commissioner Richardson, which was seconded by Commissioner Fleming and duly carried by unanimous vote, "Amendments to the County's Flood Damage Prevention Ordinance", was adopted as follows:

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

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

Therefore, the Warren County Board of Commissioners of Warren County, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of Warren County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

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

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

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) to protect human life, safety, and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business losses and interruptions;
- (5) to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

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

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

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

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

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

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

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

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

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

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

“Building” see “Structure”.

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

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

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

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

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

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

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

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

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

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

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

“Flood Prone Area” see “Floodplain”.

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

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

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

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

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

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

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Facility” means, as defined in NCGS 130, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

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

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

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

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

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

“Mean Sea Level” means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

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

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

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

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

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

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

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

“Reference Level” is the top of the lowest floor or the bottom of the lowest attendant utility, whichever is lower, for structures within Special Flood Hazard Areas designated as Zone A1-30, AE, A, A99 or AO.

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

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

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

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

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

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

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in Article 3 Section B of this ordinance.

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

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

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

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

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

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

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

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

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

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of Warren County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

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

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Warren County, dated February 1, 1987.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3 Section B of this ordinance.

SECTION D. COMPLIANCE.

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

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION F. INTERPRETATION.

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

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

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

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

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Warren County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Warren County Planner/Zoning Administrator, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3 Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - v) the Base Flood Elevation (BFE) where provided as set forth in Article 3 Section B, Article 4 Section C, or Article 5 Section D;
 - vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - vii) the certification of the plot plan by a registered land surveyor or professional engineer.
 - (b) Proposed elevation and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - (c) If floodproofing, a Floodproofing Certificate (*FEMA Form 81-65*) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5 Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
 - (e) Usage details of any enclosed areas below the lowest floor.
 - (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - (g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, etc.)
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5 Section B(6 & 7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

- (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
- (a) A description of the development to be permitted under the floodplain development permit.
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with the available data specified in Article 3 Section B.
 - (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - (d) The regulatory flood protection elevation required for the protection of all public utilities.
 - (e) All certification submittal requirements with timelines.
 - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
 - (h) Limitations of use, i.e., parking, building access and limited storage only, of the enclosures below the lowest floor (if applicable).
- (3) **Certification Requirements.**
- (a) Elevation Certificates
 - i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - ii) A final as built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/ Occupancy issuance. In some instances, another certification may be required to certify corrected as built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (b) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data and the operational plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
 - (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5 Section B(3)(b).
 - (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
 - (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - i) Recreational Vehicles meeting requirements of Article 5 Section B(6)(a);
 - ii) Temporary Structures meeting requirements of Article 5 Section B(7); and
 - iii) Accessory Structures less than 150 square feet meeting requirements of Article 5 Section B(8).

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee if additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, etc.) are required, and assure that copies of such permits are provided and maintained on file with the floodplain development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5 Section F are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Article 4 Section B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4 Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4 Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4 Section B(3) and Article 5 Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data available from a Federal, State, or other source, including data developed pursuant to Article 5 Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3 Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being carried out according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

- (19) Follow through with corrective procedures of Article 4 Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

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

SECTION E. VARIANCE PROCEDURES.

- (1) The Warren County Board of Adjustment as established by Warren County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) functionally dependant facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4 Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - (c) any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependant facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - i) a showing of good and sufficient cause;
 - ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) The Floodplain Administrator has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

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

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to the provisions of Article 4 Section B(3) of this ordinance.
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3 Section B or Article 5 Section D, the following provisions, in addition to the provisions of Article 5 Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE, AH, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G(3). A registered professional engineer or architect shall certify that the standards of this

subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans.

- (3) Manufactured Homes.
- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation systems or in accordance with the current edition of the State of North Carolina Regulations for Manufactured Homes, adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
 - (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5 Section B(4)..
 - (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.
- (4) Elevated Buildings. Fully enclosed areas of new construction and substantially improved structures, which are below the lowest floor:
- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
 - (b) shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
 - (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings.
- (5) Additions/Improvements.
- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (6) Recreational Vehicles. Recreational vehicles shall either:
- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is

- attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- (b) meet all the requirements for new construction.
- (7) **Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval;
- (a) a specified time period for which the temporary use will be permitted. Time specified should not exceed three (3) months, renewable up to one (1) year;
- (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
- (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) **Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5 Section A(1);
- (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5 Section A(4); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided in conformance with the provisions of Article 5 Section B(4)(c).
- An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4 Section B(3).

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3 Section B, where no Base Flood Elevation (BFE) data is available, the following provisions, in addition to the provisions of Article 5 Sections A and B, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
- (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5 Sections A & B).
- (b) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3 Section B to be utilized in implementing this ordinance.
- (c) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Article 2.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5 Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3 Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5 Sections A and B, shall apply to all development within such areas:

- (1) **No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:**
 - (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5 Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 5 Section B(3); and
 - (b) the no encroachment standard of Article 5 Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3 Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5 Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of five (5) feet, above the highest adjacent grade; or at least four feet (4) above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4 Section B(3) and Article 5 Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted April 8, 1984 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued hereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Warren County enacted on April 8, 1984, as amended, which are not reenacted herein, are repealed.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Warren County Board of Commissioners of Warren County, North Carolina, on the 2nd day of April 2007.

WITNESS my hand and the official seal, this the 2nd day of April 2007.

Warren County Board of Commissioners

/s/ Clinton G. Alston

Clinton G. Alston, Chairman

ATTEST

/s/ Angelena Kearney-Dunlap
Angelena Kearney-Dunlap, Clerk

On motion of Commissioner Ross, which was seconded by Commissioner Richardson and duly carried by unanimous vote, "Amendments to the County's Subdivision Ordinance", was adopted as follows:

**ARTICLE I
General Provisions**

Section I-1 Authority

The provisions of this ordinance are adopted by the Warren County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 154-A, Article 18 of the General Statutes.

Section I-2 Purpose

The provisions set forth in this ordinance are designed to insure that development within the planning jurisdiction of Warren County will be orderly, attractive, and economically sound. Regulating building setbacks to provide for expansion of existing roads and development of proposed roads will facilitate an adequate highway system. Regulating the width and depth of yards will insure Adequate light and air. Healthful sanitary conditions will be maintained by regulating lot sizes in accordance with soil characteristics in the county. Certain specialized developments such as planned unit developments and mobile home parks may be permitted under specific conditions. These developments must be constructed in accordance with an approved plan and general development criteria which are intended to give latitude and flexibility in design and at the same time insure the protection of surrounding properties. Finally, by regulating the uses permitted in an established zoning district, all areas can be developed to their potential without fear of nearby incompatible development.

Section I-3 Bona Fide Farms not Affected by this Ordinance

Nothing in this ordinance shall be constructed to affect bona fide farms, but any use of such property for non-farm purposes shall be subject to these regulations.

Section I-4 Zoning Affects Every Building and Use

Except as provided in Article I, Section 3, (Bona Fide Farms not affected by the Ordinance) and in Article V, (Existing Non-conforming Uses); no building shall be erected, moved reconstructed, or structurally altered, nor shall any building or land be used except in compliance with all the district regulations established by this ordinance for the district in which that building or land is located.

Section I-5 Required Open Space Cannot Be Used by Another Building or Use

No part of a lot, yard, off-street parking area or other required open space shall be reduced below the minimum required by this ordinance. No part of a lot, yard, off-street parking area, or other space required about a building or use shall be used to satisfy the requirements of another building or use. The Zoning Board of Adjustment as provided in Article VIII, Section 3, shall not interpret these prohibitions to prevent the grant of a variance.

Section I-6 Existing Lots of Insufficient Size

Any lot of record existing when adopted, which has an area or a width which is less than required by this ordinance, shall be subject to the following exceptions and modifications:

- A. Adjoining Lots - When two or more adjoining lots with continuous frontage are in one ownership at any time after the adoption of this ordinance, and such lots individually are less than the minimum width required in the district in which they are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located.
- B. Lot Not Meeting Minimum Lot Size Requirements - Except as set forth in "A" in the above, in any district in which single family dwellings are permitted, any lot of record existing at the time of the adoption of these regulations which has an area or a width which is less than required by these regulations may be used as a building site for a single family dwelling.
- C. Side Yard Requirements - Except as set forth in "A" above, where a lot has a width less than the width required in the district in which it is located, then the Zoning Administrator shall be authorized to reduce the side yard requirement for such lot provided, however, no side yard shall be less than ten (10) feet wide.

Section I-7 More Than One Principal Building or Use on Each Lot

In any district, more than one building housing a permitted principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each building as though it were on an individual lot.

Section I-8 Each Lot Shall Abut Upon a Public Road

Every business or residential building hereafter erected or moved shall be on a lot adjacent to a public or private street or road right of way, and all structures shall be so located as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Section I-9 Effect Upon Existing Conditional Uses

After the effective date of this ordinance, those uses which existed prior to that effective date and would only thenceforth be permitted as conditional uses in the district in which they are located shall be considered to be legally established Conditional Uses. Any expansion, addition, or other change for which a zoning permit is required shall be heard, considered and approved or disapproved by the Board of Adjustment in the same manner as original applications for Conditional Uses approval.

Section I-10 Exception to Height Regulations

The district height limitations stipulated elsewhere in this ordinance may be exceeded but such modification shall be in modification with the following:

- 1. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, shall not exceed in height their distance from the nearest lot line.
- 2. Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, shall not exceed in height their distance from the nearest lot line.
- 3. Essential services, utilities, water towers, electric power and communication transmission lines shall not exceed in height their distance from the nearest lot line.
- 4. Communication structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height their distance from the nearest lot line.
- 5. Agricultural structures, when applicable, such as barns, silos tanks, and windmills, shall not exceed in height their distance from the nearest lot line.
- 6. Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased by one foot for each foot or fraction thereof the structure exceeds thirty-five (35) feet in height.

Section I-11 Accessory Uses

- A. Accessory buildings and uses may be erected or permitted by this ordinance and shall be subject to the following requirements:
 - 1. The accessory building or use shall be placed in the rear yard only on corner lots, and in the rear or side yard of other lots; except water front lots where accessory buildings shall be allowed on the side or in the front yard (being the road front side).
 - 2. No separate accessory building or use shall be erected within ten (10) feet of any other buildings, or within ten (10) feet from any property line; and
 - 3. The square footage of all non-farm accessory buildings or uses may not exceed seventy-five (75) percent of the permitted principle use.

Section I-12 Minimum Frontage

Where a minimum lots width is specified in the regulations it shall be measured at the building line.

**ARTICLE II
DISTRICT REGULATIONS**

Section II-1 Agricultural Residential District (AR)

This district is established to promote a compatible mixture of agricultural, forestry, conservation and very low-density residential uses where few public services will be available. Protection of the environment, preservation of prime farmlands, and the continuation of rural lifestyles are goals this district seeks to attain.

A. Permitted Uses

1. Accessory buildings and uses that are customarily and incidental to uses permitted in this district.
2. Bona fide farms
3. Cemeteries
4. Commercial livestock production; including commercial beef, poultry and pork operations, dairy operations and any other use of and for keeping, breeding and raising livestock for commercial purposes.
5. Churches
6. Customary home occupations such as dressmaking, hair dressing, room renting and professional offices may be established in a dwelling provided that only residents of the dwelling are engaged in occupation, that no more than fifty (50) percent of the total floor area of the dwelling shall be used for the occupation, that no exterior storage or accessory building shall be used for the home occupation, that no display of products shall be visible from the street, and that the home occupation shall remain incidental to the residential use of the dwelling.
7. Dwelling, single family and two family
8. Family Care Homes, provided that no such home be located within one half mile radius of an existing family care home
9. Mobile home individual
10. Public utility distribution lines, electric substations, water tanks and towers, and telephone exchanges, but not service or storage yards or warehouses.
11. Schools, public and private
12. Signs, in compliance with Article VI

B. Dimensional Requirements for Permitted Uses

Minimum Lot Area

Single Family Dwellings

| | | |
|----------------|-----------------------|----------------------|
| Well & Septic | Public Water & Septic | Public Water & Sewer |
| 30,000 sq. ft. | 20,000 sq. ft. | 15,000 sq. ft. |

Mobile Homes

| | | |
|----------------|-----------------------|----------------------|
| Well & Septic | Public Water & Septic | Public Water & Sewer |
| 30,000 sq. ft. | 20,000 sq. ft. | 15,000 sq. ft. |

Family Care Homes

| | | |
|----------------|-----------------------|----------------------|
| Well & Septic | Public Water & Septic | Public Water & Sewer |
| 30,000 sq. ft. | 20,000 sq. ft. | 15,000 sq. ft. |

Non-Residential Uses

| | | |
|----------------|-----------------------|----------------------|
| Well & Septic | Public Water & Septic | Public Water & Sewer |
| 40,000 sq. ft. | 40,000 sq. ft. | 20,000 sq. ft. |

Minimum Lot Size Residential

| | | | |
|-------|---------------|-----------------------|----------------------|
| | Well & Septic | Public Water & Septic | Public Water & Sewer |
| Width | 100 sq. ft. | 100 sq. ft. | 80 sq. ft. |
| Depth | 200 sq. ft. | 150 sq. ft. | 125 sq. ft. |

Minimum Lot Size Non-Residential

| | | | |
|-------|---------------|-----------------------|----------------------|
| | Well & Septic | Public Water & Septic | Public Water & Sewer |
| Width | 150 sq. ft. | 150 sq. ft. | 100 sq. ft. |
| Depth | 225 sq. ft. | 225 sq. ft. | 200 sq. ft. |

Minimum Yards

Residential Front 30 ft. Rear 25 ft. Side 10 ft.
 Non-Residential Front 40 ft. Rear 30 ft. Side 30 ft.
 Maximum Building Height - 35 ft.

