City of King City Council Regular Meeting
6:00 PM Monday, September 8, 2026

City of King City Hall Council Chambers
229 S. Main St., King, NC 27021

MINUTES

The King City Council convened for its regular meeting at King City Hall, Council Chambers, 229 S. Main St., King, on Monday, September 8, 2026, at 6:00 PM. The purpose of the meeting was to discuss and make decisions on various city matters. Present at the meeting were Councilman Tyler Bowles, Mayor Pro Tem Jane Cole, Mayor Rick McCraw, Councilwoman Terri Fowler, Councilman Michael Lane, City Engineer Ben Marion, City Attorney Brad Friesen, City Manager Scott Barrow, City Clerk Nicole Branshaw, Director of Finance and Personnel Susan O'Brien, Intern City Planner Emerson Wright, Senior Center Director Paula Hall, Fire Chief Steven Roberson, Police Chief Jordan Boyette, Collections Clerk Maddie Essic, Police Lt. M. Perdue, Building Inspector Ricky Gordon, Chaplain Tracey Collins, Chaplain Terry Howell and Chaplain Rick Hughes.

MEETING CALLED TO ORDER

The meeting was called to order at 6:00 PM on Monday, September 8, 2026. The Pledge of Allegiance was recited, with all remaining standing for the invocation given by Chaplain Tracey Collins.

ANNOUNCEMENTS

Mayor McCraw took the opportunity to highlight several upcoming community events and announcements:

- The Stokes County Fair will be held Tuesday through Saturday, September 15–19, at the American Legion.
- A bridge dedication on Highway 52, honoring former Mayor Warren, is scheduled for Tuesday, September 29 at 5:30 PM. Mayor McCraw expressed gratitude to Representative Kyle Hall for making the dedication possible, noting that Mayor Warren appears in nearly every photograph displayed around the chamber.
- King Fest is scheduled for October 3rd, celebrating 25 years at Central Park. A time capsule will be planted at the event to be opened 25 years hence. Mayor McCraw noted that Jeff at Slate Funeral Home provided a suitable box for the capsule and that engineer Ben Marion would prepare the installation. Citizens wishing to contribute items were encouraged to do so.
- A 9/11 remembrance ceremony will be held at the American Legion on the anniversary at 8:00 AM.
- The Senior Center will celebrate its 19th anniversary on September 23rd.

PUBLIC COMMENT

Mayor Rick McCraw opened the public comment period at 6:04 PM and read the full public comment notice into the record regarding rules of decorum, the three-minute speaker limit, the six-minute spokesperson allowance for large groups, and the thirty-minute session limit. He reminded those present that the Council would only listen and not respond, but may place topics on a future agenda.

1. **Rick Hughes (Homeless Resource Collaborative) 201 Pilot View Dr., King, NC**

The first speaker introduced the Homeless Resource Collaborative (HRC), describing its mission as "connecting individuals and families experiencing homelessness with compassionate partners and practical resources," grounding its work in Matthew 25:35–36. The speaker provided a comprehensive overview of the organization's structure, current community conditions, and one-year vision.

The speaker noted that approximately 13 to 15 individuals are currently experiencing homelessness in the King area, a number that continues to grow. Several individuals came to King from the University Parkway and Winston-Salem areas because they felt unsafe in those environments. The speaker reported that many of those experiencing homelessness are older adults living in vehicles who cannot afford food and available housing, and face challenges related to healthcare, transportation, employment, identification documents, mailing addresses, behavioral health, and housing availability. The speaker noted that Central Park has become a gathering point for five to seven individuals, particularly during hot weather, due to its shade, accessible restrooms, and perceived safety.

The speaker described the HRC as a network of local churches, agencies, professionals, businesses, veterans organizations, and community partners. The collaborative's planned activities include maintaining a community resource directory, establishing a consistent referral process, supporting homelessness prevention, coordinating services among participating organizations, and helping individuals obtain identification, access to medical and legal resources, and employment.

