

Town of Mineral Springs
3506 Potter Road S
Mineral Springs Town Council
Regular Meeting / Public Hearing
November 18, 2021 ~ 7:30 P.M.

AGENDA

- 1. Opening**
The meeting will be called to order, an invocation will be delivered, and the Pledge of Allegiance will be recited.
- 2. Public Hearing – Proposed Text Amendments – TA-2021-02 & TA-2021-03**
- 3. Consideration of the Proposed Text Amendments – Action Item**
The council will consider adopting O-2021-04 and O-2021-05 on the proposed text amendments presented at the public hearing.
- 4. Public Comments**
The town council will hear comments from members of the public on any matters of interest to them during this ten-minute period.
- 5. Consent Agenda – Action Item**
 - A. October 14, 2021 Regular Meeting Minutes
 - B. September 2021 Finance Report
- 6. Consideration of Obtaining an Outside Attorney for Civil Penalties – Action Item**
The council will consider obtaining an outside attorney to begin collection procedures on an ongoing zoning violation.
- 7. 2022 Town Hall Holiday Schedule – Action Item**
The council will consider approving the 2022 Town Hall Holiday Schedule.
- 8. Staff Updates**
The staff will update the council on any developments that may affect the town.
- 9. Other Business**
- 10. Adjournment**



Town of Mineral Springs
Town Clerk / Zoning Administrator
Vicky Brooks
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Mineral Springs, NC 28108
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704-243-1705 FAX
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www.mineralspringsnc.com

MEMO

To: Town Council
From: Vicky Brooks
Date: November 8, 2021
Re: Agenda Items 2 & 3 – Public Hearing – Proposed Text Amendments (TA-2021-02 & TA-2021-03)
Consideration of the Proposed Text Amendments (TA-2021-02 & TA-2021-03)

The majority of the amendments shown in the TA-2021-02 chart are corrections to the appropriate board – it appears that after assigning Special Use Permits to the Board of Adjustment, the Ordinance was not updated throughout to be consistent with stating it was the Board of Adjustment and not the Town Council hearing those cases. There are also typos I have picked up on and suggested making those amendments as well.

Earlier this year, the town was audited by Mr. Terry Foxx from NC Department of Public Safety - Division of Emergency Management – Risk Management Section. The purpose of the audit was to make sure the town's Floodplain Management procedures and ordinance were in order. Mr. Foxx provided me with a model ordinance for Floodplain Damage Prevention Standards. In comparing the model ordinance with the language in the Mineral Springs Development Ordinance (Section 5.3.3), I found many differences and began the process of adding/deleting language in our ordinance and working with Mr. Foxx whenever I needed further information. One of the things Mr. Foxx pointed out during our audit was that the state must approve our Floodplain Damage Prevention Standards language, which is another reason I have been working so closely with Mr. Foxx.

In October, I presented the proposed text amendments found in TA-2021-02 to the planning board, and they unanimously recommended that the town council adopt the amendments.

During the October meeting, I let the planning board know there were still several errors in the ordinance that needed to be amended and asked that they start looking the ordinance over. Chairwoman Krafft contacted me almost immediately after the meeting to let me know she had found an error in the number of dwellings allowed per acre in the TC and MU zoning districts that does not coordinate with the Land Use Plan, and she felt that needed to be corrected as soon as possible. Additionally, I found some ambiguous language in our open space requirements and a few other errors in our language. A special meeting was called for on November 3, 2021 so the planning board could review and recommend more text amendments. The planning board unanimously recommended the proposed text amendments found in TA-2021-03 at that special meeting.

The planning board and I will continue working with the Mineral Springs Development Ordinance to make sure it is as accurate and up to date as possible.

TOWN OF MINERAL SPRINGS PLANNING BOARD

STATEMENT OF REASONABLENESS AND CONSISTENCY

Mineral Springs Development Ordinance Articles 2, 3, 4, 5, & 9

In reference to the proposed text amendments to Articles 2, 3, 4, 5, & 9 of the Mineral Springs Development Ordinance, as described in TA-2021-02.

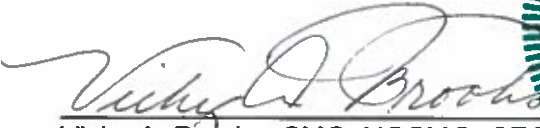
The Mineral Springs Planning Board hereby declares the proposed text amendments to be "**reasonable**" as they are corrections to the existing Ordinance and the amendments found in Section 5.3.3 will bring the Floodplain Development Standards into compliance with FEMA's recommended language.

The Mineral Springs Planning Board hereby declares the proposed text amendments to be "**consistent**" with the Mineral Springs Land Use Plan adopted October 12, 2006 and the Vision Plan contained therein, which specifically calls for periodic review to make sure that the Town Ordinances are as up-to-date and effective as possible.

RECOMMENDED by the Mineral Springs Planning Board this the 26th day of October, 2021.


Bettylyn Krafft, Chairman

Attest:


Vicky A. Brooks, CMC, NCCMC, CZO



STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE AMENDING THE TEXT OF ARTICLES 2, 3, 4, 5, & 9
OF THE MINERAL SPRINGS DEVELOPMENT ORDINANCE
O-2021-04**

WHEREAS, the Town of Mineral Springs maintains an ordinance concerning numerous development regulations; and

WHEREAS, on June 19, 2020, the North Carolina General Assembly enacted NC Session Law 2020-25, which mandated that governments shall amend their development regulations to conform to the provisions of Part II of NC Session Law 2019-111 on or before July 1, 2021; and

WHEREAS, pursuant to NC General Statutes 160D-601; 160D-604, and Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Mineral Springs Town Council may amend its development regulations after holding a public hearing and after the Mineral Springs Planning Board has had the opportunity to review, comment, and make a recommendation to the Town Council regarding the amendment as well as whether the same is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable; and

WHEREAS, the Mineral Springs Planning Board has reviewed the proposed amendments at a regular meeting that was opened on October 26, 2021, held in accordance with law; and

WHEREAS, the Mineral Springs Planning Board recommended in a vote of 5 to 0 on October 26, 2021, that the Mineral Springs Town Council adopt the proposed amendments; and

WHEREAS, in accordance with NC General Statute 160D-601 and the provisions set forth in Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Town Council duly advertised and held a public hearing to consider the proposed amendments; and

WHEREAS, after reviewing the written recommendation of the Mineral Springs Planning Board, the proposed amendments, conducting a public hearing on November 18, 2021, and careful review, the Town Council determines that:

1. The proposed amendments are consistent with the Mineral Springs Land Use Plan adopted October 12, 2006 and Vision Plan contained therein, which specifically calls for periodic review to make sure the Ordinance is as up to date as possible.
2. The proposed amendments are reasonable as they are corrections to the existing Ordinance and the amendments found in Section 5.3.3 will bring the Floodplain Development Standards into compliance with FEMA's recommended language.

NOW THEREFORE, BE IT ORDINAED BY THE MINERAL SPRINGS, NORTH CAROLINA THAT:

- Section 1. That this Town Council does hereby adopt the proposed amendments as outlined in TA-2021-02 attached hereto.
- Section 2. That if any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and
- Section 3. That all ordinances and clauses of ordinance in conflict herewith be and are hereby repealed to the extent of such conflict.
- Section 4. This ordinance is effective upon adoption.

ADOPTED this 18th day of November 2021.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC, CZO

FLOODPLAIN DAMAGE PREVENTION STANDARDS
EXHIBIT A

DELETION: STRIKE THROUGH

INSERTION: RED

OPTIONAL: BOARD DISCUSSION

5.3.3 FLOODPLAIN DAMAGE PREVENTION STANDARDS

5.3.3.1 STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in ~~Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes~~ ~~NCGS Ch. 143, Art. 21, Part 6 and NCGS 160D-9-23 (formerly NCGS Ch. 160A, Art. 19, Part 3, 5 and 8)~~, delegated to local governmental units the ~~responsibility~~ **authority** to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry including the regulations set out in this chapter.

Therefore, the Town Council of Mineral Springs, North Carolina, does ordain as follows in this Section.

5.3.3.2 FINDINGS OF FACT

The flood prone areas within the jurisdiction of Mineral Springs 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.

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 by uses vulnerable to floods or **other hazards**. ~~hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.~~

5.3.3.3 STATEMENT OF PURPOSE

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

5.3.3.4 OBJECTIVES

The objectives of this chapter are **to**;

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business losses and interruptions;

- E. 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;
- F. To minimize damage to private and public property due to flooding;
- G. To make flood insurance available to the community through the National Flood Insurance Program;
- H. To maintain the natural and beneficial functions of floodplains;
- I. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- J. To insure ensure that potential home-buyers are notified aware that property is in a Special Flood Hazard Area

5.3.3.5 LANDS TO WHICH THIS CHAPTER APPLIES

This chapter shall apply to all Special Flood Hazard Areas within the jurisdiction of Mineral Springs.

5.3.3.6 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 by the Federal Emergency Management Agency (FEMA) in its FIS dated October 16, 2008 for Mineral Springs, Union County, North Carolina and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this chapter, and all revisions thereto. ~~or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the most recent Flood Insurance Rate Map(s) (FIRM), which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this chapter. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:~~

- ~~A. Generated as a requirement of section [5.3.3.15](#) (K) and (L) of this chapter;~~
- ~~B. Preliminary FIRMs where more stringent than the effective FIRM; or~~
- ~~C. Post-disaster flood recovery maps.~~

5.3.3.7 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A Floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within Special Flood Hazard Areas as determined in section [5.3.3.6](#).

5.3.3.8 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 chapter and other applicable regulations.

5.3.3.9 ABROGATION AND GREATER RESTRICTIONS

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

5.3.3.10 INTERPRETATION

In the interpretation and application of this chapter, 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.

5.3.3.11 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur ~~on rare occasions~~. Actual flood heights may be increased by man-made or natural causes. This chapter 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 chapter shall not create liability on the part of Mineral Springs or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

5.3.3.12 PENALTIES FOR VIOLATION

Violation of the provisions of this chapter 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 **Class 1** misdemeanor **pursuant to NCGS 143-215.58**. Any person who violates this chapter or fails to comply with any of its requirements shall be subject, **upon conviction thereof**, to the penalties set forth in Section [2.7](#). Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Mineral Springs from taking such other lawful action as is necessary to prevent or remedy any violation.

5.3.3.13 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Administrator or designee is hereby appointed to administer and implement the provisions of this Section.

5.3.3.14 FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS

A. Plans and application requirements. Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities proposed to be located within ~~flood-prone~~ **Special Flood Hazard Areas**. The following items/information shall be presented to the Floodplain Administrator to apply for a floodplain development permit.