The above rear yard area requirements of 25 feet for residential lots and 40 feet for non-residential lots shall not apply to the side abutting a lake.

C. Conditional Uses

The following uses may be permitted upon the approval of the Warren County Board of Adjustment, in accordance with Article VIII, Section 2 through 4 of this ordinance. It shall be the duty of the Board to hold public hearing concerning any proposed conditional use in order to review the plans for the location of all buildings, structures, and open uses of land. The Board shall evaluate the effect of the proposed conditional use on the surrounding property and on the traffic capacity of the existing road system.

1. Public and private country clubs, golf courses (exclusive of miniature golf courses and three par golf courses), swimming clubs, and homes for the aged, provided that all buildings and swimming pools be set back a minimum of 50 feet from all exterior property lines.
2. Fire stations, provided that all buildings shall be set back a minimum of 30 feet from all exterior property lines and that off street parking area, at least twice as large as the floor area in the fire station, be provided on the lot.
3. Radio, television, and microwave towers and relay stations, office and studios in conjunction with these. These uses may be permitted as conditional uses provided that all buildings and towers shall be set a minimum of 30 feet from all exterior property lines and that towers shall be set back one additional foot from all exterior property lines for each two feet in height over 50 feet.
4. Community, county, or municipal sewage treatment plants, water treatment plants, trash and garbage disposal facilities, provided that all buildings, structures, tanks and pits be set back at least 100 feet from all exterior property lines, that a natural buffer at least 50 feet in width separate all such uses from all exterior property lines, and that a non-climbable fence, at least six feet in height, completely enclose such uses.
5. Commercial cemeteries, provided that all graves and crypts, shall be set back at least 30 feet from all exterior property lines or public road.
6. Day nurseries and kindergarten provided that all buildings and playground equipment shall be set back a minimum of 30 feet from all exterior property lines, that a minimum of 2000 square feet of lot area shall be provided per each child cared for, that all outside play area be enclosed with a fence and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Warren County Health Department.
7. Riding stables provided that all stables and exercise yards, shall be set back at least 30 feet from all exterior property lines.
8. Parks, picnic area, public swimming pools, and locations for public access and boat launching in Lake Gaston and Kerr Lake, if no commercial facilities are established and that all such uses are on a non-profit basis.
9. Mobile home parks, which conform to the standards, set forth in Article IV.
10. High Voltage power lines and transmission towers, provided that all such poles and towers be set back a minimum of 30 feet from the right of way property line.
11. Community, county, or municipal water or sewage pumping stations, provided that such pumping stations be set back at least 30 feet from all exterior property lines, that they be enclosed by a fence, and that they be housed in a building that is compatible with the character of the surrounding development.
12. **USE - MULTI-FAMILY DWELLINGS**
 Minimum Lot Area - One acre
 Parking - Shall comply with Article III
 Plans are required and must show:
 Structures - location of buildings, signs, and sign sizes
 Circulation - proposed points of access and egress and pattern of internal circulation
 Parking - layout of parking spaces
 Other Requirements:
 Maximum density shall be ten dwelling units per gross acre
 Maximum number of units per building shall be six

Where more than one building is to be located on one lot, building separation shall be determined as follows:

**Minimum Horizontal Distance
Between Vertical Projections**

Height of Taller Building

| | |
|------------------------|---------|
| 20 feet or less | 16 feet |
| Between 20 and 25 feet | 25 feet |
| Between 25 and 30 feet | 30 feet |
| Between 30 and 35 feet | 40 feet |

The vertical projection shall be drawn from that point on each building which is horizontally closest to the other building.

A yard of at least 30 feet shall be provided around the entire perimeter of the site, and streets, parking spaces and accessory buildings shall not be allowed in the required yard.

Access for emergency vehicles to all buildings in the complex shall be provided.

The Warren County Planning Board shall receive this request first and shall make a recommendation to the Board of Adjustment within 30 days after its first consideration.

13. Use - Planned Unit Development
Minimum Lot Area - Two acres

Permitted Uses:

A Planned Unit Development may contain any of the permitted uses of the district in which it is allowed as a conditional use. Residential development may include any of the following:

Townhouses - A townhouse is a single-family dwelling unit, constructed in a series of group of attached units with property lines separating such units. The minimum number of townhouses attached to each other shall be two and the maximum number shall be six. Density of townhouses in a planned unit development shall not exceed ten units per gross acre. The site area not covered by dwelling units may be made part of the individual townhouse lots or clustered as common open space and dedicated to a homeowners association, or a combination of the two.

Clustered detached single family dwellings - These are dwellings in which the lot size for each individual dwelling may be reduced, but may not be less than 6000 square feet provided that the difference between the required dimensions for the district, and the reduced dimensions is dedicated to a homeowner's association as common open space.

Zero lot line dwellings - Detached single family dwellings on lots without a side yard requirements on one side of the lot. The lot for a zero lot line dwelling may be reduced, but may not be less than 6000 square feet provided that the difference between the required dimensions for the district and the reduced dimensions is dedicated to a homeowners' association as common open space.

Requirements - Common area and common open space shall be deeded to an homeowners association and the developer or owner shall file with the Board of Adjustment and record in the County Register of Deeds office a declaration of covenants and restrictions as well as regulations and by-laws that will govern the open space. Provisions shall include but not be limited to the following:

1. The association shall be established before the homes, buildings or uses are sold.
2. Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Warren County Board of Adjustment, which adequately protects the interests of the county and the owners.
3. The association shall be responsible for the liability insurance, local taxes and maintenance of recreation and other facilities.
4. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgage liens unless another arrangement is approved by the Board of Adjustment which adequately protects the interest of the county and owners.
5. An owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.
6. Uses of common property shall be appropriately limited.
7. The following information shall also be provided:
 - (a) The name of the association
 - (b) The manner in which directors of the association are to be selected
 - (c) The post office address of the initial registered office
 - (d) The name of the city and county in which the registered office is located
 - (e) The number of directors constituting the initial board of directors

The Warren County Planning Board shall receive this request and shall make a recommendation to the Board of Adjustment within 30 days after its first consideration.

Section II-2 Residential District (R)

This district is established primarily as a residential district around Kerr Lake and Lake Gaston.

A. Permitted Uses

1. Bona fide farms, excluding any use of land for keeping, breeding or raising livestock for commercial purposes. This includes all commercial poultry operations, commercial pork operations, dairy farms, and cattle operations.
2. Single family dwellings, including mobile homes.
3. Churches
4. Family Care Homes, provided that no such home may be located within one-half mile radius of an existing family care home.
5. Family cemeteries and church cemeteries, provided that all crypts and graves be set back a minimum of 30 feet from all exterior property lines, and provided that no burial lots are sold on a commercial basis.
6. Customary home occupation such as dressmaking, hair, dressing, room renting and professional offices may be established in a dwelling provided that only residents of the dwelling shall be used for the home occupation, that no display of products shall be visible from the street, and that the home occupation shall remain incidental to the residential use of the dwelling.
7. Accessory buildings and uses that are customarily and incidental to the above permitted uses.
8. Signs in compliance with Article VI.

B. Dimensional Requirements for Permitted Uses - Minimum Lot Area

Single Family Dwellings

| | | |
|---------------------------------|---|--|
| Well & Septic 30,000 sq. ft. | Public Water & Septic 20,000 sq. ft. | Public Water & Sewer 15,000 sq. ft. |
|---------------------------------|---|--|

Mobile Homes

| | | |
|---------------------------------|---|--|
| Well & Septic 30,000 sq. ft. | Public Water & Septic 20,000 sq. ft. | Public Water & Sewer 15,000 sq. ft. |
|---------------------------------|---|--|

Family Care Homes

| | | |
|---------------------------------|---|--|
| Well & Septic 30,000 sq. ft. | Public Water & Septic 20,000 sq. ft. | Public Water & Sewer 15,000 sq. ft. |
|---------------------------------|---|--|

Non- Residential Uses

| | | |
|---------------------------------|---|--|
| Well & Septic 40,000 sq. ft. | Public Water & Septic 40,000 sq. ft. | Public Water & Sewer 40,000 sq. ft. |
|---------------------------------|---|--|

Minimum Lot Size - Residential

| | Well & Septic | Public Water & Septic | Public Water & Sewer |
|-------|--------------------------|----------------------------------|---------------------------------|
| Width | 100 ft. | 100 ft. | 80 ft. |
| Depth | 200 ft. | 150 ft. | 125 ft. |

Minimum Lot Size - Non-Residential

| | | | |
|-------|---------|---------|---------|
| Width | 150 ft. | 150 ft. | 100 ft. |
| Depth | 225 ft. | 225 ft. | 200 ft. |

Minimum Yards

| | | | |
|-----------------|--------------|-------------|-------------|
| Residential | Front 30 ft. | Rear 25 ft. | Side 10 ft. |
| Non-Residential | Front 35 ft. | Rear 40 ft. | Side 25 ft. |

Maximum Building Height 35 ft.

The above rear yard area requirements of 25 feet for residential lots and 45 feet for non-residential lots shall not apply to the side abutting a lake.

C. Conditional Uses

The following uses may be permitted upon the approval of the Warren County Board of Adjustment, in accordance with Article VIII, Section 2 through 4 of this ordinance. It shall be the duty of the Board to hold a public hearing concerning any proposed conditional use in order to review the plans for the location of all buildings, structures, and open uses of land. The Board shall evaluate the effect of the proposed conditional use on the surrounding property and on the traffic capacity of the existing road system.

1. Public and private schools, country clubs, golf courses (exclusive of miniature golf courses and three par golf courses), swimming clubs homes for the aged, provided that all buildings and swimming pools be set back a minimum of 50 feet from all exterior property lines.
2. Fire stations, provided that all buildings shall be set back a minimum of 30 feet from all exterior property lines and that off street parking area, at least twice as large as the floor area in the fire station, be provided on the lot.
3. Radio, television, and microwave towers and relay stations, office and studios in conjunction with these. These uses may be permitted as conditional uses provided that all buildings and towers shall be set a minimum of 30 feet from all exterior property lines and that towers shall be set back one additional foot from all exterior property lines for each two feet in height over 50 feet.
4. Community, county, or municipal sewage treatment plants, trash and garbage disposal facilities, provided that all buildings, structures, tanks and pits be set back at least 100 feet from all exterior property lines, that a natural buffer at least 50 feet in width separate all such uses from all exterior property lines, and that a non-climbable fence, at least six feet in height, completely enclose such uses.
5. Commercial cemeteries, provided that all graves and crypts shall be set back at least 30 feet from all exterior property lines or public road.
6. Day nurseries and kindergartens provided that all buildings and playground equipment shall be set back a minimum of 30 feet from all exterior property lines, that a minimum of 100 square feet of lot area shall be provided per child cared for, that all outside play area be enclosed with a fence and that the water supply and sewerage provisions made for the day nurseries and kindergartens are approved by the Warren County Health Department.
7. Riding stables provided that all stables and exercise yards shall be set back at least 30 feet from all exterior property lines.
8. Parks, picnic areas, public swimming pools, and locations for public access and boat launching in Lake Gaston, if no commercial facilities are established and that all such uses are on a non-profit basis.