Partners currently involved or being developed include representatives from the Veterans Health Administration, the NC State judicial branch, community paramedics, chaplaincy and pastoral care, senior adult services, a former RJ Reynolds accountant for financial and budgeting support, a VA-affiliated medical doctor, the King American Legion, legal services through a Winston-Salem law firm, the Department of Social Services, Operation Providing Hope, the Knights of Columbus, veterinary medicine for dogs, and local churches and businesses. The speaker emphasized that the HRC is not intended to replace law enforcement, EMS, or social service agencies, but rather to improve coordination among them.

The speaker outlined four 90-day goals for the first year, including forming a 501(c)(3) organization to accept donations and apply for grants, engaging Wake Forest Baptist Health and Novant Health as partners, establishing a reliable partner network, and creating a bible study group. The collaborative also plans to bring NC Baptist medical and dental units to the area and offer practical classes paired with meals covering topics such as budgeting, employment preparation, healthcare access, and life skills.

Councilwoman Fowler expressed strong encouragement, stating she was pleased to see a collaborative approach focused on "connecting people with resources" rather than simply providing financial assistance, and praised the emphasis on a "pathway to stability."

Councilman Bowles asked about progress already made toward the collaborative's goals. Chaplain Hughes, responding on behalf of the organization, shared that one individual had been placed in housing, and that another individual who had been a drug user was now in jail while his pregnant girlfriend had safely returned to New York. He elaborated on the reality facing those he serves, describing a 74-year-old woman sleeping in her car and the challenges of Social Security income being insufficient for available housing. He affirmed that most of the individuals in King choose to live in their vehicles rather than seek other shelter, and that a few who pass through are not representative of the regular population.

Councilman Lane thanked the collaborative and acknowledged that the issue of homelessness had previously seemed without a clear answer to him. He recognized the difficulty of moving from complaint to action and stated that the presentation had offered real solutions. He specifically thanked Paula Hall for her contributions to the effort.

2. Kathy Love Day (Leadership Steps Program Graduation) King Chamber of Commerce

The second speaker, Kathy Loveday, personally invited the Council to the inaugural graduation of the Leadership Steps Program, scheduled for Tuesday, September 15th at Roundnet, the Stokes County Arts Council. She noted that participants from the city would be presenting and receiving certificates, described it as a program to bring leaders together throughout Stokes County, and extended an invitation with the additional assurance that food would be provided.

3. Diane Irving (Central Park and Chapter 20 Ordinance) 114 Park Place; King, NC

The third speaker, Diane Irving, introduced herself as a resident of Park Place, noting that her backyard adjoins the parking area at Central Park. She stated that what had been a couple of cars a year ago had grown to a consistent presence of approximately seven vehicles, and expressed that while her heart breaks for the individuals involved, she has personally witnessed a change in the park's demographic over her six years of residence. She described walking the park two to three times daily and noted that shelters were not being rented and that regular users had expressed fear and concern to her directly.

Ms. Irving expressed appreciation for the council's support of the proposed ordinance amendment (Chapter 20) and asked that as it moves toward final approval, a designated contact person—potentially Chaplain Hughes—be identified to coordinate the compassionate response alongside any enforcement, so as not to disrupt the police department unnecessarily.

Mayor Rick McCraw closed the public comment session at 6:24 PM. ****SEE DOCUMENT 1****

1. ADJUSTMENTS TO AGENDA

Mayor Rick McCraw asked if there were any adjustments to the agenda. No Council members offered any adjustments.

Motion: Councilwoman Fowler moved to approve the agenda as presented. Councilman Lane seconded. The motion carried unanimously, 4-0.

2. CONSENT AGENDA

Mayor Rick McCraw explained that the consent agenda items were considered noncontroversial and administrative in nature. No items were pulled from the consent agenda for separate discussions.
The following consent items were approved:

A. Approval of Minutes

a. August 3, 2026, City Council Regular Meeting

Motion: Mayor Pro Tem Cole moved to approve the consent agenda. Councilwoman Fowler seconded. The motion carried unanimously, 4-0.