1. A plot plan drawn to scale which shall include, but shall not be limited to, the

following specific details of the proposed floodplain development:

- a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development;
 - b. The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section [5.3.3.6](#) or a statement that the entire lot is within the Special Flood Hazard Area;
 - c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in section [5.3.3.6](#);
 - d. The boundary of the floodway(s) or non-encroachment area(s) as determined in section [5.3.3.6](#);
 - e. The Base Flood Elevation (BFE) where provided as set forth in section [5.3.3.6](#); section [5.3.3.15](#) (K) and (L) ; sections [5.3.3.20](#), [5.3.3.21](#) and section [5.3.3.19](#) (E);
 - f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; **and**
 - g. The certification of the plot plan by a registered land surveyor or professional engineer.**
2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - a. Elevation in relation to ~~mean sea level~~ **NAVD 1988** of the proposed reference level (including basement) of all structures;
 - b. Elevation in relation to ~~mean sea level~~ **NAVD 1988** to which any non-residential structure **in Zones A, AE, AH, AO, A99** will be floodproofed;
 - c. Elevation in relation to ~~mean sea level~~ **NAVD 1988** to which any proposed utility systems will be elevated or floodproofed;
 3. If floodproofing, a floodproofing certificate (**FEMA Form 086-0-34**) **with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.** ~~and back up plans from a registered professional engineer or architect certifying that the non-residential flood proofed development will meet the floodproofing criteria in section [5.3.3.19](#) (B).~~

4. A foundation plan drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Section are met. These details include but are not limited to:
 - a. ~~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~~);
 - b. ~~Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with section [5.3.3.19](#) (D);~~ **Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with section 5.3.3.19 (D) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.**
5. Usage details of any enclosed **areas below the lowest floor** ~~space below the regulatory flood protection elevation.~~
6. 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;
7. ~~Copy of~~ **Certification that** all other local, state and federal permits required prior to floodplain development permit issuance (i.e. wetlands, erosion and sedimentation control, riparian buffers, mining, etc.) **have been received.**
8. ~~If a floodplain development permit is issued~~ **Documentation** for placement of recreational vehicles and/or temporary structures, **when applicable,** ~~documentation~~ to ensure **that the provision of** section [5.3.3.19](#) (F) and (G) of this ~~code~~ **chapter** are met.
9. ~~If a watercourse is~~ **A description of** proposed **watercourse alteration or relocation,** **when applicable, including** ~~to be altered and/or relocated, a description of the extent of watercourse alteration or relocation;~~ an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

B. ~~The Floodplain Development Permit shall include, but not be limited to: Floodplain development permit data requirements. The following information shall be provided at a minimum on the floodplain development permit to ensure compliance with this code.~~

1. A **complete** description of the development to be permitted under the floodplain development permit issuance (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
2. The Special Flood Hazard Area determination for the proposed development per available data specified in section [5.3.3.6](#).
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. ~~State~~ **A statement** that no fill material **or other development** shall encroach into the floodway or non-encroachment area of any watercourse, ~~if applicable~~ **unless the requirements of [section 5.3.3.22 \(A\)](#) have been met.**
7. **The flood openings requirements.**
8. **Limitations of below BFE enclosure uses (if applicable) (i.e., parking, building access and limited storage only) if applicable.**
9. **State that all materials below BFE/RFPE must be flood resistant materials.**

C. Certification requirements

1. Elevation Certificates

- a. *An elevation certificate (FEMA Form 086-0-33) 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 NAVD 1988. 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.*
- b. *An elevation certificate (FEMA Form ~~81-31~~ 086-0-33) ~~or Floodproofing Certificate (FEMA Form 81-65)~~ is required after the reference level is ~~completed~~ established. Within ~~21~~ seven (7) calendar days of ~~establishment of the~~ reference level elevation, ~~or floodproofing, by whatever construction means, whichever is applicable,~~ it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, ~~or flood proofed elevation, whichever is applicable~~ in relation to ~~mean sea level~~ NAVD 1988. ~~Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.~~ Any work done within the ~~21 day~~ seven (7) calendar period and prior to submission of the certification shall be at the permit holder's risk. 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 further progressive work being permitted to proceed. Failure to submit the certification or failure to make said corrections required shall be cause to issue a stop-work order for the project.*
- c. *A final ~~as-built~~ finished construction elevation certificate (FEMA Form ~~81-31~~086-0-33) ~~or floodproofing certificate (FEMA Form 81-65)~~ 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 ~~or floodproofed elevation~~ of the reference level and all attendant utilities. ~~Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said 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 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 ~~said corrections~~ required **corrections** shall be cause to withhold the issuance of a certificate of compliance/occupancy.

2. Floodproofing Certificate

(a) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are 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 NAVD 1988. 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, the operational plan, and the inspection and maintenance 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. ***(OPTIONAL) (THE FEMA FLOODPROOFING CERTIFICATE IS OPTIONAL AT THE TIME OF PERMITTING THE STRUCTURE BUT RECOMMENDED TO ENSURE COMPLIANCE WITH THIS ORDINANCE AND PROPERLY PERMIT THE STRUCTURE.)***

(b) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. 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 NAVD 1988. Floodproofing certificate 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, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. 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 deny a Certificate of Compliance/Occupancy.

3. If a manufactured home is placed within **zones A, AE, AH, AO, A99** ~~an A, AO, AE, or AI~~

~~30 zone~~ and the elevation of the chassis is ~~above~~ **more than** 36 inches in height **above grade**, an engineered foundation certification is required per section [5.3.3.19](#) (C).

4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; ~~an engineering~~ **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.
5. Certification exemptions. The following structures, if located within **zones A, AE, AH, AO, A99 A, AO, AE or AI 30 zones**, are exempt from the elevation/floodproofing certification requirements specified in items (1) and (2) above:
 - a. Recreational vehicles meeting requirements of section [5.3.3.19](#) (F 1);
 - b. Temporary structures meeting requirements of section [5.3.3.19](#) (G); and
 - c. Accessory structures less than 150 square feet **or \$5,000 or less and** meeting requirements of section [5.3.3.19](#) (H).
6. Determinations for existing buildings and structures

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the

flood resistant construction requirements of the NC Building Code and this ordinance is required.

5.3.3.15 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but not be limited to:

- A. Review all floodplain development applications and issue permits for all proposed development within ~~flood-prone areas~~ **Special Flood Hazard Areas** to assure that the requirements of this chapter have been satisfied.
- ~~B. Advise permittee that additional federal or state permits (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining, etc.) may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.~~ **Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.**
- C. Notify adjacent communities and the North Carolina Department of ~~Crime Control and Public Safety~~, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of section [5.3.3.22](#) are met.
- F. Obtain actual elevation (in relation to ~~mean-sea-level~~ **NAVD 1988**) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance with section [5.3.3.14](#) (C).
- G. Obtain the actual elevation (in relation to ~~mean-sea-level~~ **NAVD 1988**) to which the new or substantially improved structures and all utilities have been floodproofed, in

accordance with section [5.3.3.14](#) (C).

- H. Obtain actual elevation (in relation to ~~mean sea level~~ NAVD 1988) of all public utilities, in accordance with section [5.3.3.14](#) (C).
- I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with section [5.3.3.14](#) (C) and section [5.3.3.19](#) (B).
- J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, **floodways, and 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 Section.
- K. When Base Flood Elevation (BFE) data has not been provided in accordance with section [5.3.3.14](#), obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to section [5.3.3.19](#) (D), in order to administer the provisions of this Section.
- L. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with section [5.3.3.6](#), obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.
- ~~M. When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Floodplain Administrator in the floodplain development permit file.~~
- M. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

- N. 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 done 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.
- O. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, 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 the work **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.
- P. Revocation of 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, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked.
- Q. Make periodic inspections throughout all 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.
- R. Follow through with corrective procedures of section [5.3.3.16](#).
- S. **Review, provide input, and make recommendations for variance requests.**

- T. Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of section 5.3.3.6 of this chapter, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify state and FEMA of mapping needs.
- U. Coordinate revisions to FIS reports and FIRMS, including Letters of Map Revision Bases on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- V. *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 BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file. (OPTIONAL)*

5.3.3.16 CORRECTIVE PROCEDURES

- A. 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** ~~pertaining to their property~~.
- B. 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:
 - 1. That the building or property is in violation of the Flood Damage Prevention Ordinance;
 - 2. 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

3. That following the hearing, the Floodplain Administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as **applicable** ~~appears~~ ~~appropriate~~.
- C. 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, he or she shall make 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 one-hundred-eighty (180) calendar days**. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.
- D. 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 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.
- E. Failure to comply with order. If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a **Class 1** misdemeanor **pursuant to NCGS 143-215.58** and shall be punished in the discretion of the court.

5.3.3.17 VARIANCE PROCEDURES

- A. The Board of Adjustment ~~serving as the Watershed Review Board~~ as established by Mineral Springs, hereinafter referred to as the "Appeal Board", shall hear and decide requests for variances from the requirements of this chapter.
- B. Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in NCGS Ch. 7A.
- C. Variances may be issued for:

1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
 2. Functionally dependent facilities if determined to meet the definition as stated in section 5.3.3.28, provided provisions of section 5.3.3.17 I (2), (3), and (5) 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, or
 3. Any other type of development provided it meets the requirements of this chapter.
- D. In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Section and
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area; [this sentence was separated from #7 – no words were amended]
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- E. A written report addressing each of the above factors shall be submitted with the application for a variance.
- F. Upon consideration of the factors listed above and the purposes of this Section, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Section.
- G. ~~Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.~~ Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct below the BFE may 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.
- H. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- I. Conditions for variances:
1. Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 2. ~~Variance 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.~~
 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 4. ~~Variance shall only be issues prior to development permit approval.~~
 5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

~~6. 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 a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.~~

~~7. 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.~~

- J. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all the following conditions are met.
1. The use serves a critical need in the community.
 2. No feasible location exists for the use outside the Special Flood Hazard Area.
 3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 4. The use complies with all other applicable federal, state and local laws.
 5. The Town of Mineral Springs has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

5.3.3.18 GENERAL STANDARDS

In all Special Flood Hazard Areas the following provisions are required;

- A. All new construction and substantial improvements shall be **designed (or modified) and adequately** anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage **in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.**

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- C. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. ~~All new~~ electrical, heating, ventilation, plumbing, air conditioning equipment, and other service ~~equipment facilities~~ shall be ~~designed and/or~~ located ~~at or above the RFPE or~~ ~~designed and installed~~ ~~so as~~ to prevent water from entering or accumulating within the components during ~~the occurrence of the base flood.~~ ~~conditions of flooding.~~ These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/~~gas~~ meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.
1. ~~Replacements part of a substantial improvement, electrical, heating, ventilations, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.~~
 2. ~~Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.~~
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- F. 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 flood waters.
- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this Section.
- I. ~~Non-conforming structures or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however,~~ Nothing in this Section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of

this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided ~~that the bulk of the building or structure~~ **there is no additional encroachment** below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, ~~is not increased~~ and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Section.

- J. 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 section 5.3.3.17** ~~in Special Flood Hazard Areas~~. 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 section [5.3.3.14](#) (C) of this Ordinance.
- K. **All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.**
- L. **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.**
- M. **All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.**
- N. **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.**
- O. **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.**
- P. **When a structure is located in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.**
- Q. **Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.**

5.3.3.19 SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in section [5.3.3.6](#) or section [5.3.3.15](#) (K), the following provisions are required:

- A. Residential construction. New construction or 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.
- B. Non-residential construction. New construction or 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. Structures located in ~~A, AO, AE and AI~~ ~~30~~ Zones **A, AE, AH, AO, A99** 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 ~~required~~ **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 [section 5.3.3.23](#).** A registered professional engineer or architect shall certify that the **floodproofing** standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section [5.3.3.14](#) (C), **along with the operational plan and the inspection and maintenance plan.**
- C. Manufactured homes
1. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.
 2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, **either by certified engineered foundation system, or** in accordance with the **most current edition of the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto** adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15 ~~or a certified engineered foundation~~. 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** ~~other foundation elements of at least equivalent strength~~. When the elevation of the chassis is above **thirty-six (36)** inches in height, an engineering certification is required.