9. Mobile homes less than 32 feet in length designed by original construction as a place of residence and containing within themselves bathroom and kitchen facilities, and established the principal building on a lot for a period not exceeding one year, as a temporary residence for the owner of the lot.
10. Two family dwellings and garage apartments, provided that the minimum lot area provided on lots used for these purposes shall be at least 200% as large as the minimum lot area required for single family dwellings in that district, and that the water supply and sewerage provisions made for the two family dwellings and garage provisions made for the two family dwellings and garage apartments are approved by the Warren County Health Department.
11. High voltage power lines and transmission towers, electric substations, water tanks and other utility facilities provided that all such poles and towers and buildings be set back a minimum of 30 feet from the right of way property line.
12. Community, county, or municipal water or sewage pumping stations, provided that such pumping stations be set back at least 30 feet from all exterior property lines, that they be enclosed by a fence, and that they be housed in a building that is compatible with the character of the surrounding development.
13. The establishment of a temporary camp by a non-profit youth organization, such as the Boy Scouts, Girl Scouts, 4-H Clubs, etc. Such temporary camps shall not be for periods of time exceeding seven days and shall not involve the construction of permanent buildings at the site.
14. Use - Multi-Family Dwellings
 Minimum Lot Area - one acre
 Parking - Shall comply with Article III
 Plans are required and must show:
 Structures - location of buildings, signs, and sign sizes
 Circulation - proposed points of access and egress and pattern of internal circulation
 Parking - layout of parking spaces
 Other Requirements:
 Maximum density shall be ten dwelling units per gross acre
 Maximum number of units per building shall be six
 Where more than one building is to be located on one lot, building separation shall be determined as follows:

**Minimum Horizontal Distance
 Between Vertical Projections**

Height of Taller Building

| | |
|------------------------|---------|
| 20 feet or less | 16 feet |
| Between 20 and 25 feet | 25 feet |
| Between 25 and 30 feet | 30 feet |
| Between 30 and 35 feet | 40 feet |

The vertical projection shall be drawn from that point on each building which is horizontally closest to the other building.

A yard of at least 30 feet shall be provided around the entire perimeter of the site, and streets, parking spaces and accessory buildings shall not be allowed in the required yard.

Access for emergency vehicles to all buildings in the complex shall be provided.

The Warren County Planning Board shall receive this request first and shall make a recommendation to the Board of Adjustment within 30 days after its first consideration.

15. Use - Planned Unit Development
 Minimum Lot Area - Two acres

Permitted Uses:

A Planned Unit Development may contain any of the permitted uses of the district in which it is allowed as a conditional use. Residential development may include any of the following:

Townhouses - A townhouse is a single-family dwelling unit, constructed in a series of group of attached units with property lines separating such units. The minimum number of townhouses attached to each other shall be two and the maximum number shall be six. Density of townhouses in a planned unit development shall not exceed ten units per gross acre. The site area not covered by dwelling units may be made part of the individual townhouse lots or clustered as common open space and dedicated to a homeowners association, or a combination of the two.

Clustered detached single family dwellings - These are dwellings in which the lot size for each individual dwelling may be reduced, but may not be less than 6000 square feet provided that the difference between the required dimensions for the district, and the reduced dimensions is dedicated to a homeowner's association as common open space.

Zero lot line dwellings - Detached single family dwellings on lots without a side yard requirements on one side of the lot. The lot for a zero lot line dwelling may be reduced, but may not be less than 6000 square feet provided that the difference between the required dimensions for the district and the reduced dimensions is dedicated to a homeowners' association as common open space.

Requirements - Common area and common open space shall be deeded to an homeowners association and the developer or owner shall file with the Board of Adjustment and record in the County Register of Deeds office a declaration of covenants and restrictions as well as regulations and by-laws that will govern the open space. Provisions shall include but not be limited to the following:

1. The association shall be established before the homes, buildings or uses are sold.
2. Membership shall be mandatory for each buyer and all successive buyers, unless the Warren County Board of Adjustment, which adequately protects the interests of the county and the owners, approves another arrangement.
3. The association shall be responsible for the liability insurance, local taxes and maintenance of recreation and other facilities.
4. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgage liens unless another arrangement is approved by the Board of Adjustment which adequately protects the interest of the county and owners.
5. An owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.
6. Uses of common property shall be appropriately limited.
7. The following information shall also be provided:
 - (a) The name of the association
 - (b) The manner in which directors of the association are to be selected
 - (c) The post office address of the initial registered office
 - (d) The name of the city and county in which the registered office is located
 - (e) The number of directors constituting the initial board of directors

The Warren County Planning Board shall receive this request and shall make a recommendation to the Board of Adjustment within 30 days after its first consideration.

Section II-3 Lakeside Group Camp District (GC)

This district is established as a group camp district on Kerr and Gaston Lakes.

A. Permitted Uses

1. Bona fide farms
2. Group camp facilities, operated on a profit or non-profit basis, if such camps use only permanent buildings rather than tents or trailers. Non-profit youth organizations, such as the Boy Scouts, Girl Scouts, 4-H Clubs, etc., may use land in Lakeside Group Camp District for the establishment of a temporary camper using tents.
3. Accessory buildings and uses normally associated with the above permitted uses.
4. Public utility distribution lines electric substations, water tanks and towers, and telephone exchanges, but not service or storage yards or warehouses.

B. Dimensional Requirements

1. Each group camp shall provide a minimum of one-half acre per camper.
2. No camp shall have a maximum design capacity of more than 125 campers.
3. All buildings and areas for organized recreation use shall be set back a minimum distance of 200 feet from any Lakeside Group District boundary line, and this 200 feet shall be maintained as a natural buffer from adjacent lots and uses. This provision shall not apply to Lakeside Group Camp District boundary lines abutting Lake Gaston.
4. Cabins in the camp, shall be a minimum distance of 50 feet from one another and a minimum distance of 75 feet from any toilet facilities. No cabin shall be more than 150 feet from toilet facilities.
5. Each group may erect one illuminated, non-flashing sign not exceeding 15 square feet in area.
6. Public utility transformer stations (except those mounted on single or double poles), water tanks, towers, and telephone exchanges shall have a minimum lot area of 10,000 square feet. All transformers (except those mounted on single or double poles), tanks and other structures or equipment (except a fence or public utility line) shall provide a minimum front yard of 30 feet and a minimum side yard of ten feet.

Section II-4 Lakeside Tent or Trailer Camping District (TC)

This district is established as a tent and trailer camping district on Kerr and Gaston Lakes.

A. Permitted Uses

1. Bona fide farms
2. Camps providing sites for the location of tents, camping trailers, and mobile homes.
3. Accessory buildings and uses normally associated with the above permitted uses.
4. Public utility distribution lines, electrical substations, water tanks and towers, and telephone exchanges, but not service or storage yard or warehouses.

B. Dimensional Requirements

1. A minimum of 4,000 square feet of area shall be provided for each tent or trailer space shall be surrounded by a buffer or natural vegetation on three sides.
2. All buildings, tent spaces, and trailer spaces shall be set back a minimum distance of 50 feet from Lakeside Tent or Trailer Camping District boundary line and this 50 feet shall be maintained as a natural buffer from all surrounding lots and uses. This provision shall not apply to Lakeside Tent or Trailer Camping District boundary lines abutting Lake Gaston.
3. A sanitary source of drinking water shall be not more than 200 feet, toiler facilities not more than 400 feet, and wash houses not more than 1500 feet from any tent or trailer space. This provision shall not apply where community water and sewer connections are provided to trailers having self-contained kitchens and bathroom facilities.
4. Each tent or trailer camp may erect one illuminated, non-flashing sign not exceeding 15 square feet in area.
5. Public utility transformer stations (except those mounted on single or double poles), water tanks, towers, and telephone exchanges shall have a minimum lot area of 10,000 square feet. All transformers (except a fence or public utility line) shall provide a minimum front yard of 30 feet and a minimum side yard of 10 feet.

Section II-5 Lakeside Business District (LB)

This district is established for business development in a resort area.

A. Permitted Uses

1. Bona fide farms
2. Commercial marinas for the launching, storage, rental, sale and repair of boats.
3. Sale of souvenirs, fishing equipment, beverages, sporting goods, gasoline lodges
4. Fishing and hunting lodges
5. Motels
6. Business and Professional Offices
7. Restaurants
8. Amusement parks, including outdoor rides, bowling alleys, trampoline centers, miniature golf or three par golf courses, soft drink stands, swimming pools, bath houses, dance halls and arcades with electronic games
9. Accessory buildings and uses normally associated with the above permitted uses.
10. Public utility distribution lines, electric substations, water tanks and towers, and telephone exchanges, but not service or storage yards or warehouses

B. Dimensional Requirements

1. Each Lakeside Business District shall have a minimum size of one acre. All buildings shall be set back a minimum of 50 feet from any Lakeside Business District boundary line, except along Lakeside Business District boundary lines abutting any lake. All buildings shall have a maximum building height of 35 feet. Any combination of the above permitted uses may be established in a Lakeside Business District, subject to the requirements in Section II-5.
2. Public utility transformer stations (except those mounted on single or double poles), water tanks, towers, and telephone exchanges shall have a minimum lot area of 10,000 square feet. All transformers (except those mounted on single or double poles), tanks, and other structures or equipment (except a fence or public utility line) shall provide a minimum front yard of 30 feet and a minimum side yard of 10 feet.

C. Conditional Uses

The following uses may be permitted upon the approval of the Warren County Board of Adjustment, in accordance with Article VIII, Section 2 through 4 of this ordinance. It shall be the duty of the Board to hold public hearing concerning any proposed conditional use in order to review the plans for the location of all buildings, structures, and open uses of land. The Board shall evaluate the effect of the proposed conditional use on the surrounding property and on the traffic capacity of the existing road system.

MOBILE HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION

Minimum Lot Area - None

Parking - Six spaces for each person employed in office at any given time during a 24 hour period.

Office and Exhibition:

A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile does not violate the County or State Building Code or health regulations. All such Certificates of Occupancy/Compliance shall be valid for a period of twelve months, after which they may be renewed for a period of twelve months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

1. The structure under construction is located on the same property;

2. It is not moved to the site more than 30 days prior to construction and is removed no later than 30 days after construction has been completed;
3. It is not used for any purpose than that connected with on site construction;
4. It is justified by the size and nature of the construction project;
5. It is for a period not to exceed 18 months;
6. It is utilized only incidental to onsite construction during daylight hours and not for residential living quarters;
7. It is parked in a location approved in advance by the Zoning Administrator or his authorized agent; and
8. Its sanitary facilities are connected

Also notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school, school administrative mobile home and for a mobile home sales office without approval of the Board of Adjustment if:

1. The sanitary facilities are connected with an approved sewer system; and
2. The electrical facilities are connected in compliance with regulations set forth in the 1971 National Code.

Section II-6 Neighborhood Business District (NB)

This district is established to provide business development along major streets and roads to serve neighborhoods as well as the traveling public.

A. Permitted Uses

1. Agricultural supply sales
2. ABC stores
3. Apparel sales
4. Automobile parts sales, new only
5. Automobile repair service
6. Automobile sales
7. Automobile service stations, including self-service gas pumps
8. Banks
9. Beauty and barber shops
10. Building supply sales
11. Department stores
12. Drug stores
13. Dry cleaners and laundries
14. Electrical appliance sales and service
15. Feed and grain sales and storage
16. Florist and gift shops
17. Food and grocery stores
18. Funeral homes
19. Furniture sales
20. Hardware stores
21. Jewelry sales and watch repair
22. Mobile home sales lot
23. Motels
24. Offices for business, professional and personal services
25. Public buildings and uses
26. Restaurants
27. Shoe sales and repair
28. Signs: Each separate use in a Neighborhood Business District may erect one, illuminated, non-flashing sign not exceeding 50 feet in area.

B. Dimensional Requirements

Minimum Lot Area - One acre Minimum Lot Size - Width 100 ft. Depth 200 ft.
 Minimum Yards - Front 50 ft. Rear 50 ft. Side 35 ft. (on corner lots, same as front yard)
 Maximum Building Height - 35 ft

C. Conditional Uses

The following uses may be permitted upon the approval of the Warren County Board of Adjustment, in accordance with Article VIII, Section 2 through 4 of this ordinance. It shall be the duty of the Board to hold public hearing concerning any proposed conditional use in order to review the plans for the location of all buildings, structures, and open uses of land. The Board shall evaluate the effect of the proposed conditional use on the surrounding property and on the traffic capacity of the existing road system.

MOBILE HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION

Minimum Lot Area - None

Parking - Six spaces for each person employed in office at any given time during a 24 hour period.

Office and Exhibition:

A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained

and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile does not violate the County or State Building Code or health regulations. All such Certificates of Occupancy/Compliance shall be valid for a period of twelve months, after which they may be renewed for a period of twelve months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

1. The structure under construction is located on the same property;
2. It is not moved to the site more than 30 days prior to construction and is removed no later than 30 days after construction has been completed;
3. It is not used for any purpose than that connected with on site construction;
4. It is justified by the size and nature of the construction project;
5. It is for a period not to exceed 18 months;
6. It is utilized only incidental to onsite construction during daylight hours and not for residential living quarters;
7. It is parked in a location approved in advance by the Zoning Administrator or his authorized agent; and
8. Its sanitary facilities are connected

Also notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school, school administrative mobile home and for a mobile home sales office without approval of the Board of Adjustment if:

1. The sanitary facilities are connected with an approved sewer system; and
2. The electrical facilities are connected in compliance with regulations set forth in the 1971 National Code.

