

Ordinance No. 2015-06-03

**An Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to amend Chapter 151 of the Camden County Code of Ordinances of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 15, 1997, and subsequently amended and as otherwise incorporated into the Camden County Code.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

Article III. Amend Chapter 151 as amended of the Camden County Code which shall read as follows:

CHAPTER 151: UNIFIED DEVELOPMENT

§ 151.347 SPECIFIC STANDARDS.

(V) The following standards shall apply to all solar farms located in Camden County:

- (1) The minimum lot size for all solar farms shall be five acres.
- (2) All structures shall meet the minimum setback for the zoning in which located.
- (3) There shall be 50 foot buffer from routine view from public rights of way or adjacent residentially zoned property.
- (4) Solar power electric generation structures shall not exceed a height of 25 feet.
- (5) The solar farm shall conform to the NAICS 22119 description of a ground mounted solar powered energy system.

(6) The solar farm shall have 12 months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. For purposes of this section, this 12-month period shall not include delay resulting from force majeure.

(7) Decommissioning shall include removal of solar panels, buildings, cabling, electrical components, roads, and any other associated facilities down to 36 inches below grade.

(8) Applicant shall provide prior to approval of building permits, an irrevocable letter of credit in favor of the county in an amount equal to the estimated removal cost of the solar facility, less the salvage value of the equipment, which shall be issued by a federally chartered bank with a branch office in northeastern North Carolina at which the letter of credit may be drawn and paid in full in immediately available funds in the event the solar facility owner fails to decommission the solar facility pursuant to the requirements of this section.

(9) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

(6 10) Solar farms located within FEMA's 100 year flood shall elevate all electrical connections one foot above the base flood elevation (BFE).

(7 11) All collectors shall be surrounded by a lockable minimum height six foot fence.

§ 151.380 FLOOD DAMAGE PREVENTION.

§ 151.382 GENERAL PROVISIONS.

(A) *Lands to which this subchapter applies.* This subchapter shall apply to all special flood hazard areas within the county.

~~(B) *Basis for establishing the special flood hazard areas.* The special flood hazard areas are those identified by the Federal Emergency Management Agency (FEMA) 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 Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Camden County dated October 5, 2004, 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 subchapter. 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:~~

~~————(1) Detailed flood data generated as a requirement of § 151.383 of this subchapter;~~

~~(2) Preliminary FIRMs where more stringent than the effective FIRM; or~~

~~(3) Post-disaster flood recovery maps.~~

(C) *Establishment of Floodplain Development Permit.* A Floodplain Development Permit shall be required in conformance with the provisions of this subchapter prior to the commencement of any development activities within special flood hazard areas as determined in § 151.382(B).

§ 151.384 GENERAL STANDARDS.

(B) *Specific standards.* In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in § 151.382(B), or § 151.383, the following provisions are required:

(1) *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, as defined in § 151.600, Definitions.

(2) *Non-residential construction.* New construction or substantial improvement of any commercial, or 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 and AE Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required 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. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 151.383(B)(3).

(3) *Manufactured homes.*

(a) 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, as defined in § 151.600, Definitions.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by

reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(c) All foundation enclosures or skirting shall be in accordance with § 151.383(B)(4).

(d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local emergency management coordinator.

(4) *Elevated buildings.* Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection.

(a) Shall not be designed or used for human habitation, but shall only be designed and 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 partitioned or finished into separate rooms, except to enclose storage areas;

(b) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(c) Shall include measures to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;

2. The total net area of all openings must be at least one square inch for each square foot of each enclosed area subject to flooding;

3. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to enter directly;

4. The bottom of all required openings shall be no higher than one foot above the adjacent grade;

5. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

6. Foundation enclosures:

a. Made of vinyl or other flexible skirting are not considered an enclosure for regulatory purposes, and, therefore, does not require openings.

b. Made of masonry or wood underpinning, regardless of structural status, are considered an enclosure and therefore require openings as outlined above.

(5) *Additions/improvements.*

(a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

1. 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.

2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.

(c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:

1. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(d) 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.

(6) *Recreational vehicles.* Recreational vehicles placed on sites within a Special Flood Hazard Area shall either:

(a) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions); or

(b) Meet all the requirements for new construction, including anchoring and elevation requirements of § 151.383(B) and § 151.384(A) and (B)(3).

(7) *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) A specified time period for which the temporary use will be permitted. Time specified should be minimal with total time on site not to exceed one year;

(b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) The time frame prior to the event at which a structure will be removed (i. e. minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and

(e) Designation, accompanied by documentation of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(8) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored in accordance with this subchapter or by bolting the building to a concrete slab or by over the top ties. When bolting to a concrete slab, one-half inch bolts six feet on center with a minimum of two per side shall be required. If over the top ties are used a minimum of two ties with a force adequate to secure the building is required; and

(e) All service facilities such as electrical and heating equipment shall be installed in accordance with § 151.384(A)(4); and

(f) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with § 151.384(B)(4)(a).

(g) An accessory structure with a footprint less than ~~150~~ 1000 square feet that satisfies the criteria outlined above. Structures less than 150 square feet that satisfy the criteria above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with §151.383(B)(3).

Adopted by the Board of Commissioners for the County of Camden this of , 2015.

County of Camden

P. Michael McLain, Chairman
Board of Commissioners

ATTEST:

Angie Wooten
Acting Clerk to the Board