3. All ~~foundation~~ enclosures or skirting **below the lowest floor** shall be in accordance with section [5.3.3.19](#) (D).
4. 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.

D. Elevated buildings

~~New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level in A, AO, AE, and AI 30 zones and meet the following design criteria:~~ **Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:**

1. **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;**
2. **Shall not be temperature-controlled or conditioned;**
3. **Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation, and;**
4. ~~Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.~~ **Shal include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this**

requirement, the ~~foundation~~ openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

- a. Provide a minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
- b. The total net area of all flood openings must be at least one (1) square inch for each square foot of each enclosed area subject to flooding;
- c. If a building has more than one enclosed area, each enclosed area must have flood openings on exterior walls to allow floodwaters to directly automatically enter and exit;
- d. The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade; and
- e. Flood openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions; and.
- f. ~~Foundation~~ Enclosures made of flexible skirting are not :
 1. ~~Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes, and therefore do not require flood openings. such skirting does not require hydrostatic openings as outlined above. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic flood openings as outlined above to comply with this Section.~~

5. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

E. Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request of restrictive covenant after staff inspection and submittal of confirming documentation.

F. Additions/improvements

1. Additions and/or improvements to pre-FIRM structures when whereas the addition and/or improvements in combination with any interior modifications to the existing structure are:

- a. Are 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.

- b. Are a substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements 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.
3. Additions and/or improvements to post-FIRM structures when whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - a. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - b. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. ~~Where a fire wall or independent perimeter load bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.~~ Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. *Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. (The repetitive loss portion is in italics is OPTIONAL, but will be required for flood insurance policy holders to be eligible for Increased Cost of Compliance (ICC) benefits for repetitive losses.)* If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed.

The requirement does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

G. Recreational vehicles

Recreation vehicles placed on sites within a Special Flood Hazard Area shall either:

1. **Temporary placement**

- a. Be on site for fewer than 180 consecutive days; ~~or and~~
- ~~b. 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~~

2. **Permanent placement.** Recreational vehicles that do not ~~meet~~ all the **limitations of temporary placement shall meet all the** requirements for new construction. ~~, including anchoring and elevation requirements of section [5.3.3.14](#) and sections [5.3.3.18](#) and [5.3.3.19](#) (C).~~

H. Temporary **non-residential** structures

Prior to the issuance of a floodplain development permit for a temporary structure, ~~the following requirements must be met:~~ **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:

~~1. Applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:~~

1. A specified time period for which the temporary use will be permitted; **Time specified may not exceed three (3) months, renewable up to one (1) year;**
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

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3. The time frame prior to the event at which a structure will be removed (i.e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with a trucking company **with the entity responsible for physical removal of the structure** ~~to insure the availability of removal equipment when needed;~~ and
5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the temporary structure will be moved.

~~2. The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.~~

I. 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:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
2. **Accessory structures shall not be temperature-controlled;**
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with section [5.3.3.18](#) (A);
6. All service facilities such as electrical ~~and heating equipment~~ shall be installed in accordance with section [5.3.3.18](#) (D); and
7. **Flood openings to facilitate automatic equalization of** ~~relieve~~ hydrostatic **flood forces** ~~pressure during a flood~~ shall be provided below regulatory flood protection elevation in conformance with section [5.3.3.19](#) (D) (1).

An accessory structure with a footprint less than 150 square feet **or that is a minimal investment of \$3,000 or less and satisfies the criteria outlined above** ~~is~~ **does not required to**

meet the an elevation or floodproofing standards certificate of section 5.3.3.19 (B). Elevation or floodproofing certifications are required for all other accessory structures in accordance with section 5.3.3.14 (C).

J. Tanks

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
2. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
3. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of 5.3.3.19 of this chapter shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - a. At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

K. Other development

1. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5.3.3.22 of this chapter.
2. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining

walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 5.3.3.22.

3. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5.3.3.22 of this chapter.
4. Commercial storage facilities are not considered "limited storage" as noted in this chapter, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

~~5.3.3.20~~ SUBDIVISIONS, MANUFACTURED HOME PARKS AND MAJOR DEVELOPMENTS

~~A. All subdivision, manufactured home park and major development proposals located within Special Flood Hazard Areas shall:~~

- ~~1. Be consistent with the need to minimize flood damage;~~
- ~~2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;~~
- ~~3. Have adequate drainage provided to reduce exposure to flood hazards; and~~
- ~~4. Have Base Flood Elevation (BFE) data provided if development is greater than the lesser of five (5) acres or 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per section [5.3.3.6](#) to be utilized in implementing this code.~~

5.3.3.2120 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas established in section [5.3.3.6](#), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 5.3.3.18 shall apply:

- A. 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.

~~B. If section [5.3.3.20](#) (A) is satisfied and 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 chapter and shall be elevated or floodproofed in accordance with elevations established in accordance with section [5.3.3.15](#) (K) and (L). When Base Flood Elevation (BFE) data is not available from a federal, state, or other source, the reference level, including basement, shall be elevated at least two (2) feet above the highest adjacent grade. The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:~~

1. ~~When 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 Sections 5.3.3.18 and 5.3.3.19.~~
2. ~~When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Sections 5.3.3.19 and 5.3.3.22.~~
3. ~~All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Section 5.3.3.6 and utilized in implementing this ordinance.~~
4. ~~When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Section 5.3.3.28. All other applicable provisions of Section 5.3.3.19 shall also apply.~~

5.3.3.22²¹ STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where Base Flood Elevation (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, **the following requirements shall apply to all development within such areas:**

1. **Standards of Section 5.3.3.18 and 5.3.3.19.**
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 (1) foot at any point within the community.

5.3.3.2322 FLOODWAYS AND NON-ENCROACHMENT AREAS

Located within the Special Flood Hazard Areas established in Section [5.3.3.6](#) are areas designated as floodways or non-encroachment areas. 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 shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator prior to issuance of floodplain development permit, **or a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completions of the proposed encroachment.**
- B. If Section [5.3.3.2322](#)(A) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:

1. The anchoring and the elevation standards of Section 5.3.3.19 (C); and
2. The no encroachment standards of Section 5.3.3.23~~22~~ (A) are met.

5.3.3.23 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 5.3.3.6, 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 Sections 5.3.3.18 and 5.3.3.19, all new construction and substantial improvements shall meet the following requirements:

- A. 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 four (4) feet above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- B. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 5.3.3.18 and Section 5.3.3.19 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 Section 5.3.3.14 (C)(1) and Section 5.3.3.14 (C)(2).
- C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

5.3.3.24 STANDARDS FOR AREA OF SHALLOW FLOODING (ZONE AH)

Located within the Special Flood Hazard Areas established in Section 5.3.3.6, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Sections 5.3.3.18 and 5.3.3.19, all new construction and substantial improvements shall meet the following requirements:

- A. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

5.3.3.25 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION STANDARDS CHAPTER

This chapter in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted April 1, 2002, 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 thereunder 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 Mineral Springs enacted on April 1, 2002, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Union County, North Carolina is July 18, 1983.

5.3.3.2426 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT BUILDING 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 chapter; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to passage of this chapter or any revision thereto, construction or use shall be in conformity with the provisions of this chapter.

5.3.3.27 SEVERABILITY

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

5.3.3.28 DEFINITIONS (WILL BE REMOVED FROM ARTICLE 9 – DEFINITIONS)

FLOOD DAMAGE PREVENTION DEFINITIONS

Accessory structure (appurtenant structure). A structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory

structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

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

Alteration of a watercourse. Any dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of Flood Damage Prevention Regulations.

Area of shallow flooding. Any designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3). 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)".

Area of future-conditions flood hazard. Any land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology. *(OPTIONAL)*

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Base flood. A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). A determination as published in the Flood Insurance Study of the water surface elevations of the base flood 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”.

Building. See “Structure”.

Chemical storage facility. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Design Flood. See “Regulatory Flood Protection Elevation.”

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

Development activity. Any activity defined as development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM). A digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal. Means, as defined as 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 into or 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. A non-basement building, which has its reference level, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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

Existing building and existing structure. Any building and/or structure for which the “start of construction” commenced before the effective date of the floodplain management regulations were adopted.

Existing manufactured home park or manufactured home subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is pre-FIRM.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: The overflow of inland or tidal waters; and The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM). An official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood insurance. The insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM). 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). An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Floodplain or flood prone area. Any land area susceptible to being inundated by water from any source.

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. 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 Administrator. The individual appointed to administer and enforce the floodplain management regulations. (should be located before Floodplain Development Permit)

Floodplain management regulations. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

Flood-resistant material. Any building product (material, component or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for

above-grade use, is not flood resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and material that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Flood prone area. See "Floodplain".

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

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

Flood zone. 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.

Floor. See "Lowest Floor".

Functionally dependent facility. A facility, which cannot be used for its intended purpose unless it is located in close proximity to water, such as 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.

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 (BFE) plus the freeboard establishes the “Regulatory Flood Protection Elevation.”

Hazardous waste management facility. A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS. Ch. 130A, Art. 9.

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

Historic structure. Any structure that is:

- 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;
- 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;
- Individually listed on a state inventory of historic places;
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of Interior or directly by the Secretary of Interior in states without approved programs.

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.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

- Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light Duty Truck. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- Available with special features enabling off-street or off-highway operation and use.

Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

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. A structure, transportable in one (1) 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 (2) two or more manufactured home lots for rent or sale.

Map Repository. The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

Market value. The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

~~**Mean Sea Level.** For purposes of the NFIP, 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. Structures for which the "start of construction" commenced on or after the effective date of the original Flood Damage Prevention Regulations and includes any subsequent improvements to such structures.

Non-Conversion Agreement. A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed.

Nonconforming building or development. Any legally existing building or development which fails to comply with the current provisions of the Flood Damage Prevention Regulations.

~~Non-encroachment area.~~ **Non-Encroachment Area (NEA).** 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.

Obstruction. This term includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Post-FIRM. Construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

Pre-FIRM. Construction or other development, which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

Principally above ground. Means that at least 51% of the actual cash value of the structure is above ground.

Public safety and/or nuisance. 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). A vehicle, which is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Designed to be self-propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- **Is fully licensed and ready for highway use.**

- For the purpose of this chapter, "Tiny Homes/Houses" and Park Models that do not meet the items listed about are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

Reference level. ~~The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1 A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor.~~ Is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

Regulatory flood protection elevation. ~~The elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non residential. Within areas where Base Flood Elevations (BFE's) have been determined, this elevation shall be the BFE. In areas where no BFE has been established, all structures and other' development must be elevated or floodproofed, if non residential, to two (2) feet above the highest adjacent grade.~~ The "Base Flood Elevation" plus "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFE's) have been determined, this elevation shall be the BFE plus Insert freeboard [four (4) feet (four feet is the state recommended freeboard)] feet freeboard). In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least Insert feet [four (4) feet is a state-recommended elevation, two (2) feet is a state-recommended minimum] feet above the highest adjacent grade.