USE - SHOPPING CENTERS/COMMERCIAL GROUP DEVELOPMENT

Minimum Lot Area - one acre

Parking and Loading - one parking space for each 100 square feet of gross floor area and one off street loading space for each 20,000 square feet of gross floor area or portion thereof

Plans are required and must show:

Structures - location of buildings, signs, and sign sizes

Circulation - proposed points of access and egress and pattern of internal circulation

Other requirements:

Shopping Centers shall contain only those uses permitted in the district in which it is located

All yards shall be a minimum of 50 feet

Shopping centers adjoining any residential use shall provide a six feet high solid screen along the entire adjoining property lines, if not already naturally screened

Topographical information with contour intervals two feet or less shall be depicted on the site plan

Section II-7 Light Industrial District (LI)

This district is established to provide suitable locations for service, manufacturing, and warehousing activities, which are non-noxious.

A. Permitted Uses

1. Accessory buildings and uses that are customarily and incidental to uses permitted in this district
2. Accessory retail uses, incidental such as cafeterias, gift or variety shops, soda bars conducted solely for the convenience of employees, patients, patrons, or visitors on the premises wholly within the principal building and without exterior advertising display
3. Agriculture, excluding any use of land for keeping, breeding, or raising livestock for commercial purposes (this includes all commercial poultry operations, commercial pork operations, dairy farms, and cattle feed lot operations)
4. Airports and landing fields for rotary wing aircraft
5. Animal hospitals and kennels provided no animal storage or runs shall be closer than 200 feet to any property line
6. Appliance distributors for wholesale
7. Assembly halls, coliseums, gymnasiums and similar structures
8. Assembly of machines and appliances from previously prepared parts
9. Automobile (new and used) and accessory sales
10. Automobile repair garages with outside storage of wrecked or inoperable automobiles permitted only for autos actually in process of repair, and such vehicles shall be concealed from view from a public street by a fence, wall or evergreen planting at least five feet high
11. Automobile service (gas and oil stations)
12. Automobile and truck assembly
13. Bakeries or baking plants
14. Banks
15. Bedding, carpet and pillow manufacturing, cleaning and renovating
16. Blacksmith or horse shoeing shops
17. Blueprinting and photostatting establishments

18. Bookbinding
19. Bottling works
20. Business identification signs, provided that no more than two signs per individual business or industry and such signs shall not exceed a total of 200 square feet
21. Candy products and manufacture
22. Catering establishments
23. Churches and other places of worship, including parish houses and Sunday school buildings
24. Clothing manufacture
25. Coffee roasting
26. Cold storage plants
27. Drive-in or outdoor motion picture show
28. Dry cleaning, pressing and dyeing plants, and related retail service counter
29. Feed and seed retail sale
30. Fertilizer wholesale and retail sales
31. Florist - greenhouses, cultivation facilities and warehousing for wholesale and related retail trade
32. Food processing in wholesale quantities
33. Frozen food lockers
34. Fuel oil and kerosene for heating purposes in above ground containers provided the same comply with applicable codes
35. Fuel oil, kerosene or other Class III (National Board of Fire Underwriters) flammable liquids: the incidental sale in containers provided the same comply with applicable codes
36. Funeral homes, undertaking establishments, embalming, crematoria
37. Garbage and waste incinerators
38. Gases or liquefied petroleum gases provided the same comply with applicable codes
39. Gasoline storage, underground, provided the same comply with applicable codes
40. Government buildings - buildings used exclusively by the federal, state, county, or city government for public purposes
41. Grounds and facilities for open air games and sports
42. Hosiery manufacture
43. Ice manufacture storage and sales
44. Laboratories for research and testing
45. Laundries, steam
46. Leather goods manufacture
47. Light manufacturing or processing not otherwise named herein which are in compliance with all local, state and federal environmental regulations
48. Lock and gunsmiths
49. Machine shops
50. Meat processing and packing other than slaughter
51. Mobile home sales area
52. Mobile home, security purposes, on mobile home sales areas
53. Optical and scientific instrument, jewelry and clock, musical instrument manufacture
54. Pharmaceutical products manufacture
55. Police, fire, rescue squad and civil defense stations
56. Printing, publishing and reproduction establishments
57. Radio and television masts
58. Railroad rights of way
59. Repair and servicing of office and household equipment
60. Sign painting, and sign manufacturing
61. Sporting events such as baseball, football, basketball, track meets, and similar games, including accessory concessions, in accordance with the grounds and facilities permitted in the district by this ordinance
62. Storage, undercover, of goods intended for retail sale on the premises
63. Storage warehouses
64. Textile manufacture
65. Tobacco processing and storage
66. Upholstery, paper hanging and decorator shops
67. Wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale
68. Woodworking shops, mill work

B. Dimensional Requirements for Permitted Uses

Minimum Lot Area - All Uses

| | | |
|----------------|-----------------------|----------------------|
| Well & Septic | Public Water & Septic | Public Water & Sewer |
| 30,000 sq. ft. | 20,000 sq. ft. | 15,000 sq. ft. |

Minimum Lot Size - All Uses

Width - 100 feet Depth - 150 feet

| <u>Minimum Yards - All Uses</u> | | | <u>Maximum Building Height</u> |
|---------------------------------|--------------|----------------|--------------------------------|
| Front - 30 feet | Rear 30 feet | Side - 20 feet | 50 feet |

C. Conditional Uses

The following uses may be permitted upon the approval of the Warren County Board of Adjustment, in accordance with Article VIII, Section 2 through 4 of this ordinance. It shall be the duty of the Board to hold public hearing concerning any proposed conditional use in order to review the plans for the location of all buildings, structures, and open uses of land. The Board shall evaluate the effect of the proposed conditional use on the surrounding property and on the traffic capacity of the existing road system.

MOBILE HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION

Minimum Lot Area - None

Parking - Six spaces for each person employed in office at any given time during a 24 hour period.

Office and Exhibition:

A temporary Certificate of Occupancy/Compliance allowing mobile homes used solely as offices for purposes of exhibition, or for a caretaker or night watchman, to be temporarily parked, maintained and/or occupied on a designated lot or land location, may be issued by the Zoning Administrator or his authorized agent where the Board of Adjustment finds as a fact that the use of such mobile does not violate the County or State Building Code or health regulations. All such Certificates of Occupancy/Compliance shall be valid for a period of twelve months, after which they may be renewed for a period of twelve months.

Notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a temporary field office for contractors by the Zoning Administrator, or his authorized agents, without approval of the Board of Adjustment, if it meets the following:

1. The structure under construction is located on the same property;
2. It is not moved to the site more than 30 days prior to construction and is removed no later than 30 days after construction has been completed;
3. It is not used for any purpose than that connected with on site construction;
4. It is justified by the size and nature of the construction project;
5. It is for a period not to exceed 18 months;
6. It is utilized only incidental to onsite construction during daylight hours and not for residential living quarters;
7. It is parked in a location approved in advance by the Zoning Administrator or his authorized agent; and
8. Its sanitary facilities are connected

Also notwithstanding the foregoing, a Certificate of Occupancy/Compliance may be issued for a mobile home for use as a mobile classroom by a public or private school, school administrative mobile home and for a mobile home sales office without approval of the Board of Adjustment if:

1. The sanitary facilities are connected with an approved sewer system; and
2. The electrical facilities are connected in compliance with regulations set forth in the 1971 National Code.

Public utility substations, electric power plants, transmission towers, elevated water tanks, sewage treatment plants, and sanitary landfills.

Section II-8 Official Zoning Map

Warren County is hereby divided into districts whose locations and boundaries are shown on the Official Zoning Map for the county which is hereby adopted by reference and declared to be a part of this ordinance and is herewith attached and recorded in the minutes of the Board of Commissioners of Warren County.

The map shall be identified by the signature of the Chairman, attested by the Clerk, and bearing the Official Seal of Warren County under the following words: "This is to certify that this is the Official Zoning Map of the Zoning Ordinance for Warren County, North Carolina". The date of adopting shall also be shown.

If in accordance with the provisions of this ordinance, changes are made in the zoning district boundaries or other matter shown on the map, such changes shall be made together with an entry on the map as follows: "On (date) by official action of the Warren County Board of Commissioners the following changes were made in the Official Zoning Map (brief description of nature of change). The entry shall be signed by the Chairman and attested by the Clerk. No amendment to this ordinance which involves matter portrayed on the map shall become effective until after such change and entry has been made on said map. The Board of Commissioners shall give official notice of the zoning change to the Zoning Administrator within twenty-four hours after passage of said Zoning Map, which shall be located in the Zoning Administrator's office, shall be the final authority as to the current zoning status of land, water areas, and buildings in Warren County.

A. Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the Board of Commissioners may by ordinance adopt a new Official Zoning Map, which shall be the same in every detail as the map it supersedes. The new map shall bear the signatures of

the current Chairman and Clerk and shall bear the seal of the County under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of Map replaced)". The date of adoption of the new Official Zoning Map shall be shown also.

B. Maintenance of the Official Zoning Map

The Zoning Administrator shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Board of Commissioners that a zoning change has been made, the Zoning Administrator shall make the necessary changes on the Official Zoning Map within twenty-four hours of notification.

Section II-9 Rules for Interpretation of Zoning District Boundaries

Where district boundaries prove to be uncertain as to their location on the Official Zoning Map, the following rules shall apply:

- A. Unless otherwise specifically indicated, where district boundaries are indicated on the zoning map as approximately parallel to or following the center line of a street, highway, railroad right of way, utility easement, stream bed or river bed, or such lines extended, then such lines shall be construed to be such district boundaries.
- B. Boundaries indicated, as approximately following platted lot lines shall be construed as following those boundaries.
- C. Boundaries indicated as approximately following town limits or other political jurisdictional boundary shall be construed as following those boundaries.
- D. If a district boundary divides a lot, the requirement for the district in which the greater portion of the lot lines shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot which lies more than 50 feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.

ARTICLE III

Off Street Parking and Loading Requirements

Section III-1 Off Street Parking Requirement

At the time of erection of any new building or the enlargement of an existing building, permanent off street parking shall be provided in all districts as specified by this section.

1. Each application or a Zoning Permit shall include information as to the location and dimensions of off street parking and loading space, and the means of ingress and egress to such space. This information shall be in sufficient detail to determine whether the requirements of this section are met.
2. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except the one-half of the parking space required for churches, theaters, or assembly halls, whose peak attendance is at night or Sundays, may be assigned to a use which will be closed at night and/or Sundays.
3. If the off street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the principal use or building, provided such land is in the same ownership as the principal use. Said land shall be used for no other purpose as long as the principal use exists.
4. The minimum number of required off street parking spaces required by this section shall be provided on the same lot with the principal use except as provided above, and the required number of off street parking spaces specified for each use shall be considered as the absolute minimum. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by the ordinance.

5. Business and professional offices such as banks, savings and loan, real estate, lawyers, insurance, governmental, etc.

One space per 200 square feet of area where primary business is routinely conducted excluding such secondary area as storage areas, corridors, stairwells, restrooms and intermittently used meeting rooms or areas. In addition, one parking space shall be required for each employee who works regularly.

Personal service establishments such as barber shop, beauty shop, shoe repair, dry cleaning, laundromat, etc.

One space per 200 square feet of area where primary business is routinely conducted excluding such secondary area as storage areas, corridors, stairwells, restrooms and intermittently used meeting rooms or areas. In addition, one parking space shall be required for each employee who works regularly.

| | |
|---|--|
| Restaurants, not drive-in seats | One space for each three |
| Retail stores, not otherwise specified | One space for each 200 square feet of sales area in the building, plus one space for each two employees |
| Furniture stores | One space for each 200 hundred square feet on sales floor area below 5000 square feet plus one space for each 400 square feet above 5000 |
| Auto sales | Four spaces for each salesman on the largest shift |
| Service station | Four spaces for each grease or wash rack |
| Drive-in windows | Off street movement lane to accommodate two cars to the front and two cars to the rear of each window |
| Auto wash | One space for each three employees, plus reservoir space equal to five time the capacity of the laundry. |
| Drive-in eating establishment | The provision of parking space equal to ten times the gross floor area in the principal building |
| Funeral homes or mortuaries | One space for each three seats in the chapel plus off street passenger loading accommodation for ten cars |
| Wholesale establishments | One space for each two employees plus one space for each 100 square feet of sales area |
| Single and two family residence | Two spaces for each dwelling unit |
| Multi-family residences | Two and one-half spaces for each dwelling unit |
| Dormitories | One space for each three beds |
| Tourist homes and room renting | One space for each guest room |
| Home occupations | One off street space for each person employed plus sufficient off street spaces for patrons, not to be in a required front yard |
| Medical offices and clinics | Four spaces for each doctor, plus one space for each employee |
| Hospitals | One space for each bed, plus one space for each staff doctor, plus one space for each three employees on the largest shift |
| Nursing or rest homes | One space for each four beds plus one space |
| Day care centers | One space for each employee plus one off street loading space per six children |
| Kindergartens, nurseries, elementary and junior high schools | Three spaces for each classroom plus off street passenger loading arrangements |
| Senior high schools, trade and vocational schools, business and professional schools, colleges and universities | Five spaces for each classroom plus off street passenger loading arrangements |
| Library, museum, art gallery or other cultural facility | One space for each 400 square feet of gross floor area for use by the public |

| | |
|---|---|
| Churches in existence on present site at the effective date of this ordinance | One space for each ten fixed seating spaces in the largest assembly area |
| New churches, auditoriums, coliseums, stadiums, arenas, theaters | One space for each five fixed seating spaces in the largest assembly area |
| Fraternal or social clubs | One space for each 200 square feet used for assembly or dancing |
| Commercial indoor recreation | One space for each 200 square feet of customer participation area |
| Golf courses, including miniature | Three spaces for each hole |

Section III-2 Off Street Loading

Where off street loading space is required under the district regulations of a particular district, one or more loading berths or other space shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every building or structure erected after the enactment of this ordinance; all to be in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of 12 feet by 60 feet and 14 feet overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served thereby. The Zoning Administrator shall determine the sufficiency of loading space, but in no case shall the use of such space hinder the free movement of vehicles and pedestrians over a street, sidewalk or alley.