3. NEW EMPLOYEES

A. Introduction to the New Employees – Maddie Essic, Collection Clerk

Director of Finance and Personnel Susan O'Brien introduced Maddie Essic, who joined the city as a new Collections Clerk approximately one month prior. Director of Finance and Personnel Susan O'Brien noted that Miss Essic had already been through a cutoff cycle and was performing very well, describing her as a graduate of West Stokes High School. Mayor McCraw added a personal observation, noting that he

had seen Miss Essic working energetically back and forth in the building just two days into her employment. The Council welcomed Miss Essic warmly.

4. EMPLOYEE OF THE QUARTER

A. Employee of the Quarter – Angie Gallimore, Custodian

Mayor McCraw recognized Angie Gallimore, Custodian, as the Employee of the Quarter for the 3rd Quarter of 2026, noting that the selection is made by her peers, which he described as a meaningful distinction.

Mayor McCraw read the nomination letter submitted by Assistant Police Chief Tedder into the record:

> *"Please accept this letter as a formal nomination of Angie Gallimore for Employee of the Quarter. Angie consistently does an outstanding job and takes great pride in ensuring the city buildings are clean, orderly, and ready for employees and the public each day. Angie is extremely dependable and hardworking, often working early mornings, late evenings, and other odd hours to make sure everything gets accomplished without disrupting city operations. Her attention to detail and willingness to go above and beyond are evident in the quality of her work. Much of what Angie does happens behind the scenes, but her efforts have a significant impact on the personal appearance and day-to-day operations of our facility. Her strong work ethic, positive attitude, and dedication to the city team makes Angie deserving of this recognition as Employee of the Quarter."*

Mayor McCraw presented Mrs. Gallimore with a certificate and a sweater vest, and personally attested to her dedication, recounting that he had found her at the Senior Center at 6:30 AM already nearly finished with her cleaning duties. Congratulations were extended to Mrs. Gallimore by the full Council.

5. ITEMS FOR PRESENTATION

A. Presentation of Proclamations

Mayor McCraw presented three proclamations during this portion of the meeting.

Constitution Week Proclamation: Mayor McCraw read and presented a proclamation designating the week of September 17–23, 2026 as Constitution Week in the City of King, commemorating the 239th anniversary of the framing of the United States Constitution, as authorized under Public Law 91-5. The proclamation called upon citizens to reaffirm the ideals of the framers and to vigilantly protect the freedoms guaranteed by the Constitution.

25th Anniversary of September 11, 2001 Proclamation: Mayor McCraw read and presented a proclamation declaring September 11, 2026 as a Day of Solemn Remembrance in the City of King. The proclamation honored the lives lost in the coordinated terrorist attacks on the World Trade Center, the Pentagon, and aboard United Airlines Flight 93, and recognized the courage of first responders and armed forces. Mayor McCraw paused to note that everyone present can remember where they were on that day. The proclamation was presented to representatives of the King American Legion. Mayor McCraw encouraged any veterans not yet members of the American Legion to speak with the membership representative present.

Be The One Awareness Month Proclamation: Mayor McCraw acknowledged that this proclamation was brought to his attention by Mr. Taylor, whom he thanked for doing so. The proclamation designated September 2026 as Be The One Awareness Month in the City of King, recognizing the American Legion's initiative to reduce stigma surrounding mental health, encourage meaningful conversations, and connect

veterans with needed support. Mayor McCraw read the full proclamation, emphasizing the city's commitment to ensuring veterans and their families "know that they are valued, respected, and never alone." The proclamation was presented to Mr. Taylor.

Following the presentations, veterans' representative and Americal Legion Post 290 representative Bobby Adams spoke briefly to thank the City of King, the Police Department, and Emergency Personnel for all they do. And the Senior Center for hosting the Stokes County Veterans gathering every Friday morning at 9:00 AM, describing it as an opportunity for veterans to sit together, talk, and support one another.

6. PUBLIC HEARINGS

A. PUBLIC HEARING – Rezoning Request CZ-H-I-050 by LMC Automotive & Recycling

Mayor McCraw opened the public hearing on Rezoning Request CZ-H-I-050 by LMC Automotive & Recycling at 6:39 PM.

Marty Myers came forward in support of his application. He thanked the Mayor and Council for the opportunity to appear before the Council and present his request. He briefly reviewed his business plan and stated that the applicants looked forward to the future.