Remedy a violation. To bring the structure or other development into compliance with state or 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 this chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

Retrofitting. Measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage yard. Property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.

Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year.

Solid waste disposal facility. Means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid waste disposal site. Defined as in NCGS 130A-290(a)(36).

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 (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the 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. A walled and roofed building, a manufactured home, a gas or liquid storage tank that is principally above ground.

Substantial damage. 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% of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

Substantial improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which equals or exceeds 50% 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:

- 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
- Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Technical Bulletin and Technical Fact Sheet. A FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature Controlled. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance (FDPO). A grant of relief from the requirements of the Flood Damage Prevention Regulations.

Violation. 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 D and E is presumed to be in violation until such time as that documentation is provided.

Watercourse. 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.

Water Surface Elevation (WSE). The height, in relation to ~~NAVD 1988 mean sea level~~, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

TOWN OF MINERAL SPRINGS PLANNING BOARD

STATEMENT OF REASONABLENESS AND CONSISTENCY

Mineral Springs Development Ordinance Articles 3, 4, & 5

In reference to the proposed text amendments to Articles 3, 4, & 5 of the Mineral Springs Development Ordinance, as described in TA-2021-03.

The Mineral Springs Planning Board hereby declares the proposed text amendments to be "**reasonable**" as they are corrections to reference errors (Town Council vs. Board of Adjustment), corrections to language errors (CUP vs. SUP / Public Hearing vs. Evidentiary Hearing / Conditional Use vs. Special Use), modifications to the Conservation Subdivision open space language, additional language clarifying the requirements of open space requirements for "other" types of subdivisions to the existing Ordinance, and alignment with the Mineral Springs Land Use Plan on the number of dwellings allowed per acre in the TC/MU Zoning Districts.

The Mineral Springs Planning Board hereby declares the proposed text amendments to be "**consistent**" with the Mineral Springs Land Use Plan adopted October 12, 2006 and the Vision Plan contained therein, which specifically calls for periodic review to make sure that the Town Ordinances are as up-to-date and effective as possible.

RECOMMENDED by the Mineral Springs Planning Board this the 3rd day of November, 2021.


Bettylyn Krafft, Chairman

Attest:


Vicky A. Brooks, CMC, NCCMC, CZO



STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE AMENDING THE TEXT OF ARTICLES 3, 4, & 5 OF
THE MINERAL SPRINGS DEVELOPMENT ORDINANCE
O-2021-05**

WHEREAS, the Town of Mineral Springs maintains an ordinance concerning numerous development regulations; and

WHEREAS, pursuant to NC General Statutes 160D-601; 160D-604, and Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Mineral Springs Town Council may amend its development regulations after holding a public hearing and after the Mineral Springs Planning Board has had the opportunity to review, comment, and make a recommendation to the Town Council regarding the amendment as well as whether the same is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable; and

WHEREAS, the Mineral Springs Planning Board has reviewed the proposed amendments at a special meeting that was opened on November 3, 2021, held in accordance with law; and

WHEREAS, the Mineral Springs Planning Board recommended in a vote of 5 to 0 on November 3, 2021, that the Mineral Springs Town Council adopt the proposed amendments; and

WHEREAS, in accordance with NC General Statute 160D-601 and the provisions set forth in Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Town Council duly advertised and held a public hearing to consider the proposed amendments; and

WHEREAS, after reviewing the written recommendation of the Mineral Springs Planning Board, the proposed amendments, conducting a public hearing on November 18, 2021, and careful review, the Town Council determines that:

1. The proposed amendments are consistent with the Mineral Springs Land Use Plan adopted October 12, 2006 and the Vision Plan contained therein, which specifically calls for periodic review to make sure the Ordinance is as up to date and effective as possible.
2. The proposed amendments are reasonable as they are corrections to reference errors (Town Council vs. Board of Adjustment), corrections to language errors (CUP vs. SUP / Public Hearing vs. Evidentiary Hearing / Conditional Use vs. Special Use), modifications to the Conservation Subdivision open space language, additional language clarifying the requirements of open space requirements for "other" types of subdivisions to the existing Ordinance, and alignment with the Mineral Springs Land Use Plan on the number of dwellings allowed per acre in the TC/MU Zoning Districts.

NOW THEREFORE, BE IT ORDINAED BY THE MINERAL SPRINGS, NORTH CAROLINA THAT:

- Section 1. That this Town Council does hereby adopt the proposed amendments as outlined in TA-2021-03 attached hereto.
- Section 2. That if any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and
- Section 3. That all ordinances and clauses of ordinance in conflict herewith be and are hereby repealed to the extent of such conflict.
- Section 4. This ordinance is effective upon adoption.

ADOPTED this 18th day of November 18, 2021.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC, CZO

**PLANNING BOARD RECOMMENDED TEXT AMENDMENTS TO THE
MINERAL SPRINGS DEVELOPMENT ORDINANCE
TA-2021-03**

Article	Section #	Subsection #	Current Language	Amendment
5	5.23	Table 5.2 Maximum Residential Density (DUA) - TC	6	5
5	5.23	Table 5.2 Maximum Residential Density (DUA) - MU	6	5
5	Multiple Sections		See Exhibit 1 for details on proposed amendments relating to open space requirements	See Exhibit 1 for details on proposed amendments relating to open space requirements
4	4.4.2.2	D	...Special Use Permit is issued by the Town Council. (proposed amendment is to correct it twice in this Section)	...Special Use Permit is issued by the Board of Adjustment . (proposed amendment is to correct it twice in this Section)
4	4.4.4.3	E	...issuance of a Special Use Permit by the Town Council...	...issuance of a Special Use Permit by the Board of Adjustment ...
4	4.4.5.3		...shall present the following items to the Administrator for consideration by the Town Council for Special Use Permits or Conditional Zoning district map amendment requests.	...shall present the following items to the Administrator for consideration by the Board of Adjustment for Special Use Permits or to the Town Council for Conditional Zoning district map amendment requests.
4	4.4.7.6	E	In the absence of such documentation the Town Council may solicit...	In the absence of such documentation the Board of Adjustment may solicit...
4	4.4.7.6	H	Minimum setback requirements may be reduced by the Town Council....	Minimum setback requirements may be reduced by the Board of Adjustment

**PLANNING BOARD RECOMMENDED TEXT AMENDMENTS TO THE
MINERAL SPRINGS DEVELOPMENT ORDINANCE
TA-2021-03**

Article	Section #	Subsection #	Current Language	Amendment
4	4.4.7.6	O (9)	Expert testimony and related documentation that demonstrated to the satisfaction of the Town Council...	Expert testimony and related documentation that demonstrated to the satisfaction of the Board of Adjustment ...
4	4.4.7.6	P (1)	Telecommunications Act of 1996, the Town Council must clearly state the...	Telecommunications Act of 1996, the Board of Adjustment must clearly state the...
4	4.4.7.6	P (3) first bullet	Decisions by the Town Council to approve or deny...	Decisions by the Board of Adjustment to approve or deny...
4	4.4.7.6	P (3) second bullet	...addressing the Town Council at the public hearing...	...addressing the Board of Adjustment at the evidentiary hearing...
4	4.4.7.6	P (3) third bullet	The decision of the Town Council must be...	The decision of the Board of Adjustment must be...
4	4.4.7.6	P (3) fourth bullet	...the Town Council may take into account... / ... the Town Council may request the...	...the Board of Adjustment may take into account... / ... the Board of Adjustment may request the...
4	4.4.8.6		...issued by the Town Council to any civic...	...issued by the Board of Adjustment to any civic...
4	4.4.8.6		The CUP shall be issued for a period of up to one (1) year and may be renewed by the Town Council for subsequent...	The SUP shall be issued for a period of up to one (1) year and may be renewed by the Board of Adjustment for subsequent...
4	4.4		...placed on the approval of the Special Use Permit or Conditional Zoning District by the Town Council.	...placed on the approval of the Special Use Permit by the Board of Adjustment or Conditional Zoning District by the Town Council.
3	3.11	3.11.1 Step 6 (E)	...development plan is submitted is a conditional use...	...development plan is submitted is a special use...

EXHIBIT 1

STRIKE-THROUGH = DELETIONS

RED PRINT = ADDITIONS

5.3.4 OPEN SPACE STANDARDS FOR CONSERVATION SUBDIVISIONS

5.3.4.1 APPLICABILITY

The provisions of this section shall apply to all ~~Major~~ Conservation Subdivisions. See Section 5.35 for other open space standards not relating to Conservation Subdivisions. The provisions shall also apply to all new residential development of more than 10 dwelling units that do not involve the subdivision of land.

5.3.4.2 OPEN SPACE ALLOCATION

~~At least one thirty fifth (1/35) of an acre shall be dedicated for each dwelling unit planned or proposed in the subdivision plat or development. The minimum amount of land which shall be dedicated for a public park, recreation, or open space site shall be no less than two (2) acres in size. When the area to be provided is less than two (2) acres, the subdivider shall be required to make payment in lieu of the dedication, subject to Section [5.3.4.8](#) to be used for the acquisition or development of recreation, park, or open space sites which would serve the needs of the residents of the subdivision. A minimum of 25% of required open space outside of conservation areas shall be active or passive recreational areas in accordance with Section [5.3.4.4.4](#) and [5.3.4.5](#).~~

In the AR District, a minimum of fifty percent (50%) of the gross acreage of the tract will be required to be retained as conservation land. Conservation land in excess of the fifty percent (50%) minimum, while not required by the Ordinance, may be set aside at the property owner's discretion. In the RR District, a minimum of thirty-three percent (33%) of the gross acreage of the tract will be required to be retained as conservation land.

An example of this in the AR District is as follows:

The tract upon which a conservation subdivision is to be located has a gross area of 100 acres. Forty (40) acres of the tract consists of primary conservation lands. The remaining sixty (60) acres consists of forty (40) acres of farmland and twenty (20) acres of forestland.

In order to meet the minimum regulations for retaining conservation lands, all forty (40) primary conservation land acres would be retained. Ten (10) additional acres of

**PLANNING BOARD RECOMMENDED TEXT AMENDMENTS TO THE
MINERAL SPRINGS DEVELOPMENT ORDINANCE
TA-2021-03**

secondary conservation lands would also be retained, this consisting entirely of forestlands (i.e. the secondary conservation land use category having the highest priority.) Thus, development would be allowed on the remaining fifty (50) acres.