- The number of required off street loading spaces shall be as follows:
 - Retail Business** - One space for each 20,000 sq. ft of gross floor area, or fraction thereof
 - Wholesale Trade/Industries** - One space for each 20,000 sq. ft. of gross floor area or fraction thereof
 - Office or Institution, including Schools** - One space for each 50,000 sq. ft. of gross floor area or fraction thereof

ARTICLE IV MOBILE HOME PARK REGULATIONS

Section IV - General

- All new mobile home parks and expansion to existing mobile home parks are required from the effective date of this ordinance to comply with all applicable procedures and requirements herein noted. Mobile home parks existing at the time of the adoption of this ordinance shall be allowed to continue and are declared as a nonconforming use of land unless compliance is procured.
- No mobile home park within the jurisdiction of Warren County shall be established, altered or expanded until approval has been obtained from the Zoning Administrator.

Section IV-2 Procedure

- Prior to construction of a new mobile home park or expansion of an existing mobile home park, the developer shall submit seven copies of the proposed mobile home park plan to the secretary of the planning board or his authorized agent. Said plan must be submitted at least ten working days before a regularly scheduled meeting of the planning board.
- The planning board shall review the proposed plan and forward its recommendations to the Board of Adjustment within 45 days of its first consideration. Failure of the planning board to forward recommendation within this specified period shall constitute a favorable recommendation. The Board's recommendation shall be submitted in writing to the Chairman of the Board of Adjustment and to the petitioner(s).
- Mobile homes shall not be sold within a mobile home park except under the following circumstances:
 - (a) An individual mobile homeowner shall be allowed to sell the mobile home in which he resides
 - (b) The park owner or operator shall be allowed to sell any mobile home or homes which he owns so long as the mobile home or homes are parked or located on individual mobile home spaces and connected to the water, sewer, electric and other utilities.
- The transfer of title of a mobile home space or spaces by either sale or any other manner shall be prohibited within a mobile home park as long as the mobile home park is in operation.

Section IV-3 Design Standards

- Mobile home park identification signs shall not exceed 32 square feet in area. Only indirect, non-flashing lighting shall be used for illumination.

2. When a mobile home park is to be constructed within 50 feet of a recorded residential subdivision not naturally screened, the owner of the park shall provide and maintain a 20 foot buffer strip along the adjacent boundary comprised of natural plantings or solid fencing at least five feet in height.
3. Within an approved mobile home park one mobile home may be used as an administrative office.
4. Convenience establishments of a commercial nature shall be limited to food stores, coin-operated laundries, beauty parlors and barber shops if the following restrictions are followed:
 - (a) Such establishments shall present no visible evidence of their commercial intent beyond confines of the park; and
 - (b) Such establishments shall present no visible evidence of their commercial intent beyond confines of the park; and
 - (c) Such establishments shall be designed to accommodate needs of their park populace only.
5. Land contours with vertical intervals as required by the Warren County Health Department shall be required on all mobile home parks plans.
6. Each mobile home space shall be clearly defined by means of concrete or iron pipe marker placed at all corners. Said markers shall be depicted in the proposed mobile home park plan.
7. Each mobile home space shall not be located on ground susceptible to flooding.
8. The minimum lot sizes and dimensions shall be as follows:

| | | <u>Minimum</u> |
|---|-----------|----------------|
| Lot with well and septic tank - 30,000 sq. ft. | Width 100 | Depth 150 |
| Lot with well and public sewer - 20,000 sq. ft. | Width 100 | Depth 150 |
| Lot with septic tank and public water - 20,000 sq. ft. | Width 100 | Depth 150 |
| Lot with public water and public sewer - 15,000 sq. ft. | Width 100 | Depth 150 |
| Minimum Yards - Front 30 Rear 25 Side 10 | | |

9. Mobile home parks, which do not have direct access to a state maintained road, shall be provided access to a state maintained road with a right of way which has a minimum width of 50 feet, of which 24 feet shall be graded and drained for use by automobiles.
10. All mobile homes in the mobile home park shall meet the tie down and foundation standards enforced by the Warren County Building Inspector.
11. Each mobile home park comprising more than 25 spaces shall provide 400 square feet of recreation area per mobile home space.
12. Streets or drives shall provide convenient access to each mobile home space with a minimum right of way of 50 feet, of which 24 feet shall be graded and drained for automobile circulation thereupon. The park owner shall assume the responsibility for maintenance.
13. Permanent dead end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turn around of at least 80 feet in diameter.
14. Streets or drives in the park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees.
15. Proper sight line shall be maintained at all intersections of streets. Measured along the centerline, there shall be a clear sight triangle of 150 feet for those streets intersecting of a right of way maintained by the North Carolina Department of Transportation. All interior drives shall maintain a sight distance triangle of 75 feet. No building or obstruction that impedes vision beyond the extent noted above shall be permitted in this area.
16. New street names shall not duplicate or be similar to existing street names in Warren County and shall be subject to the approval of the planning board.
17. Two automobile parking spaces shall be provided on the mobile home space but shall not be located within any public right of way or within any street in the park.
18. An adequate supply of portable running water for domestic purposes shall be provided in each mobile home park. In so far as feasible, where a municipally owned or other public water supply of satisfactory quantity, quality, and pressure is available within 500 feet of a mobile home park, connection shall be made thereto and its supply used exclusively.
19. All mobile home parks not connected to a municipal or other public water system and comprising at least four spaces but not more than 14 spaces shall be required to submit water supply system plans to the Division of Environmental Health of the Warren County Health Department for approval.
20. All mobile home parks not connected to a municipal or other public water system and comprising more than 15 spaces shall be required to submit water supply system plans to the Sanitary Engineering Division of the North Carolina Department of Human Resources for approval.
21. Adequate and safe disposal facilities shall be provided for all mobile home parks. A sewer collection system shall be connected to a public or community sewerage system when a public or community sewerage system is available for use within 500 feet of a mobile home park. When such a connection to a public or community sewerage system cannot be made, individual septic tank systems may be provided if the Warren County Health Department finds that the soil, topography, and groundwater conditions are favorable. All septic tank systems shall be designed, constructed, and approved in accordance with the Regulations Governing Sewage Disposal Systems in Warren County, promulgated by the Warren County Board of Health; or where applicable, under the provisions of North Carolina General Statute 130-160, the rules and the regulations promulgated by the NC Environmental Management Commission. The regulations Governing Sewage Disposal Systems in Warren County are on file in the office of the Health Director and Clerk of Superior Court of Warren

County. The provisions of these regulations, and all amendments, adopted by reference in accordance with the provisions of NC General Statute 153A-47 and shall become part of this ordinance as full as if set out herein.

22. Each mobile home space shall be provided with at least four-inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.
23. A 2'x2' concrete apron shall be installed around all sewers. Connection shall be located at a distance o at least 100 feet from the water supply.
24. The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any position thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipeline only without any branch fittings. All joints shall be water tight inclusive of the connection from the trailer to the sewer riser pipe.
25. All material used for sewer connections shall be semi-rigid, corrosion resistant, nonabsorbent, and durable. The inner surface shall be smooth.
26. Provision shall be made for plugging a sewer when a mobile home does not occupy the space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.
27. The storage, collection, and disposal of solid waste in a mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents of fire hazards, or pollution.
28. All solid waste containing garbage shall be stored in standard fly-tight, water-tight, rodent proof containers with a capacity of not more than 32 gallons which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The mobile home park management shall be responsible for the proper storage, collection and disposal of solid waste.
29. Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate onsite maintenance.
30. All solid waste containing garbage shall be collected at least twice a week. Where suitable collection service is not available from municipal or private agencies, the mobile home park owner shall provide the service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
31. Where municipal or private service is not available, the mobile home park operator shall dispose of the solid waste by transporting to a disposal site approved by the Warren County Health Department.
32. Ground, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Warren County Health Department.
33. Parks shall be maintained free of accumulation of debris, which may provide rodent harborage or breeding places for flies, mosquitoes, and other similar pests.
34. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above ground.
35. As the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable material.
36. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
37. All streets in the mobile home park shall be adequately illuminated from sunset to sunrise. The minimum size street light shall be a 175 watt mercury vapor (approximately 7000 lumen class), or its equivalent, spaced at intervals of not more than 300 feet, the location of which shall be depicted upon the mobile home park plat.
38. Compliance with the Sedimentation Pollution Control Act of 1973 shall be procured if one acre of land or more is disturbed.

Section IV-4 Application Procedure for Conditional Use

1. Preliminary Plan - A preliminary plan drawn to a scale of not less than one inch equals 100 feet shall be submitted to the Warren County Planning Board for all new or expanded mobile home parks to determine if the proposal meets the requirements and intent of this ordinance. The preliminary plan should include among other things:
 - (a) The name of the park, the names and addresses of the owner or owners, and designer or surveyor;
 - (b) Date, scale and approximate North Arrow;
 - (c) Site plan showing streets, driveways, recreation areas, parking spaces, service buildings, water courses, easements, mobile home spaces, and all structures to be located on the park site;
 - (d) Vicinity map showing the location of the park and the surrounding land uses;
 - (e) Names of adjoining property owners; and

- (f) The proposed utility system for water, sewer, gas, surface water drainage, streetlights, and electrical power.
- 2. After careful review and consideration of the preliminary plan, the Warren County Planning Board shall have 45 days within which to make its recommendations to the Board of Adjustment for Conditional Use Permits.
- 3. The Board of Adjustment, based on its own findings and on the recommendations of the Planning Board, shall approve or disapprove the mobile home park plan.
 - (a) If the plan is approved, the Zoning Administrator shall issue the owner or developer a Conditional Use Permit. This permit is authority to construct the mobile home park;
 - (b) If the plan is disapproved, the conditions upon which it would be approved shall be stated. Once the owner or developer agrees the conditions to, the Zoning Administrator shall issue a Conditional Use Permit, allowing the park to be constructed.

Section IV-5 Certificate of Occupancy

- 1. When the developer has completed the construction of the mobile home park, he shall apply to the Zoning Administrator for a Certificate of Occupancy. The Zoning Administrator shall make an onsite inspection of the park.
 - (a) If the plan conforms to the park plan approved by the Board of Adjustment, the Zoning Administrator shall issue the developer a Certificate of Occupancy.
 - (b) If the plan does not conform to the approved plan, the Zoning Administrator shall delay issuance of the Certificate of Occupancy until it comes into conformity.
- 2. The Certificate of Occupancy issued to the developer shall constitute authority to lease or rent spaces in the mobile home park.
- 3. All mobile homes, whether located in mobile home parks or on individual's lots, established after the effective date of this ordinance must meet the requirements of the local building code prior to being approved for a Certificate of Occupancy. This requirement shall not apply to any mobile home which was manufactured after July 1, 1970, and bears the label or seal of compliance of a recognized testing laboratory having follow-up services, approved by the NC Building Code Council as authorized in Chapter 143 of the NC General Statutes.