~~5.3.4.7.2 (C)~~

~~The Town Council shall have the authority to accept or reject land dedications made as a requirement of this Section.~~

5.3.5 DEDICATION OF LAND AND/OR FEES IN LIEU OF PARK, RECREATION, AND OPEN SPACE PURPOSES

5.3.5.1 APPLICABILITY

At least one thirty-fifth (1/35) of an acre shall be dedicated for each dwelling unit planned or proposed in the subdivision plat or development. The minimum amount of land which shall be dedicated for a public park, recreation, or open space site shall be no less than two (2) acres in size. When the area to be provided is less than two (2) acres, the subdivider shall be required to make payment in lieu of the dedication, to be used for the acquisition or development of recreation, park, or open space sites which would serve the needs of the residents of the subdivision, subject to Section 5.3.5.3. The provisions shall also apply to all new residential development of more than 10 dwelling units that do not involve the subdivision of land.

5.3.5.2 DEDICATION OF LAND

1. Every subdivider who proposes a subdivision of land for residential purposes shall dedicate a portion of land or pay a fee in lieu thereof, in accordance with this section, for public park, greenway, recreation, and open space sites to serve the recreational needs of the residents of the subdivision or development.
2. Except as otherwise required by the Town Council at the time of preliminary plat approval, all dedications of land shall meet the following criteria:
 - The dedicated land shall form a single parcel of land, except where the Town Council determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development. In such cases, the Town

**PLANNING BOARD RECOMMENDED TEXT AMENDMENTS TO THE
MINERAL SPRINGS DEVELOPMENT ORDINANCE
TA-2021-03**

Council may require that such parcels be connected by a dedicated strip of land at least thirty (30) feet in width.

- Two-thirds (2/3) of the dedicated land shall be useable for active recreation. Furthermore, lakes and other bodies of water may not be included in computing any of the dedicated land area.
- The shape of the portion of dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities, such as athletic fields, playgrounds, and tennis courts, when a sufficient amount of land is dedicated to accommodate such facilities. Land dedicated only for greenways need not follow the requirements of this sub-section.
- The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the subdivision. Land abutting any town-owned property shall be prioritized for acceptance as the dedicated land.
- Public access to the dedicated land shall be provided either by adjoining public street frontage or by a dedicated public easement, at least thirty (30) feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer or subdivider shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. Public access or dedicated walkways to greenway dedications only shall be at least twenty (20) feet wide.
- The average slope of the portion of dedicated land deemed usable for active recreation shall not exceed the average slope of the entire subdivision to be developed. In no case shall a slope on the usable portion of dedicated land exceed fifteen (15) percent.
- Dedicated parks, recreation, and open space areas shall have sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent residents.
- The Town Council shall have the authority to accept or reject land dedications made as a requirement of this Section.

5.3.5.3 PAYMENTS OF FEES IN LIEU OF LAND DEDICATION

- A. The payment of fees, in lieu of the dedication of land under Section 5.3.5.2 above, may occur at the request of the subdivider or developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, shall be made by the Town Council after having received a recommendation from the Planning Board and having evaluated the proposed dedication and the relationship such dedication would have with the Town's overall recreational needs.

The Planning Board shall have the right to approve any preliminary plat except for those plats that would require two acres or greater of land to be dedicated for recreational purposes. In those instances, preliminary plat approval and the decision to either accept land for recreational purposes or fee in lieu of shall rest with the Town Council.

- B. Time of Payment. The fees in lieu of dedication shall be paid prior to final plat approval by the Town Council.
- C. Amount of payment. The amount of the payment shall be the product of:
1. The number of acres to be dedicated, as required by Section 5.3.5.2 above.
 2. The assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.
 - A. Procedures for determining the amount is as follows:
 1. An appraisal of the land in the development shall be performed by a professional land appraiser selected by the developer and approved by the Town Council. The appraisal shall not be done prior to submission of the preliminary plat. The cost of the appraisal shall be borne by the developer.

PLANNING BOARD RECOMMENDED TEXT AMENDMENTS TO THE
MINERAL SPRINGS DEVELOPMENT ORDINANCE
TA-2021-03

2. Professional land appraiser refers to a land appraiser who, in the opinion of the Town Council, has the expertise and/or certification to perform an adequate appraisal.

**Draft Minutes of the
Mineral Springs Town Council
Regular Meeting
October 14, 2021 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session at the Mineral Springs Town Hall located at 3506 Potter Road South, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, October 14, 2021.

Present: Mayor Frederick Becker III, Mayor Pro Tem Valerie Coffey, Councilman Jerry Countryman, Councilwoman Janet Critz, Councilwoman Lundeen Cureton, and Councilwoman Bettylyn Krafft.

Absent: None.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin, and Deputy Town Clerk Janet Ridings.

Visitors: None.

1. Opening

With a quorum present at 7:32 p.m. on October 14, 2021, Mayor Frederick Becker called the Regular Town Council Meeting to order.

Councilwoman Critz delivered the invocation.

Pledge of Allegiance.

2. Public Comments

There were no public comments.

3. Consent Agenda – Action Item

Councilman Countryman motioned to approve the consent agenda containing the September 9, 2021 Regular Meeting Minutes and the August 2021 Finance Report and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

4. 2021 Property Tax Order of Collection – Action Item

Mayor Becker explained he did receive an email at 3:30 p.m. this afternoon from Robin Merry at the county office with the tax charge. Mayor Becker pointed out the signature line where they left “Wingate” (probably from the previous letter) and he let Ms. Merry know about it. The numbers are correct for Mineral Springs, and it says “Mineral Springs” in the body; therefore, authorizing and ordering the Union County Tax Administrator to collect the towns taxes again this year. The council can adopt it if they choose, and the town can sign a corrected copy later.

Mayor Becker pointed out the original levy was around \$92,000 and that has been corrected to around \$78,000 where it belongs.

Councilwoman Coffey motioned to approve the Union County Tax Order of Collection in the amount of \$78,169.16 and Councilwoman Critz seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

5. Potential Boy Scout Eagle Project – Action Item

Mayor Becker explained he received a request from a scout in Troop 56 (out of Bethlehem Church) whose name is Cason Starnes, who lives on Nesbit Road. Mr. Starnes was open ended and as the council knows, the town has had a little bit of trouble and have been shying away from projects on the trail; “we don’t want to run into anymore problems with the county.” Mayor Becker explained he and Ms. Brooks talked about it. Mayor Becker stated he knew this had come up with Councilwoman Krafft, somebody else suggested one of those little free libraries to put in the little downtown park. Mayor Becker and Ms. Brooks looked around and saw a good location for it. Mayor Becker emailed Mr. Starnes and asked if it was something that would qualify him for an Eagle Scout project; Mr. Starnes thought it would. Mayor Becker told Mr. Starnes he would ask the council if they wanted him to pursue it further.

Councilwoman Critz asked if it would be in the actual parking lot.

Mayor Becker responded no; it would be in the park along the sidewalk side.

Councilwoman Critz commented, “so, not at the greenway?”

Mayor Becker responded, no, no here and asked if the council wanted him to pursue it.

Councilman Countryman asked if it would be something like a box where people would leave books for exchange.

Mayor Becker responded, “exactly, and those are kind of, there is a National Organization that you register with, and you meet certain standards.” Mayor Becker told Mr. Starnes that would be good and there are things the town was going to expect him to do, such as, checking with the county, finding out if a permit was needed, checking with Disability Rights and Resources to see if there was anything that needed to be done to make it ADA accessible. This will be a good opportunity for Mr. Starnes to go through the bureaucracy, regulations, and planning.

Councilman Countryman commented he thought it would be a good idea and that Mayor Becker should tell him to go ahead to develop a proposal that the council could review.

Mayor Becker asked the council if they thought it was a viable project.

Councilwoman Krafft responded, “definitely.”

Mayor Becker explained he just needed to get a vote from the council to say, “yeah, that looks like something we would like to see you go further on.” We will see what happens in the next month or two.

Councilman Countryman motioned to have Cason Starnes develop a proposal for a free library in the downtown park and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, and Krafft. Nays: None.

6. Consideration of Initiating Collection of Zoning Violation Penalties – Action Item

Ms. Brooks referred to her memo in the agenda packet and explained there had been a zoning complaint and upon investigation she did find that there was a violation of the Mineral Springs Development Ordinance. Ms. Brooks referred to the pictures she provided to the council and pointed out there were multiple vehicles, some have not moved in months, and some are not tagged. Ms. Brooks also assumed they were not operational either. There are boats, and there seems to be work vehicles all over the yard. The town is at the point of issuing fines of \$50 a day for each day the violation exists, as of October 7th and they are already up to \$3,450. Ms. Brooks explained she had not heard anything except right after she started fining, the resident did contact Ms. Brooks by email and asked if there was anything else they could do, because they had no where they could put the vehicles, they were trying to purchase a new home and move out of here. Ms. Brooks responded that since she had already put it into the violation status, there was nothing else she could do, it was now up to the town council to make that decision. Ms. Brooks asked the council if they wanted to pursue collection through Attorney Griffin, because it is up to the town council at this point.

Councilwoman Critz commented she was the one that made the initial complaint. Councilwoman Critz explained it had been going on for over a year before she said anything to Ms. Brooks. Councilwoman Critz noted that everyone that participated with the town zoning once, twice, however many times it has been done and redone, and tweaked, none of them wanted to be the zoning police, none of the council was going to ever ride through Mineral Springs looking for infractions. That was just not going to happen from the council. What brought Councilwoman Critz to the end of her rope was two things. There was a cute little house two or three doors up from it that went on the market and houses are selling fast right now, a sign is in the yard, there are ten offers and three days later the house belongs to someone else. There were some other complications with this house that Councilwoman Critz did not know (nothing major), but the real estate agent told her that every single person just loved that house, but they could not get past two doors down. It was damaging nearby properties and the value. Councilwoman Critz explained she went to Ms. Brooks and said “I think that it is reprehensible, it felt reprehensible to me to have put all of the hard work and time into doing the zoning ordinance that we’ve done and participating with outside resources and doing all that we’ve done, all the input that the community has made through our town hall meetings and our survey, it just felt wrong to me for us to go to all that trouble and have such a blight like this. This is not like a minor infraction. This is huge and to not implement our zoning, to turn a blind eye, let property owners nearby be affected negatively by it and to also disregard the time and effort that all of us have put into it.” Councilwoman Critz stated she just wanted to make it clear upfront that there is more to it, it was not done by someone that was irritated, this is the worst problem she has seen.

Councilwoman Cureton commented it looked bad, but it didn’t look no worse that the one right beside her.

Mayor Becker responded unfortunately that was a building and not a zoning violation.

Councilwoman Cureton commented she knew, but it was a bad sight.

Mayor Becker explained the town has always tried to avoid having to impose fines, but asked Attorney Griffin if there was a process that the town will go through. Is that how that works if you have to enforce collection of an accumulated civil penalty under the ordinance.

Attorney Griffin responded it was a lawsuit.

Councilwoman Critz commented the resident has been telling Ms. Brooks this for months and there has been no evidence at all that they are making any attempt to thin out the problem or to move.

Mayor Becker mentioned one of the biggest problems that he didn't know how it would be handled, but as Ms. Brooks mentioned in the memo, that it is unclear who owns the property, because the owner is usually liable for the civil penalty, but Ms. Brooks has talked to the owner who said they don't own it anymore. The registry of deeds shows no recorded new deed or new owners, so it shows the owner of record still owns it, which makes it unclear.

Councilwoman Critz asked Attorney Griffin if that was information he could get to the bottom of.