ARTICLE V NONCONFORMING USES

Section V-1 Effect Upon Existing Nonconforming Uses

Lots or structures that do not meet the minimum dimensional requirements of this ordinance, or the existing uses of lots or structures that would be prohibited under the regulations of this ordinance in the district in which they are located may be used and continued provided they were lawfully constructed or established prior to the date of passage of this ordinance, except that:

- A. Such nonconforming uses may not be enlarged or extended in such a way as to create any additional area of nonconformity.
- B. If a building occupied by a nonconforming use is destroyed by any means to an extent of more than 75 percent of its replacement cost at the time of destruction, such building may not be restored for any nonconforming use.
- C. Nonconforming open uses of land shall not be changed to any but conforming uses, and shall not be enlarged to cover more land than was occupied by that use at the date of passage of this ordinance. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- D. When any nonconforming use of land or structure is discontinued for a period more than one year, any future use shall be limited to those uses permitted by this ordinance in the district in which it is located. Vacancy and/or nonuse of the land or structure, regardless of the intent of the owner or tenant, constitute discontinuance under this section.
- E. Where a nonconforming use of land or structure is changed to a conforming use, it shall not thereafter be used for any nonconforming use.
- F. When a nonconforming structure or mobile home is moved from any lot, for any reason, it shall only be replaced with a conforming structure.

ARTICLE VI SIGNS

Section VI-1 Sign Compliance

No type of exterior sign may be erected, posted, re-posted, placed, replaced, hung, painted, or repainted in any district except in compliance with this ordinance.

Section VI-2 General Sign Regulations

- A. No sign shall be erected or constructed to interfere with visual clearance at any street or road right of way.

| Type of Sign | AR | R | GC | TC | LB | NB | LI |
|--|----|---|----|----|----|----|----|
| 8. Construction sites placards not exceeding 32 square feet in area and non-illuminated only while construction is taking place on the premises. | X | X | X | X | X | X | X |
| 9. Signs directing traffic and pedestrians on private property not to exceed ten sq. ft. per sign. | X | X | X | X | X | X | X |
| 10. Residential entrance and exit signs, not exceeding 100 sq. ft. in area. | P | P | | | | | |
| 11. One onsite identification sign not exceeding 200 sq. ft. in area or 35 feet in height. | | | | P | P | P | |
| 12. One onsite industrial identification sign facing each public street which adjoins the property. | | | | | | | P |
| 13. Signs mounted flat against the walls of buildings but not painted directly on the walls, or suspended from a canopy if the bottom of the suspended sign is at least nine feet above grade level, up to a maximum of two sq. ft. of area per lineal foot of building frontage (only main entrance wall of building used in computing frontage) for all signs of this type together. | | | | | P | P | P |
| 14. Signs mounted on a trailer, mobile framework, or other movable apparatus, other than vehicles used for transportation, are called portable signs and are prohibited on a permanent basis. Such portable signs will be permitted on a temporary basis at grand openings, open houses, or special events in any LB, NB, or LI district for a total of 28 days in a calendar year and not to exceed seven days in any one period. Such temporary permits may be obtained from the Zoning Administrator. | | | | | P | P | P |
| 15. Outdoor Advertising Signs | C | | | | C | C | C |

ARTICLE VII INTERPRETATION OF TERMS AND DEFINITIONS

Section VII-1 Interpretation of Certain Terms

- A. Words used in the present tense include the future tense.
- B. Words used in the singular number include the plural and words used in the plural number include the singular.
- C. The word "person" includes a firm, joint venture, association, organization, partnership, corporation, trust and company, as well as an individual.
- D. The word **lot** includes the word **plot** or **parcel**.
- E. The word **building** includes the word **structure**.
- F. The word **shall** is always mandatory and not merely directory.
- G. The words **used** or **occupied** as applied to any land or building shall be construed to include the words **intend**, **arranged**, or **designed to be used or occupied**.
- H. The words **Zoning Map** or **Official Warren County Zoning Map** shall mean the map of Warren County, North Carolina.

Section VII-2 Definitions

- a. **Accessory** means incidental to another use of structure on the same lot.
- b. **Apartment** means a room or unit of one or more rooms, each of which have a kitchen facility, and are designated or intended to be used, as an independent unit, on a rental basis.
- c. **Automobile Wash or Automatic Car Wash**, means a lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.
- d. **Boards of Adjustment** means a semi-judicial body composed of representatives from Warren County, which are given certain powers under and relative to this ordinance.

- e. **Board of Commissioners** means the governing body of Warren County.
- f. **Boarding House** means a rooming house or a structure, which contains four or more rooms, each of which have no kitchen facilities, and is designed or intended to be used for residential occupancy on a rental basis.
- g. **Building** means any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of building.
- h. **Building height of** means the vertical distance from the average under walk grade, or finished grade of the building line, whichever is the highest, to the highest point of the building.
- i. **Building-detached** means a building having no party or common wall with another building except an accessory building.
- j. **Building-Line** means a line located a minimum horizontal distance from the right-of-way line of a street or property line parallel thereto between which and the street right of way line or property line no building or parts of a building may be erected, altered, or maintained except as otherwise provided herein.
- k. **Building-Main** means a building in which the principle use of the lot on which the building is situated is conducted.
- l. **Building Site** means any lot or portion thereto, of a parcel of land upon which a building or buildings may be erected in conformance with the provisions contained herein.
- m. **Certificate of Occupancy** means a statement signed by the Zoning Administrator setting forth that the building, structure or use complies with the zoning ordinance and any applicable construction codes, and that the same may be used for the purposes stated herein.
- n. **Day Care Center** means a facility inclusive of a kindergarten, for the care and/or education of preschool age children and licensed by the NC Dept. of Human Resources.
- o. **Drive-in (eating or drinking facility)** means an establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverage from a vehicle.
- p. **Dwelling Single Family** means a detached building designed for or occupied exclusively by one family.
- q. **Dwelling Two Family** means a detached building either designed for or occupied by two families living independently of each other.
- r. **Dwelling Multi-Family** means a building used for, designed as a residence for more than two families living independently of each other.
- s. **Dwelling Unit** means a residential structure or that portion of a residential structure used or designed as a residence for one family.
- t. **Fabrication** means the processing and/or assemblage of various components into a complete or partially completed commodity. Fabrication to stamping, cutting or otherwise shaping the processed materials into useful objects. The refining aspects of manufacturing and other initial processing of basic raw materials such as metal, ore, lumber and rubber, etc. are included.
- u. **Family** being one or more person or group of two or more persons living together and interrelated by bonds of marriage or legal adoption occupying the whole part of a dwelling as a separate housekeeping unit with a common and single set of culinary facilities. The person thus constituting a family may also include two additional guests who occupy rooms for which compensation may or may not be paid. Any group of persons not so related but inhabiting a single housekeeping unit shall be considered to constitute one family for each five persons exclusive of domestic employees, contained as one group.
- v. **Family Care Home** means a facility designed to care for a maximum of six handicapped persons, plus support and supervisory personnel, as defined in G.S. 169-21.
- w. **Frontage** means all property abutting one side of a street measured along the street line.
- x. **Home Care Unit** means a facility meeting all the requirements of North Carolina for boarding and care of not more than five persons who are not critically ill and do not need regular professional medical attention.
- y. **Home Occupation** means certain specified occupations customarily conducted for profit within a dwelling unit and carried on by the occupant thereof. Criteria for the classification of a home occupation are contained in this ordinance.
- z. **Junk** means pre-used or unusable metallic parts and other nonmetallic manufactured products that are worn, deteriorated or obsolete making them unusable in their existing conditions, but are subject to be dismantled and salvaged.
- aa. **Junk Yard** means the use of more than 600 square feet of any lot for the storage of junk, including scrap metals, or other scrap materials, or for the dismantling or abandonment of automobiles or other vehicles or machinery.
- bb. **Kennel** means a facility operated exclusively for profit and for the expressed purposes of providing shelter for animals.
- cc. **Lot Depth** means the depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.

- dd. **Lot Area** means the parcel of land enclosed within the boundaries formed by the property lines plus one-half of any alleys abutting the lot between boundaries of the lot, if extended.
- ee. **Lot Depth** means the depth of a lot, for the purpose of this ordinance, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite lot line.
- ff. **Lot Line** means any boundary of a parcel of land.
- gg. **Lot Line Front** means any boundary line of a lot running along a street right of way.
- hh. **Lot Line Rear** means the rear lot line shall be the property line(s) which is/are opposite the front property line. If no property line is deemed to be opposite the front property line and no minimum building line exists on the final plat to establish a rear lot line, then there shall be no rear lot line; however, the rear yard set back shall be maintained from the point (apex) on the property's perimeter which is the furthest removed from the midpoint of the front line. The rear yard minimum building line shall be a line perpendicular to a straight line connecting said apex and the midpoint on the front lot line.
- ii. **Lot Line Side** means a boundary line that is not defined as a front or rear lot line.
- jj. **Lot of Record** means a lot, which has been recorded in the Office of the Register of Deeds or a lot described by metes and bounds the description of which has been recorded in the aforementioned office.
- kk. **Lot Width** means the horizontal distance between the sidelines measured along the front building line as specified by the applicable front yard set back in this ordinance.
- ll. **Mobile Home** means a detached residential dwelling unit over 32 feet in length and over eight feet wide designed for transportation after fabrication on it's own wheels or on flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor and incidental unpacking and assembly operations including, but not limited to, location on jacks or other temporary or permanent foundation, and connection to utilities. Travel trailers and camper shall not be considered mobile homes.
- mm. **Mobile Home Park** means any lot or part thereof, or any parcel of land that is used or offered as a location for four or more mobile homes, regardless of whether or not a charge is made for such accommodations. Provided, however, the provisions of this ordinance shall not apply to mobile home spaces allocated by the property owner without charge to persons related to the property owner by blood or marriage or to tenant farmers employed by said owner for the purpose of engaging in agricultural pursuits on the premise. For the purpose of this ordinance, persons related by blood or marriage shall be defined as husband, wife, sister, grandmother, grandfather, aunt, uncle, mother-in-law, father-in-law, stepson, and stepdaughter. If any of these conditions cease to exist, said property owner shall comply with all provisions set forth in this ordinance.
- nn. **Modular Home** means a detached residential dwelling unit designed for transportation after off-site fabrication on flatbed trucks or trailers. At the site, a modular home must be placed on a permanent foundation, heating and cooling system, plumbing fixtures, and electrical appliances must be installed before occupied.
- oo. **Nonconforming Use** means a use of buildings or land that does not conform with the regulations of the district in which such building or land is situated but was lawful before adoption of this ordinance.
- pp. **Nursing Home** means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.
- qq. **Planned Unit Development** means a residential, commercial or combination of residential and commercial project located on land under unified control, planned as a whole, and developed as a single development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements and facilities provided for the common use of the occupants or users of the development.
- rr. **Planning Board** means for the purposes of this ordinance a body appointed by the Warren County Board of Commissioners to perform the following duties:
 --Develop and recommend long range development plans and policies;
 --Advise the Board of Commissioners in matters pertaining to current physical development and zoning for the county planning jurisdiction.
- ss. **Public or Community Sewage System** means a single system of sewage collection, treatment, and disposal owned and operated by a sanitary district, a metropolitan sewage district, water and sewer authority, a county or municipality or a public utility.
- tt. **Public Water System** means a system for the provision to the public or piped water for human consumption if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
- uu. **Retail** means the sale of a commodity to the ultimate consumer and not customarily subject to sale again.
- vv. **Salvage Operation** means the reclamation, dismantling or storage of pre used commodities, junk and similar material for the purposes of resale, processing, distribution or deposition.
- ww. **Service Station** means a building or lot where gasoline, oil, grease and automotive accessories are supplied and dispensed to a motor vehicle trade.