Attorney Griffin responded it was public record, and the registry of deeds shows who owns the property; there are tax records.

Councilwoman Critz clarified she was saying if one person says they are, but their names are not on it, is there anyway the attorney can contact the real person or get that information to Ms. Brooks.

Attorney Griffin responded the public record should be clear about who the legal owner is, the register of deeds keeps a record of all the deeds of everyone who owns property. What people say about it or who owns it would be a difference of opinion, Attorney Griffin was sure.

Councilwoman Critz asked if Attorney Griffin thought the first place to start would be to find out the right person to contact.

Attorney Griffin responded, "absolutely."

Councilwoman Coffey commented in all honesty, this was past what the council needed to be dealing with, and it was past what Ms. Brooks needed to be dealing with, because she has been dealing with it. The council is at the point of legal help and Attorney Griffin is the one that needs to be handling this at this point.

Mayor Becker asked the council if they wanted to direct the zoning administrator and Attorney Griffin to move forward from the legal standpoint.

Attorney Griffin commented he could take a look and give the council advice on what to do.

Councilwoman Coffey motioned that this be passed onto Attorney Griffin to look into the legalities that need to be processed and do so and Councilwoman Critz seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Cureton, and Krafft. Nays: None.

7. Staff Updates

Ms. Brooks reminded the council that they meet on November 18th next month, because the second Thursday is a federal holiday [Veteran's Day].

8. Other Business

There was no other business.

9. Adjournment – Action Item

At 7:50 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Cureton, and Krafft. Nays: None.

The next regular meeting will be on Thursday, November 18, 2021 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker III, Mayor

DRAFT

Agenda Item

11/18/2021

Town of Mineral Springs

FINANCE REPORT

September 2021

Prepared for:

The Mineral Springs Town Council

By:

Frederick Becker III
Finance Officer

November 18, 2021

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Cash Flow Report FY2021 YTD CASH - Q3 2021

7/1/2021 through 9/30/2021

10/19/2021

Page 1

Category	7/1/2021- 9/30/2021
INCOME	
Interest Income	105.47
Other Inc	
NC Grant	135,309.38
Zoning	1,245.00
TOTAL Other Inc	136,554.38
Prop Tax Prior Years	
Prop Tax 2015	
Receipts 2015	
Int	0.26
Tax	1.53
TOTAL Receipts 2015	1.79
TOTAL Prop Tax 2015	1.79
Prop Tax 2018	
Receipts	
Int	0.07
Tax	0.27
TOTAL Receipts	0.34
TOTAL Prop Tax 2018	0.34
Prop Tax 2019	
Receipts 2019	
Int	0.98
Tax	7.11
TOTAL Receipts 2019	8.09
TOTAL Prop Tax 2019	8.09
Prop Tax 2020	
Receipts	
Int	5.81
Tax	100.95
TOTAL Receipts	106.76
TOTAL Prop Tax 2020	106.76
TOTAL Prop Tax Prior Years	116.98
Sales Tax	
Sales & Use Dist	2,764.21
TOTAL Sales Tax	2,764.21
Veh Tax	
Int 2021	13.48
Tax 2021	1,664.79
TOTAL Veh Tax	1,678.27
TOTAL INCOME	141,219.31
EXPENSES	
Attorney	900.00
Community	
Greenway	725.00
Parks & Rec	
Park	429.69
TOTAL Parks & Rec	429.69
Special Events	
Services	4,000.00

Cash Flow Report FY2021 YTD CASH - Q3 2021

7/1/2021 through 9/30/2021

10/19/2021

Page 2

Category	7/1/2021- 9/30/2021
TOTAL Special Events	4,000.00
TOTAL Community	5,154.69
Emp	
Benefits	
Dental	320.00
Life	238.08
NCLGERS	4,435.59
Vision	56.00
TOTAL Benefits	5,049.67
Bond	550.00
FICA	
Med	484.71
Soc Sec	2,072.52
TOTAL FICA	2,557.23
Payroll	461.66
Work Comp	2,026.48
TOTAL Emp	10,645.04
Office	
Clerk	9,912.00
Council	3,000.00
Deputy Clerk	2,950.10
Dues	5,328.00
Equip	345.73
Finance Officer	9,156.00
Ins	3,761.69
Maint	
Materials	65.56
Service	2,066.40
TOTAL Maint	2,131.96
Mayor	1,500.00
Post	768.73
Records	5,245.09
Supplies	411.25
Tel	3,088.20
Util	548.07
TOTAL Office	48,146.82
Planning	
Administration	
Contract	1,254.40
Salaries	8,568.00
TOTAL Administration	9,822.40
Land Use Plan	
Contract	2,970.00
Survey	1,561.35
TOTAL Land Use Plan	4,531.35
Misc	427.00
TOTAL Planning	14,780.75
Street Lighting	204.78
Tax Coll	
Contract	50.85
TOTAL Tax Coll	50.85

Cash Flow Report FY2021 YTD CASH - Q3 2021

7/1/2021 through 9/30/2021

10/19/2021

Page 3

Category	7/1/2021- 9/30/2021
TOTAL EXPENSES	79,882.93
TRANSFERS	
TO CSLRF Fund	-135,309.38
TOTAL TRANSFERS	-135,309.38
OVERALL TOTAL	-73,973.00

Account Balances History Report - As of 9/30/2021

(Includes unrealized gains)

Account	6/29/2021 Balance	6/30/2021 Balance	7/31/2021 Balance	8/31/2021 Balance	9/30/2021 Balance
ASSETS					
Cash and Bank Accounts					
Check Min Spgs	60,500.72	60,191.38	21,196.03	6,497.35	46,877.77
MM Sav ParkSterling	630,684.60	630,741.62	630,793.46	630,821.11	630,847.03
NCCMT_Cash	2,357.83	2,357.85	2,357.87	2,357.89	2,357.91
South State CD	309,347.47	309,347.47	309,347.47	309,347.47	309,347.47
CSLRF Fund	0.00	0.00	0.00	135,309.38	135,309.38
TOTAL Cash and Bank Accounts	1,002,890.62	1,002,638.32	963,694.83	1,084,333.20	1,124,739.56
Other Assets					
State Revenues Receivable	0.00	62,068.53	58,511.97	55,915.26	0.00
TOTAL Other Assets	0.00	62,068.53	58,511.97	55,915.26	0.00
TOTAL ASSETS	1,002,890.62	1,064,706.85	1,022,206.80	1,140,248.46	1,124,739.56
LIABILITIES					
Other Liabilities					
Accounts Payable	692.76	1,996.43	692.76	692.76	692.76
Restricted Fund Balance	0.00	0.00	0.00	135,309.38	135,309.38
TOTAL Other Liabilities	692.76	1,996.43	692.76	136,002.14	136,002.14
TOTAL LIABILITIES	692.76	1,996.43	692.76	136,002.14	136,002.14
OVERALL TOTAL	1,002,197.86	1,062,710.42	1,021,514.04	1,004,246.32	988,737.42

Mineral Springs Budget Comparison 2021-22

TOWN OF MINERAL SPRINGS										
BUDGET COMPARISON 2021-22 (Includes Budget Amendment 2021-01)										
Appropriation dept	Budget	Unspent	Spent YTD	% of Budget	July	August	September	October	November	
Advertising	\$ 1,800.00	\$ 1,800.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Attorney	\$ 9,600.00	\$ 8,700.00	\$ 900.00	9.4%	\$ 300.00	\$ 300.00	\$ 300.00	\$ -	\$ -	
Audit	\$ 4,730.00	\$ 4,730.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Charities & Agencies	\$ 10,545.00	\$ 10,545.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Community Projects	\$ 26,000.00	\$ 20,845.31	\$ 5,154.69	19.8%	\$ 4,600.00	\$ 215.09	\$ 339.60	\$ -	\$ -	
Contingency	\$ 3,000.00	\$ 3,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Employee Overhead	\$ 35,400.00	\$ 24,754.96	\$ 10,645.04	30.1%	\$ 5,372.13	\$ 2,621.90	\$ 2,651.01	\$ -	\$ -	
Elections	\$ 3,300.00	\$ 3,300.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Fire Protection	\$ 12,000.00	\$ 12,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Intergovernmental	\$ 15,000.00	\$ 15,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Office & Administrative	\$ 157,719.00	\$ 109,572.18	\$ 48,146.82	30.5%	\$ 26,588.71	\$ 10,941.21	\$ 10,616.90	\$ -	\$ -	
Planning & Zoning	\$ 74,272.00	\$ 59,491.25	\$ 14,780.75	19.9%	\$ 4,537.40	\$ 4,675.36	\$ 5,567.99	\$ -	\$ -	
Street Lighting	\$ 1,200.00	\$ 995.22	\$ 204.78	17.1%	\$ -	\$ 102.37	\$ 102.41	\$ -	\$ -	
Tax Collection	\$ 1,600.00	\$ 1,549.15	\$ 50.85	3.2%	\$ -	\$ 26.03	\$ 24.82	\$ -	\$ -	
Training	\$ 3,000.00	\$ 3,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Travel	\$ 4,200.00	\$ 4,200.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Capital Outlay	\$ 25,849.00	\$ 25,849.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -	
Totals	\$ 389,215.00	\$ 309,332.07	\$ 79,882.93	20.5%	\$ 41,398.24	\$ 18,881.96	\$ 19,602.73	\$ -	\$ -	
Off Budget:										
Tax Refunds					\$ -	\$ -	\$ -	\$ -	\$ -	
Interfund Transfers					\$ -	\$ 135,309.38	\$ -	\$ -	\$ -	
Total Off Budget:			\$ 135,309.38		\$ -	\$ 135,309.38	\$ -	\$ -	\$ -	

September 2021 Cash Flow Report FY2021 - Sep 2021

9/1/2021 through 9/30/2021

10/18/2021

Page 1

Category	9/1/2021- 9/30/2021
INCOME	
Interest Income	25.94
Other Inc	
Zoning	435.00
TOTAL Other Inc	435.00
Sales Tax	
Sales & Use Dist	2,764.21
TOTAL Sales Tax	2,764.21
Veh Tax	
Int 2021	5.72
Tax 2021	862.96
TOTAL Veh Tax	868.68
TOTAL INCOME	4,093.83
EXPENSES	
Attorney	300.00
Community	
Greenway	125.00
Parks & Rec	
Park	214.60
TOTAL Parks & Rec	214.60
TOTAL Community	339.60
Emp	
Benefits	
Dental	80.00
Life	59.52
NCLGERS	1,478.53
Vision	14.00
TOTAL Benefits	1,632.05
FICA	
Med	164.81
Soc Sec	704.69
TOTAL FICA	869.50
Payroll	149.46
TOTAL Emp	2,651.01
Office	
Clerk	3,304.00
Council	1,000.00
Deputy Clerk	1,106.75
Finance Officer	3,052.00
Maint	
Materials	37.07
Service	553.00
TOTAL Maint	590.07
Mayor	600.00
Post	273.00
Supplies	140.14
Tel	263.17
Util	287.77
TOTAL Office	10,616.90