- xx. **Setback** means the distance between the minimum building line and the street right of way line and where no street right of way is involved, the property line shall be used in establishing the setback.
- yy. **Sign** means any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trade marks by which anything is made known such as the designation of an individual, firm, association, profession, business commodity or product which are visible from any public way and used to attract attention.
- zz. **Sign Area of means** that sign area shall be computed by the smallest square, triangle, rectangle, circle, or combination thereof which will encompass the entire sign including lattice work, frame or supports incidental to its decoration. In computing the area, only one side of a double face sign structure shall be considered.
- aaa. **Sign Business Identification** means any sign which advertises an establishment, service commodity, goods or activity conducted upon the premises where such sign is located.
- bbb. **Sign Outdoor Advertising** means any sign which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located.
- ccc. **Sign Portable** means any sign not exceeding 80 square feet in billboard area and constructed as a part of or attached to a trailer.
- ddd. **Storage** means the deposition of commodities or items for the purposes of future use or safekeeping.
- eee. **Street** means a public or private thoroughfare, which affords access to abutting property and is recorded as such in the Office of the County Register of Deeds.
- fff. **Subdivision** means all divisions of a tract or parcel of land into two or more lots, building sites or other division for the purpose, whether immediate or future, of sale or building development, and all division of land involving the dedication of new streets or a change in existing streets provided, however that the following shall not be included within this definition:
 1. The combination or recombination of portions of previously platted lots where total number of lots is not increased and the resultant lots are equal to or exceed the standards as contained herein.
 2. The division of land into parcels greater than ten acres where no street right of way dedication is involved.
 3. The public acquisition by purchase of strips of land for the widening or opening of streets.
- ggg. **Tourist Home** means any building occupied by owner or operator in whom rooms are rented for lodging of transients and travelers for compensation.
- hhh. **Use** means the purpose, for which land or structures thereon are designed, arranged or intended to be occupied or uses; or for which it is occupied, maintained, rented or leased.
- iii. **Use Conditional** means a use permitted in a zone only after specific findings by the Board of Adjustment.
- jjj. **Use by right** means a use, which is listed as an unconditionally permitted activity in this ordinance.
- kkk. **Variance** means a modification or alteration of any of the requirements of this ordinance.
- lll. **Warehouse** means a building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, and/or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade to be again removed or reshipped.
- mmm. **Wholesale** means sale of a commodity for resale to the public for direct consumption.
- nnn. **Yard** means any open space on the same lot with a building and unoccupied from the ground upward except by trees, shrubbery or fences.
- ooo. **Yard Front** means a yard across the full width of the lot, extending from the front line of the building to the front lot line.
- ppp. **Yard Rear** means a yard located behind the rear line of the main building, if extended, to the perimeter of the lot.
- qqq. **Yard Side** means a yard between the building and side lot line, extending from the front building line to the rear building line.
- rrr. **Zoning Permit** means a permit issued by the Zoning Administrator or his authorized agents, that permits the applicant to use or occupy a tract of land or a building; or to erect, install or alter a structure, building or sign situated in the jurisdiction of the County that fully meets the requirements of this ordinance.
- sss. **Parking Space** means a graded and surfaced storage space for one automobile, plus the necessary access space. It shall always be located outside the dedicated street right of way. Parking space sizes shall be governed by the following:
 - Angle Parking Minimum - 8.5 feet x 20 feet (measured parallel to the vehicle)
 - 90 Degree Parking Minimum - 9 feet x 20 feet

ARTICLE VIII ENFORCEMENT

Section VIII - 1 Zoning Administrator

The Zoning Administrator, appointed by the Warren County Board of Commissioners is duly charged with enforcement of the provisions of this ordinance. If the Zoning Administrator finds that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person(s) responsible for such violations, indicating the nature of the violation and ordering the action(s) necessary to correct it. He/She shall also take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section VIII-2 Zoning Permit

1. No building, sign, or structure or any part thereof designed or intended to be used shall be erected or repaired until a zoning permit has been issued by the Zoning Administrator or his authorized representative. A fee of \$20 shall be charged for the issuance of each zoning permit.
2. Each application for a zoning permit shall be accompanied by a plat, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the lot to be built upon, accurate dimensions of the building or sign to be erected, its location on the lot and such other information as may be necessary to provide for the enforcement of this ordinance. An accurate record of such application and plats, together with a record of the action taken thereon shall be kept in the Office of the Zoning Administrator.
3. No permit for excavation or for erection of any building, sign or part of a building or sign, or for repairs to a alternation of a building, or sign or the relocation of a building or sign from the lot on which it is situated, shall be issued until after a statement to its intended use has been filed by the applicant.

Section VIII-3 Certificate of Occupancy/Compliance

No land shall be used or occupied and no building, sign, or structure erected or altered shall be used or changed in use until a Certificate of Occupancy /Compliance has been used by the Zoning Administrator stating that the building, sign, and/or the proposed use complies with the provisions of this ordinance. A certificate of the same shall be required for changing or extending any nonconforming use. The aforementioned Certificate shall be applied for coincidentally with the application for a Zoning Permit and shall be issued within ten working days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all such certificates shall be kept on file and copies shall be furnished, upon request, to any person having a propriety or tenancy interest in the building or land.

Section VIII-4 Penalties for Violations

Any person, firm or corporation who violates any provision of this ordinance shall be subject to a civil penalty or \$50.00 which may be recovered by Warren County in a civil action in the nature of debt instituted in the North Carolina General Court of Justice, if the penalty is not paid within 15 days after the offender has been cited for violation of the Zoning Ordinance of Warren County.

Each day's continuing violation shall be a separate and distinct offense. Citations with a \$50.00 penalty per citation may be issued each day the offense continues until the violations have ceased or abated.

This amendment is made by authority of G.S. 153-123C.

Nothing contained in Article VIII shall prevent Warren County from taking such other lawful actions as may be necessary to prevent or remedy any violation of the Zoning Ordinance of Warren County. In its discretion, Warren County may proceed to enforce the ordinance by either of the penalties provided for in Article VIII.

Section VIII-5 Right of Appeal

If the zoning permit and/or Occupancy/Compliance Certificates are denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment.

Section VIII-6 Zoning Permit Invalid if Work not Commenced or Completed

Any zoning permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue or if the work authorized by it is suspended or abandoned for a period of one year or if such work is not completed within three years of the date of the issuance of the zoning permit. Application may be made to the Zoning Administrator for a new zoning permit to replace any permit, which shall become invalid under this section.

**ARTICLE IX
BOARD OF ADJUSTMENT**

Section IX - 1 Composition

1. The Warren County Board of Commissioners shall create a Board of Adjustment consisting of five members. The initial appointment to the Board of Adjustment shall be as follows:
 - a. Two members shall be appointed for three-year terms. Two members shall be appointed for two-year terms.
 - b. One member shall be appointed for one-year term. Thereafter, all new terms shall be for three years, and members may be reappointed.
2. The Board of Commissioners shall also appoint two alternate members to serve in the absence of regular members. Both the initial appointment and new terms shall be for three years, and alternate members may be reappointed. Each alternate member, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

Section IX-2 Rules for Proceeding of the Board of Adjustment

The Board shall adopt rules governing its organization and for all proceedings before it. Such rules shall provide and require the following in addition to such other rules and regulations the Board shall adopt:

- ◆ The Board shall elect a chairman, vice-chairman and a secretary on an annual basis.
- ◆ The secretary shall keep detailed minutes of the proceedings. The minutes shall contain relevant facts and testimony of each appeal, the vote of each member on each appeal, abstention from voting and attendance. The minutes shall contain the signature of the secretary and the chairman.
- ◆ No appeal may be heard unless a quorum is present. A quorum shall consist of five members in attendance.
- ◆ The notice shall be given to all parties having interest in an appeal.
- ◆ Any interested party may appear in person, by agent or by attorney to offer evidence and testimony relative to an appeal.
- ◆ Fees for filing appeals to the Board of Adjustment shall be as follows:

| | |
|--|---------|
| Request for Appeal..... | \$75.00 |
| Request for Variance | \$75.00 |
| Request for Conditional Use Permit | \$75.00 |

Section IX-3 Powers and Duties of the Board of Adjustment

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

1. **Administrative Review** - To hear and decide any appeal from and review any order, requirement, decision, or determination made by the Zoning Administrator.
2. **Variances** - To authorize upon appeal, in specific cases, such variances from the terms of this ordinance which will not be contrary to the public interest. Where, owing to special conditions, a literal enforcement of the provision of this ordinance would result in unnecessary hardship, a variance from the terms of this ordinance may be granted by the Board of Adjustment when a written application demonstrates all of the following:
 - a. That the special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance;
 - c. That the hardship is not the result of the applicant's own action.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district;
 - e. That, if the applicant complies with the provisions of the ordinance, he can secure no reasonable use of his property; and
 - f. That granting of the variance will be in harmony with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Conditions Imposed on Variances: In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been assured. Such conditions may be imposed by the Board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the Board to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when under part of the terms under which the variance is granted shall be deemed a violation of this ordinance.

In addition to the grounds of granting variance specified by state law, the Board of Adjustment may grant a variance when it finds that the grant of the requested variance will cause no significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, will not

significantly change the character of the neighborhood or reduce the value of nearby property, will not impose any significant cost burden upon Warren County and will not create any significant obstacle to implementation of the County's Land Use Plan. The Board of Adjustment may attach any conditions to the grant of a variance under this section, which it may find necessary to ensure that the intent and purpose of this ordinance are in all respects observed.

3. **Conditional Uses** - To hear and decide request for Conditional Use Permits allowed by this ordinance.

a. **Objectives and Purpose** - Conditional uses add flexibility to the zoning ordinance by permitting potential undesirable uses of property in specified districts when certain conditions are met. By means of controls exercised through the Conditional Use Permit procedures, uses of property, which would otherwise be undesirable in certain districts, can be developed to minimize any bad effects they might have on surrounding properties.

b. **Procedure**

1. The Zoning Administrator may issue a Conditional Use Permit after approval by the Board of Adjustment for the uses as designated in the District Regulations. The application for a Conditional Use Permit shall accompany the application for a zoning permit. The Board of Adjustment shall file the application for the Conditional Use Permit ten working days before the date of review. The Board of Adjustment shall hold a public hearing before rendering a decision on the Conditional Use Permit, and if approved, shall include approval of such plans as may be required. In approving the permit, the Board of Adjustment shall find:

- a. That the use will not materially endanger the public health, safety or general welfare if located where proposed and developed according to the plan as submitted and approved;
- b. That the use meets all required conditions;
- c. That the location and character of the use, if developed according to the plans as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the county.

2. In approving the Conditional Use Permit the Board of Adjustment may designate such conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious and with the spirit and intent of this ordinance. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted, on the Conditional Use Permit, and on the plans submitted therewith. All conditions shall run with the land and shall be binding on the original applicant for the Conditional Use Permit, the heirs, successors and assigns. In order to ensure that such conditions and requirements of each Conditional Use Permit will be fulfilled, the petitioner for the Conditional Use Permit may be required to provide physical improvements required as a basis for the issuance of the Conditional Use Permit.

3. If the Board of Adjustment denies the Conditional Use Permit, the reasons thereof shall be entered in the minutes of the meeting at which the permit is denied.

4. In addition to the specific conditions imposed by this ordinance whatever additional conditions the Board of Adjustment deems to be reasonable and appropriate, Conditional Use shall comply with height, yard, area and parking regulations of the zone in which they are located.

5. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No zoning permits for further construction or Certificate of Occupancy/Compliance under the Conditional Use Permit shall be issued, and the use of all completed structures shall immediately cease and not thereafter be used for any purpose other than a Use-By-Right as permitted by the zone in which the property is located.

6. Where plans are required to be submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be made by the Board of Adjustment.

Section IX-4 Appeals

1. Appeals from the enforcement and interpretation of this ordinance, and appeals for Conditional Use permits or variances shall be filed with the Zoning Administrator, who shall transmit all such records to the Board of Adjustment.
2. The Board of Adjustment shall fix a reasonable time, not to exceed 30 days, for the hearing of the appeal and publish notice of such hearing in a newspaper of general circulation in Warren County five working days prior to the hearing.
3. The Board of Adjustment, by a vote of at least four of its five members, may reverse any order, requirement, decision, or determination of the Zoning Administrator, or may decide in favor of the applicant a matter upon which the Board is required to pass under the ordinance, or may grant a variance from the provisions of the ordinance.

4. Each decision of the Board of Adjustment is subject to review by the County Superior Court. Any appeal to the Superior Court shall be taken within 30 days after the decision of the Board of Adjustment is filed in the Office of the Zoning Administrator, or after written copy of the decision is delivered to the appellant by registered mail, return receipt requested, whichever is later.

ARTICLE X AMENDMENTS

Section X-1 General

1. The Warren County Board of Commissioners may, at any time, amend, supplement, change, modify, or repeal the boundaries or regulations herein or subsequently amend. Proposed changes or amendments may be initiated by the County Board of Commissioners, Planning Board, Board of Adjustment, or by one or more owners, optionees, or lessees of property within the area proposed to be changed or affected.
2. Petitions to amend this ordinance shall be presented to the secretary of the Warren County Planning Board for review and recommendation by said Board at least ten working days prior to its hearing the Planning Board. The petition shall state the nature of the proposed amendment, a legal description of the property involved, and the names of the property owners. A fee of \$75.00 to defray cost of advertising and other administrative costs involved, unless initiated by the Warren County Board of Commissioners, Board of Adjustment, or the Planning Board, shall accompany each petition.
3. The Planning Board shall have 45 days within which to submit its recommendation. Failure to the Board to submit its recommendation within this time shall constitute a favorable recommendation. The Planning Board's report shall be submitted in writing to the County Manager and to the petitioner(s).
4. The Board of Commissioners shall hold a public hearing before adoption of any proposed amendment of this ordinance. A notice of such public hearing shall be published once a week for two consecutive weeks in a newspaper of general circulation in Warren County. Said notice shall be published the first time not less than 10 days and not more than 25 before the date established for such public hearing.

Whenever there is a zoning classification action 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 abutting that parcel of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Warren County Board of Commissioners that fact, and such certification shall be deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the areas to be zoned.

In addition, the Zoning Administrator shall post a sign on any property for which a petition to change the zoning classification has been received. The sign shall state the nature of the change requested and the date, time, and place of the public hearing and shall be posted on the property in question at least three days before the public hearing date.