September 2021 Cash Flow Report FY2021 - Sep 2021

9/1/2021 through 9/30/2021

10/18/2021

Page 2

Category	9/1/2021- 9/30/2021
Planning	
Administration	
Salaries	2,856.00
TOTAL Administration	2,856.00
Land Use Plan	
Contract	1,980.00
Survey	731.99
TOTAL Land Use Plan	2,711.99
TOTAL Planning	5,567.99
Street Lighting	102.41
Tax Coll	
Contract	24.82
TOTAL Tax Coll	24.82
TOTAL EXPENSES	19,602.73
OVERALL TOTAL	-15,508.90

FY2020-21 Accounts Recievable Activity Sept 2021 - Sep 2021

9/1/2021 through 9/30/2021

10/21/2021

Date	Account	Num	Description	Memo	Amount
TRANSFERS					0.00
Check Min Spgs					-55,915.26
9/15/2021	State Revenu...	EFT	NC Department of Reve...	Utility Distributions (FY2020)	-55,915.26
State Revenues Receivable					55,915.26
9/15/2021	Check Min Sp...	TXF...	NC Department of Reve...	Sales Tax: Electricity (FY2020)	50,365.30
				Sales Tax: Telecommunications (FY2...	702.55
				Sales Tax: Cable TV (FY2020)	4,579.52
				Sales Tax: Natural Gas Excise (FY20...	267.89
OVERALL TOTAL					0.00

Register Report - Sep 2021

9/1/2021 through 9/30/2021

10/21/2021

Page 1

Date	Num	Description	Memo	Category	Clr	Amount
9/5/2021	EFT	Debit Card (Lowe's)	Trash Bags (FY2021)	Office:Maint:Materials	R	-15.99
9/7/2021	6191	US Postal Service{P...	Marketing Mail Annu...	Office:Post	R	-265.00
9/7/2021	6192	US Postal Service{P...	Marketing Mail 1126...	Planning:Land Use Plan:Survey	R	-363.70
9/7/2021	6193	Duke Power	9100 3284 5207 (FY...	Street Lighting	R	-102.41
9/7/2021	6194	Clark, Griffin & McC...	I/N 7764 9/2021 (FY...	Attorney	R	-300.00
9/7/2021	619...	Taylor & Sons Mowi...	Mowing 8/4/2021 (F...	Community:Greenway	R	-125.00
			FY2021 September	Office:Maint:Service	R	-365.00
9/7/2021	6196	Xerox Corporation	I/N 014197438 (FY2...	Office:Supplies	R	-137.27
9/7/2021	EFT	Debit Card (USPS)	Stamps - Address U...	Office:Post	R	-8.00
9/8/2021	EFT	Debit Card (Food Li...	Ziplock Bags (FY20...	Office:Supplies	R	-2.87
9/9/2021	EFT	Point And Pay	06084128 (FY2021)	Other Inc:Zoning	R	25.00
9/13/2021	6197	Consolidated Press,...	I/N 67125 Survey E...	Planning:Land Use Plan:Survey	R	-368.29
9/13/2021	6198	R.C.S., Inc.	I/N 126831 Park Re...	Community:Parks & Rec:Park	R	-200.00
9/13/2021	6199	Union County Public...	84361*00 (FY2021)	Office:Util	R	-38.21
9/13/2021	6200	Union County Public...	91052*00 (FY2021)	Community:Parks & Rec:Park	R	-14.60
9/13/2021	6201	Benchmark CMR, In...	I/N 2015 Comp Plan...	Planning:Land Use Plan:Contract	R	-1,980.00
9/13/2021	EFT	Debit Card (AOL)	AOL Troubleshootin...	Office:Tel	R	-7.99
9/14/2021	DEP	Deposit #21005	#21005 Zoning (FY2...	Other Inc:Zoning	R	160.00
9/15/2021	EFT	NC Department of R...	Sales & Use Distribu...	Sales Tax:Sales & Use Dist	R	2,764.21
9/15/2021	TXF...	NC Department of R...	Sales Tax: Electricit...	[State Revenues Receivable]	R	50,365.30
			Sales Tax: Telecom...	[State Revenues Receivable]	R	702.55
			Sales Tax: Cable TV...	[State Revenues Receivable]	R	4,579.52
			Sales Tax: Natural ...	[State Revenues Receivable]	R	267.89
9/17/2021	EFT	Point And Pay	09-429-003 (FY2021)	Other Inc:Zoning	R	50.00
9/23/2021	6202	Duke Power	9100 3284 4818 (FY...	Office:Util	R	-223.93
9/23/2021	6203	Duke Power	9100 3284 5041 (OI...	Office:Util	R	-25.63
9/23/2021	6204	Windstream	061348611 (FY2021)	Office:Tel		-255.18
9/23/2021	6205	Bucket, Mop, And Br...	I/N Ashley Park Dra...	Office:Maint:Service		-188.00
9/27/2021	EFT...	Union County {NCV...	NCVTS 2108 (FY20...	Veh Tax:Tax 2021	R	883.33
			NCVTS Refunds (F...	Veh Tax:Tax 2021	R	-20.37
			NCVTS 2108 (FY20...	Veh Tax:Int 2021	R	5.72
			FY2021	Tax Coll:Contract	R	-24.82
9/28/2021	620...	Municipal Insurance ...	10/21 (FY2021)	Emp:Benefits:Life	R	-59.52
			10/21 (FY2021)	Emp:Benefits:Dental	R	-80.00
			10/21 (FY2021)	Emp:Benefits:Vision	R	-14.00
9/28/2021	EFT	Debit Card (Bath & ...	Air Fresheners (FY2...	Office:Maint:Materials	R	-21.08
9/29/2021	EFT...	Paychex	Salary 09/21 (FY202...	Office:Clerk	R	-3,105.76
			09/21 (FY2021)	Office:Deputy Clerk	R	-1,106.75
			Salary 09/21 (FY202...	Office:Finance Officer	R	-2,868.88
			Salary 09/21 (FY202...	Office:Mayor	R	-600.00
			Salary 09/21 (FY202...	Office:Council	R	-1,000.00
			Salary 09/21 (FY202...	Planning:Administration:Salaries	R	-2,684.64
			FY2021	Emp:FICA:Soc Sec	R	-704.69
			FY2021	Emp:FICA:Med	R	-164.81
9/30/2021	EFT	Paychex Fees	Fees 09/21 (FY2021)	Emp:Payroll	R	-149.46
9/30/2021	EFT...	NC State Treasurer	09/21 LGERS contri...	Office:Clerk		-198.24
			09/21 LGERS contri...	Office:Finance Officer		-183.12
			09/21 LGERS contri...	Planning:Administration:Salaries		-171.36
			09/21 employer cont...	Emp:Benefits:NCLGERS		-1,478.53
9/30/2021	DEP	Deposit #21006	#21006 Zoning (FY2...	Other Inc:Zoning	R	200.00

9/1/2021 - 9/30/2021

40,380.42

Register Report - Sep 2021

9/1/2021 through 9/30/2021

10/21/2021

Page 2

Date	Num	Description	Memo	Category	Clr	Amount	
						TOTAL INFLOWS	60,003.52
						TOTAL OUTFLO...	-19,623.10
						NET TOTAL	40,380.42

August 2020 Cash Flow Report - Aug 2021

8/1/2021 through 8/31/2021

CORRECTED 10/19/2021

10/19/2021

Page 1

Category	8/1/2021- 8/31/2021
INCOME	
Interest Income	27.67
Other Inc	
NC Grant	135,309.38
Zoning	660.00
TOTAL Other Inc	135,969.38
Prop Tax Prior Years	
Prop Tax 2015	
Receipts 2015	
Int	0.26
Tax	1.53
TOTAL Receipts 2015	1.79
TOTAL Prop Tax 2015	1.79
Prop Tax 2018	
Receipts	
Int	0.07
Tax	0.27
TOTAL Receipts	0.34
TOTAL Prop Tax 2018	0.34
Prop Tax 2019	
Receipts 2019	
Int	0.98
Tax	7.11
TOTAL Receipts 2019	8.09
TOTAL Prop Tax 2019	8.09
Prop Tax 2020	
Receipts	
Int	5.81
Tax	100.95
TOTAL Receipts	106.76
TOTAL Prop Tax 2020	106.76
TOTAL Prop Tax Prior Years	116.98
Veh Tax	
Int 2021	7.76
Tax 2021	801.83
TOTAL Veh Tax	809.59
TOTAL INCOME	136,923.62
EXPENSES	
Attorney	300.00
Community	
Parks & Rec	
Park	215.09
TOTAL Parks & Rec	215.09
TOTAL Community	215.09
Emp	
Benefits	
Dental	80.00
Life	59.52
NCLGERS	1,478.53

August 2020 Cash Flow Report - Aug 2021

8/1/2021 through 8/31/2021

10/19/2021

Page 2

Category	8/1/2021- 8/31/2021
Vision	14.00
TOTAL Benefits	1,632.05
FICA	
Med	159.36
Soc Sec	681.39
TOTAL FICA	840.75
Payroll	149.10
TOTAL Emp	2,621.90
Office	
Clerk	3,304.00
Council	1,000.00
Deputy Clerk	931.00
Dues	80.00
Equip	261.96
Finance Officer	3,052.00
Maint	
Materials	28.49
Service	960.40
TOTAL Maint	988.89
Mayor	400.00
Supplies	261.57
Tel	401.49
Util	260.30
TOTAL Office	10,941.21
Planning	
Administration	
Salaries	2,856.00
TOTAL Administration	2,856.00
Land Use Plan	
Contract	990.00
Survey	829.36
TOTAL Land Use Plan	1,819.36
TOTAL Planning	4,675.36
Street Lighting	102.37
Tax Coll	
Contract	26.03
TOTAL Tax Coll	26.03
TOTAL EXPENSES	18,881.96
TRANSFERS	
TO CSLRF Fund	-135,309.38
TOTAL TRANSFERS	-135,309.38
OVERALL TOTAL	-17,267.72

Note: Check #6186 to Terminex Services for \$407.40 dated 8/24/2021 was miscoded and did not appear in the August reports.

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September 2021

Revenue Details

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NC Sales & Use Distribution

July 2021 Collections

Summary

MUNICIPALITY	ARTICLE 39	ARTICLE 40	ARTICLE 42	ARTICLE 43	ARTICLE 44	ART 44 *524	ARTICLE 45	ARTICLE 46	CITY HH	TOTAL
UNION										
(AD VALOREM)	2,438,922.18	1,728,867.53	1,288,053.32	-	7.07	355,310.72	-	-	(417,953.55)	5,393,207.27
FAIRVIEW	1,058.53	750.36	559.04	-	-	154.21	-	-	794.00	3,316.14
HEMBY BRIDGE	-	-	-	-	-	-	-	-	-	-
INDIAN TRAIL	87,856.79	62,278.64	46,399.28	-	0.25	12,799.28	-	-	65,901.04	275,235.28
LAKE PARK	7,944.52	5,631.59	4,195.69	-	0.02	1,157.39	-	-	5,959.15	24,888.36
MARSHVILLE	12,142.98	8,607.74	6,413.00	-	0.04	1,759.03	-	-	9,108.41	38,041.20
MARVIN	8,563.52	6,070.38	4,522.60	-	0.02	1,247.56	-	-	6,423.45	26,827.53
MINERAL SPRINGS	882.36	625.47	465.99	-	-	128.54	-	-	661.85	2,764.21
MINT HILL *	49.14	34.83	25.95	-	-	7.16	-	-	36.85	153.93
MONROE	271,534.35	192,481.30	143,403.81	-	0.78	39,558.07	-	-	203,676.90	850,655.21
STALLINGS *	46,623.55	33,049.82	24,623.02	-	0.13	6,792.28	-	-	34,972.16	146,060.96
UNIONVILLE	1,428.85	1,012.86	754.61	-	-	208.16	-	-	1,071.78	4,476.26
WAXHAW	95,335.41	67,579.97	50,348.92	-	0.28	13,888.79	-	-	71,510.73	298,664.10
WEDDINGTON *	15,065.10	10,679.13	7,956.24	-	0.04	2,194.74	-	-	11,300.28	47,195.53
WESLEY CHAPEL	2,170.69	1,538.73	1,146.39	-	0.01	316.23	-	-	1,628.23	6,800.28
WINGATE	6,544.13	4,638.91	3,456.11	-	0.02	953.37	-	-	4,908.72	20,501.26
TOTAL	2,996,122.10	2,123,847.26	1,582,323.97	-	8.66	436,485.53	-	-	-	7,138,787.52

NCVT15 NCVTS A/P Receipt Distribution
For the month Ending: 07/31/2021

NCVT15

Jurisdiction	Entity	Vendor #	Inv #	Tax & Fee Amt	Int Only Amt	Cmn Cst	Pending Refunds	Net Amt	Status/Check#
001	Union County	0		\$ 853,276.40	\$ 5,824.49	\$ (23,469.73)	(\$3,657.07)	\$ 831,574.09	No Check
003	Voter Approved Debt Tax	0		149,699.73	950.34	(4,096.37)	(\$576.86)	\$ 145,976.84	No Check
011	Countywide Fire Tax	0		37,351.81	333.96	(1,053.29)	(\$236.74)	\$ 36,395.74	No Check
012	Countywide EMS Tax	0		50,361.58	461.04	(1,420.09)	(\$322.75)	\$ 49,079.78	No Check
013	Griffith Rd	0		814.57	5.41	(21.70)	(\$10.55)	\$ 787.73	No Check
014	Stack Rd	0		1,887.79	20.37	(49.46)	\$0.00	\$ 1,858.70	No Check
015	Springs Fire Tax	0		7,746.58	61.15	(216.86)	(\$85.53)	\$ 7,505.34	No Check
016	Fairview	0		3,337.48	32.14	(88.00)	\$16.66	\$ 3,298.28	No Check
017	New Salem	0		3,652.04	23.65	(93.29)	(\$10.16)	\$ 3,572.24	No Check
018	Beaver Lane	0		4,007.01	31.58	(95.90)	\$4.18	\$ 3,946.87	No Check
019	Bakers	0		8,308.02	55.64	(223.59)	(\$70.21)	\$ 8,069.86	No Check
020	Stallings Fire Tax	0		13,231.04	108.97	(372.11)	\$4.97	\$ 12,972.87	No Check
021	Unionville	0		5,890.97	30.65	(152.79)	(\$20.72)	\$ 5,748.11	No Check
022	Wingate	0		3,975.77	33.04	(94.31)	(\$31.23)	\$ 3,883.27	No Check
023	Hemby Bridge Fire Tax	0		17,796.51	144.46	(507.04)	(\$56.59)	\$ 17,377.34	No Check
024	Allens Crossroads	0		767.00	7.02	(18.38)	\$0.00	\$ 755.64	No Check
025	Jackson	0		1,630.89	12.64	(43.24)	(\$3.28)	\$ 1,597.01	No Check
026	Wesley Chapel Fire Tax	0		23,699.02	167.88	(709.28)	(\$125.35)	\$ 23,032.27	No Check
027	Lanes Creek	0		1,527.73	11.42	(36.17)	\$11.67	\$ 1,514.65	No Check
028	Waxhaw Fire Tax	0		16,893.68	130.00	(508.12)	(\$77.65)	\$ 16,437.91	No Check
029	Sandy Ridge	0		1,945.59	14.21	(48.54)	(\$7.20)	\$ 1,904.06	No Check
030	Providence	0		95.51	-	(2.92)	\$0.00	\$ 92.59	No Check
101	Village of Marvin	1832	VTFNAP2101-1	7,007.65	64.50	(213.27)	(\$59.79)	\$ 6,799.09	
200	City of Monroe	103-7	VTFNAP2101-1	271,976.92	1,882.93	(6,514.64)	(\$3,435.70)	\$ 263,919.51	
222	Monroe Downtown Service	103-7	VTFNAP2101-2	173.04	1.12	(4.66)	-	\$ 169.50	
300	Town of Wingate	4064	VTFNAP2101-1	11,052.76	78.87	(269.66)	\$0.00	\$ 10,861.97	
400	Town of Marshville	5861	VTFNAP2101-1	10,369.44	99.49	(219.67)	(\$54.52)	\$ 10,194.74	
500	Town of Waxhaw	8268	VTFNAP2101-1	146,280.65	826.96	(4,396.85)	(\$176.01)	\$ 142,534.75	
600	Town of Indian Trail	2924	VTFNAP2101-1	90,968.10	752.36	(2,543.52)	(\$329.57)	\$ 88,847.37	
700	Town of Stallings	4860-2	VTFNAP2101-1	38,579.46	258.16	(1,123.49)	(\$50.79)	\$ 37,663.34	
800	Town of Weddington	7518	VTFNAP2101-1	11,596.89	78.56	(344.09)	(\$53.93)	\$ 11,277.43	
900	Village of Lake Park	1833	VTFNAP2101-1	8,644.26	75.28	(249.22)	\$0.00	\$ 8,470.32	
930	Town of Fairview	19458	VTFNAP2101-1	1,112.87	12.75	(28.67)	\$6.50	\$ 1,103.45	
970	Village of Wesley Chapel	9262	VTFNAP2101-1	2,100.75	11.63	(61.54)	(18.70)	\$ 2,032.14	
980	Town of Unionville	11530	VTFNAP2101-1	1,624.81	11.97	(44.17)	(\$8.34)	\$ 1,584.27	
990	Town of Mineral Springs	10870	VTFNAP2101-1	883.33	5.72	(24.82)	(\$20.37)	\$ 843.86	
999	Schools	0		1,066,411.53	9,661.99	(30,071.47)	(\$6,804.12)	\$ 1,039,197.93	No Check
Total				\$ 2,876,679.18	\$ 22,282.35	\$ (79,430.92)	(\$16,249.75)	\$ 2,803,280.86	
								\$ 586,301.74	AP Total

County of Union, Monroe, NC 28112

Check Number: 00071989

Invoice Date	Invoice Number	Description	Invoice Amount
08/31/2021	VTFNAP2108-1	CASH RECEIVED AUG 2021 & REFUN	\$843.86

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
10870	TOWN OF MINERAL SPRINGS	00071989	09/27/2021	843.86



County of Union
500 North Main Street
Monroe, North Carolina 28112

Vendor Number Check Date Check Number
10870 09/27/2021 00071989

This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act.

\$843.86

Pay Eight Hundred Forty Three Dollars and 86 cents *****

To The
Order Of

TOWN OF MINERAL SPRINGS
PO BOX 600
MINERAL SPRINGS NC 28108

**EFT COPY
NON-NEGOTIABLE**

AP



County of Union
500 North Main Street
Monroe, North Carolina 28112

10870
00071989

ADDRESS SERVICE REQUESTED

TOWN OF MINERAL SPRINGS
PO BOX 600
MINERAL SPRINGS NC 28108

Utilities Sales Distribution
Gas, Power, Telecommunications, and Video Programming

Distribution Report for
Qtr 4/01/2021 - 6/30/2021

Distribution Date
September 15, 2021

Prefix	City/County	Sales Tax on Piped Natural Gas	Sales Tax on Electricity	Sales Tax on Telecommunication Services	Sales Tax on Video Programming	Total Distribution
County of	Union	\$ -	\$ -	\$ -	\$ 111,216.35	\$ 111,216.35
Town of	Fairview	\$ 34.69	\$ 24,021.26	\$ 4,520.73	\$ 1,787.00	\$ 30,363.68
Town of	Hemby Bridge	\$ 336.00	\$ 9,084.72	\$ 1,912.11	\$ 3,172.55	\$ 14,505.38
Town of	Indian Trail	\$ 30,898.44	\$ 252,830.80	\$ 12,410.18	\$ 66,746.01	\$ 362,885.43
Town of	Lake Park	\$ 2,462.69	\$ 18,451.93	\$ 240.57	\$ 4,360.42	\$ 25,515.61
Town of	Marshville	\$ -	\$ 37,288.51	\$ 3,125.60	\$ 2,467.74	\$ 42,881.85
Town of	Marvin	\$ 5,900.49	\$ 36,466.54	\$ 8,614.57	\$ 15,633.72	\$ 66,615.32
Town of	Mineral Springs	\$ 267.89	\$ 50,365.30	\$ 702.55	\$ 4,579.52	\$ 55,915.26
City of	Monroe	\$ 66,857.90	\$ 648,496.28	\$ 46,419.77	\$ 46,667.90	\$ 808,441.85
Town of	Stallings	\$ 14,472.90	\$ 128,707.73	\$ 1,180.56	\$ 38,633.79	\$ 182,994.98
Town of	Unionville	\$ 15.92	\$ 36,972.37	\$ 8,359.15	\$ 6,214.66	\$ 51,562.10
Town of	Waxhaw	\$ 12,289.05	\$ 126,727.64	\$ 9,017.28	\$ 43,868.90	\$ 191,902.87
Town of	Weddington	\$ 7,575.50	\$ 72,083.39	\$ 980.09	\$ 21,305.39	\$ 101,944.37
Village of	Wesley Chapel	\$ 5,006.40	\$ 43,744.86	\$ 1,209.52	\$ 21,854.01	\$ 71,814.79
Town of	Wingate	\$ -	\$ 24,615.81	\$ 2,448.89	\$ 4,848.77	\$ 31,913.47

Accrued to FY2020-21

DRAFT

2022 Mineral Springs Holiday Schedule

The following public holidays are established for the Town of Mineral Springs employees. The town hall will officially be closed on the days shown below.

Monday, January 17, 2022	Birthday of Martin Luther King, Jr.
Monday, February 21, 2022	Washington's Birthday (aka President's Day)
Monday, April 18, 2022	Easter Monday
Monday, May 30, 2022	Memorial Day
Monday, June 20, 2022	Juneteenth National Independence Day
Monday, July 4, 2022	Independence Day
Monday, September 5, 2022	Labor Day
Monday, October 10, 2022	Columbus Day
Friday, November 11, 2022	Veterans Day
Thursday, November 24, 2022	Thanksgiving Day
Friday, November 25, 2022	Thanksgiving Day Holiday
Thursday, December 23, 2022 – Thursday, December 29, 2022	Christmas Holiday Week
Friday, December 30, 2022	New Year's Eve

Town Council reviewed on November 18, 2021