5. A simple majority vote of the Board of Commissioners shall be the required minimum to amend this ordinance when recommendation from the Planning Board is favorable. A four-fifths majority vote by the Board of Commissioners shall be required to amend this ordinance.
6. When a petition for amendment is denied by the Board of Commissioners, a period of 12 months must elapse before another petition for the same change previously involved may be submitted.

ARTICLE XI LEGAL STATUS PROVISIONS

Section XI-1 Legal Status Provisions

1. In its interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of lawfully adopted rules, regulations, ordinance, deed restrictions, or covenants, the most restrictive, or that imposing the highest standards, shall govern.
2. This ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, buildings or structures shall not be affected hereby. Whenever any condition or limitation is included in an order authorizing a Conditional Use Permit, variance, zoning compliance permit, certificate of occupancy or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition of limitation necessary to carry out the spirit and purpose of this ordinance or the requirement of some provision hereof, and to protect the public health, safety and welfare, and that the officer or Board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

STATE OF NORTH CAROLINA
 COUNTY OF WARREN ECONOMIC DEVELOPMENT COMMISSION

Resolution Supporting Renovation of the Warren County Armory as a
 Cultural Arts Center

WHEREAS, no facility exists within Warren County with the capacity or amenities needed to house Cultural Arts programs, exhibits or events, and

WHEREAS, national studies document that Cultural Arts are powerful stimulus to human and economic development, and

WHEREAS, Cultural Arts events can not only enhance the quality of life of local citizens but draw visitors from outside the county, and

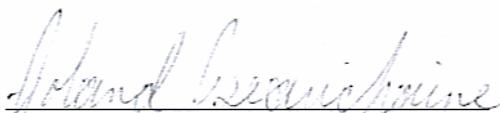
WHEREAS, the North Carolina Arts Council study documents that cultural travelers to North Carolina spend more than general tourists, income from which would offset costs of developing the facility, and

WHEREAS, a venue appropriate for Cultural Arts programming could also house certain other programs beneficial to local civic, business and educational activities, and

WHEREAS, the County of Warren owns the building and surrounding property known locally as the Armory.

NOW, THEREFORE, BE IT RESOLVED THAT the Warren County Economic Development Commission supports renovation of the Armory for use as a Cultural Arts Center.

Adopted this 22nd day of January, 2007.



Roland Beauchaine, Chairman
 Board of Directors
 Warren County EDC

ATTEST:



Pete Deschenes, Secretary
 Warren County EDC

Votes were as follows: Ayes: Richardson, Ross and Alston
 Nays: Davis and Fleming

Motion carried, County Manager Linda T. Jones was ordered to form a committee under her leadership, to review possible use(s) of Warren County National Guard Armory and present final report to the Board of Commissioners and Resolution Supporting Renovation of Warren County Armory as Cultural Arts Center was endorsed.

Motion was made by Commissioner Richardson to replace Detention Center fire alarm system at an approximate cost of \$29,292.57. Motion died for lack of a second.

Sheriff Johnny Williams addressed the Board to explain the seriousness, which involved the County's liability by not having an adequate alarm system.

On motion of Commissioner Ross, which was seconded by Commissioner Davis and duly carried by unanimous vote, it was ordered to approve replacing the Detention Center's fire alarm system at an approximate cost of \$29,292.57 per quote received from Norment Security Group, Inc.

On motion of Commissioner Richardson, which was seconded by Commissioner Ross and duly carried by unanimous vote, Amendment No. 12 to 2006-2007 Warren County Budget Ordinance, was adopted as follows:

AMENDMENT TO THE WARREN COUNTY BUDGET ORDINANCE
2006/2007
Amendment No. 12

Section 1 of the Warren County Budget Ordinance, pertaining to the General Fund operations of the County, shall be amended as follows:

Increase/(Decrease) Appropriations:

| | |
|------------------------------------|------------------|
| Detention Facility | \$ 26,887 |
| Contingency | (26,887) |
| Rural Operating Assistance Program | <u>34,770</u> |
| Total | \$ 34,770 |

Section 2 of the Warren County Budget Ordinance, pertaining to the General Fund operations of the County, shall be amended as follows:

Increase/(Decrease) Revenues:

| | |
|------------------------------------|------------------|
| Restricted Intergovernmental - DSS | <u>\$ 34,770</u> |
| Total | \$ 34,770 |

This amendment:

- appropriates funds to the Detention Facility for the purchase of a new fire alarm system.

Source of Funding: Contingency

- budgets supplemental funds awarded to Warren County for the Rural Operating Assistance Program.

Source of Funding: State of North Carolina - Department of Transportation

Respectfully Submitted 4/02/07

Barry J. Mayo /sme
Barry J. Mayo, Finance Director

On motion of Commissioner Fleming, which was seconded by Commissioner Ross and duly carried by unanimous vote, it was ordered to renew office space lease agreement between the County and Warren County Free Clinic for \$1.00 per month, effective April 1, 2007 through April 1, 2008, with automatic renewal.

Motion was made by Commissioner Richardson to terminate Contract for Fire Service with Soul City Volunteer Fire Department, on recommendation from Warren County Fire Commission. Motion died for lack of a second.

On motion of Commissioner Ross, which was seconded by Commissioner Fleming and duly carried, it was ordered to allow Soul City VFD 12 months to come into compliance with Contract for Fire Protection, Section I, Paragraph 1-B Services Responsibilities and NC General Statutes 58-2-40 and 58-36-10(3), under supervision of Fire Marshal Christopher Wright and the Warren County Fire Commission.

Votes were as follows: Ayes: Ross, Fleming, Davis and Alston
 Nay: Richardson

Motion carried, Soul City Volunteer Fire Department was granted 12 months to come into compliance with Contract with Warren County for Fire Protection, Section I, Paragraph 1-B Services Responsibilities and NC General Statutes 58-2-40 and 58-36-10(3) under supervision of Fire Marshal Christopher Wright and the Warren County Fire Commission.

On motion of Commissioner Richardson, which was seconded by Commissioner Davis and duly carried by unanimous vote, Warren County entered into Engineering Agreement with Rivers & Associates, Inc. for Wise Interchange Water/Sewer Improvements, to be executed upon confirmation of Project Funding.

On motion of Commissioner Richardson, which was seconded by Commissioner Fleming and duly carried by unanimous vote, Warren County entered into Water Purchase Contract with Alpha Water Corporation to supply the customers of the Peete River Farm Subdivision, this contract replaces a previous contract between Warren County and Peete River Farm Subdivision.

Chairman Alston conferred Chairmanship to Vice-Chair Ross in order to participate in discussion regarding a request from Social Services Board of Directors to increase Henry Hayes,

DSS Director's salary by \$681 to bring his salary up to the recommended amount of \$76,248 annually. Mr. Hayes' current salary was \$75,567 based on recently competed salary study.

On motion of Commissioner Richardson, which was seconded by Commissioner Ross and duly carried, it was ordered to approve request from Social Services Board of Directors to increase Henry Hayes, DSS Director's salary by \$681.

Votes were as follows: Ayes: Richardson, Ross, and Alston
 Nays: Fleming and Davis

Motion carried, request from Social Services Board of Directors to increase Henry Hayes, DSS Director's salary by \$681 was approved.

Commissioner Alston resumed Chairmanship.

FY 2007-2008 Budget Calendar was presented for adoption:

FY 2007-2008 Budget Calendar

| | | |
|-------------|----------------|---|
| May 7, 2007 | 10:00am | Annual Budget Presentation, <u>Courtroom # 201</u> - Annual Budget Presentation to the Board of <u>County Commissioners</u> . Department Heads required to attend meeting. |
| May 24th | 9am – 5pm | County Commissioners Budget Work Session - <u>Department of Social Services Staff Meeting Room # 325</u> , Department Head presentations tentatively scheduled for this date. |
| June 4th | 10:00 am | Commissioners Regular Monthly Meeting, <u>Courtroom # 202</u> |
| | 1:00 - 5:00 pm | - Budget Work Session - <u>Courtroom # 202</u> |
| June 6th | 1:00 - 5:00 pm | - Budget Work Session - <u>Department of Social Services Staff Meeting Room # 325</u> |
| June 11th | 6pm | Budget Public Hearing - <u>Courtroom # 202</u> , Held in accordance with N.C.G.S. to receive citizens' comments. |
| June 20th | 1pm - 5pm | Budget Work Session - <u>Department of Social Services Staff Meeting Room # 325</u> |
| June 25th | 10:00 am | Special Meeting to Adopt Budget Ordinance - <u>Courtroom # 202</u> |

Motion was made by Commissioner Richardson, **not** to approve Budget Calendar and to go back to meetings at night. Motion died for lack of a second.

On motion of Commissioner Fleming, which was seconded by Commissioner Ross and duly carried, it was ordered to approve FY 2007-2008 Budget Calendar as presented (see above):

Votes were as follows: Ayes: Fleming, Ross, Davis and Alston
 Nay: Richardson

Motion carried, FY 2007-2008 Budget Calendar was adopted as presented.

On motion of Commissioner Richardson, which was seconded by Commissioner Fleming and duly carried by unanimous vote, it was ordered to reschedule April 18th regular work session to April 30th at 5:00 pm.

On motion of Commissioner Richardson, which was seconded by Commissioner Fleming and duly carried by unanimous vote, it was ordered to schedule Community Development Block Grant Water Hook-Up Close-Out Public Hearing for Monday, April 30, 2007 at 4:45 pm.

Motion was made by Commissioner Richardson to schedule a joint meeting with the Department of Social services Board of Directors for Monday, May 7th at 9:00 am. Commissioner Richardson withdrew his motion.

On motion of Commissioner Richardson, which was seconded by Commissioner Fleming and duly carried by unanimous vote, it was ordered to schedule a Joint Meeting with Social Services Board of Directors for Monday, May 7, 2007 at 9:30 am.

On motion of Commissioner Richardson, which was seconded by Commissioner Fleming and duly carried by unanimous vote, County Manager's Report for March 2007 was approved as presented:

Administration

- Attended State/Local Fiscal Modernization Sales/Excise Tax Sub-Committee Meeting (3/1/07)
 - Meeting with Michelle Love, NCACC Insurance Representative, to discuss County insurance renewals (3/9/07)
 - Prepared for and attended Board of Commissioners Public Hearing and Regular Board Meeting (3/12/07)
 - Meeting with Finance Office Staff and Facilities Manager to discuss Capital Improvement Plan (3/14/07)
 - Meeting with Cindy Keene, Time Warner Cable Rep, to receive check for Franchise Fee (3/14/07)
 - Meeting with BB&T Insurance Reps to discuss county insurance needs (3/14/07)
 - Meeting with Finance Office Staff and Public Works Office Staff to discuss Water Funds (3/15/07)
 - Meeting with Debby Formyduval, Elections Director, to discuss Board of Elections' office space needs (3/15/07)
 - Meeting with Fire Commissioner Richardson, Emergency Management Director, and Ridgeway VFD Fire Chief to discuss Soul City VFD concerns (3/16/07)
 - Meeting with Atty. Williams to discuss county legal matters (3/19/07)
 - Attended HUB Board Meeting (3/20/07)
 - Meeting with Fire Commissioner, Emergency Management Director, and Soul City VFD (3/20/07)
 - Meeting with Macon Robertson and John Church to discuss Warren County HUB Site infrastructure needs (3/21/07)
 - Meeting with Dickie Williams and members of Soul City PRA to discuss Magnolia Ernest Recreation Complex (3/21/07)
 - Meeting with Chairman Alston to discuss county issues and concerns (3/22/07)
 - Meeting with Fire Commissioner Richardson and Chris Wright, Emergency Management Director, to discuss Soul City VFD (3/22/07)
 - Meeting with Dr. Cobb and Peter Hight to discuss Cooperative Extension Service issues (3/23/07)
-
- Attended Warren County Transportation Planning Committee Meeting (3/27/07)
 - Attended Kerr Lake Regional Water Advisory Committee Meeting (3/28/07)
 - Attended Tax Foreclosure Orientation Meeting (3/28/07)

Activities

- Attended NACo Legislative Conference in Washington, DC (3/3-7/07)
- Attended Joint Meeting of Board of County Commissioners and Board of Education (3/15/07)
- Attended and participated in Warren County Grant Writing Seminar (3/29/07)

On motion of Commissioner Fleming, which was seconded by Commissioner Davis and duly carried by unanimous vote, it was ordered to enter into Closed Session in accordance with NC GS 143-318.111(a) for the discussion of Property Acquisition.

On motion of Commissioner Richardson, which was seconded by Commissioner Fleming and duly carried by unanimous vote, it was ordered to return to the April 2, 2007 regular meeting.

With no further business to discuss and on motion of Commissioner Richardson, which was seconded by Commissioner Davis and duly carried by unanimous vote, the April 2, 2007 meeting was adjourned.

Angelena Kearney-Dunlap
Angelena Kearney-Dunlap, Clerk