Justin Myers also came forward in support.

Steve Henry, of Allied Design (4720 Kestrel Road, Winston-Salem), spoke as the design professional for the applicant. He described the proposed site plan, noting that the site would utilize less than 55 percent of the available land, that stormwater control measures were proposed in the southwest corner, and that existing vegetation in the southwest would be preserved while additional buffer plantings and berms were planned along the north. He offered to answer technical questions related to the site plan.

Mayor Pro Tem Cole asked about the height of the fence on the north side. Mr. Henry initially indicated a six-foot fence; however, Mayor McCraw directed the Council's attention to page 68 of the agenda packet, which contained a staff condition specifying an eight-foot chain-link fence with barbed wire top and lattice strips or similar screening to create a near-opaque fence. Mr. Henry noted that the applicant had requested the condition be reduced to six feet. Mayor Pro Tem Cole then asked whether an eight-foot fence could be made a condition, and staff clarified that this was already one of the listed conditions and that applicant agreement would be required at the time of the vote.

Mayor McCraw also raised a planning board condition requiring that the area where vehicle drainage is performed be tested for contaminants every five years, asking whether the applicant agreed. Marty Myers responded, explaining the extensive fluid management process already in use at their other locations—including double-wall storage tanks, licensed recyclers for used fluids, and a zero-tolerance approach to ground discharge. He stated he had never received a poor sample result in over 40 years of operation and expressed no objection to the testing requirement in principle.

Mayor Pro Tem Cole later asked whether the five-year contaminant testing condition was included in the formal condition sheet. Staff confirmed it would be part of the agreement the applicant would sign. The city attorney, however, offered a critical clarification: the operational details discussed—such as how Mr. Myers personally runs his business—are not enforceable through conditional zoning. The attorney further advised that ground or groundwater testing requirements are similarly difficult to enforce through this mechanism, though the Council was free to include the condition with the expectation that the applicant would voluntarily agree. The attorney suggested that the Council could more appropriately regulate the

physical layout of the land, such as the location of battery removal areas, the material of floor surfaces where fluids are removed, and where materials may be stored on the property.

Councilman Lane asked about projected employment. Marty Myers stated that at full operation, the business would likely employ 15 to 18 people at wages of approximately $20 per hour, with benefits including health insurance and paid time off. Councilman Lane also asked about taxable equipment on the property. Mr. Myers identified a car crusher, a wheel-over, and related equipment, noting that such machinery is "full size."

Mayor McCraw asked how many acres would actively be used for vehicle storage. Marty Myers estimated approximately 13 acres, roughly half the site, and noted that development would occur in stages of five to six acres at a time.

Councilman Bowles confirmed with Mr. Myers that the operation would be a strictly pull-your-own-parts yard, not a full-service operation. Councilman Bowles also took the opportunity to personally attest to the quality of the Myers family's existing Lewisville Motors facility, describing it as "probably one of the most impressive" operations he had seen—"I don't even want to say junkyard because it looks like a showroom"—and expressed confidence that the new facility would be an excellent neighbor.

Sam Chamberlain came forward representing a group of residents from the north side of the property, noting they were "not for or against" the proposal but had concerns about the buffer along the northern boundary. He observed that the site plan showed a 30-foot buffer that narrowed to approximately 20 feet in one area adjacent to residential homes. He stated that, given existing homes on Square Drive along the northern boundary, a 40-foot buffer along the entire northern boundary—particularly the Industrial Drive extension side—would be greatly preferred. He expressed satisfaction with the fence concept and noted that he would be comfortable with the proposal if existing trees were preserved and a wider buffer was maintained. Mr. Chamberlain also noted the experience with an adjacent solar farm, where plantings installed in summer heat later died, and expressed hope that existing vegetation would be retained rather than replaced.

Mayor McCraw posed the buffer question directly to the applicant, and Marty Myers—through his designer, confirmed that the property could accommodate a 40-foot buffer along the northern boundary. The city attorney then drafted proposed condition language on the spot: "Notwithstanding anything else to the contrary, including all dimensions and references on the site plan approved with this conditional zoning, all references to the 30-foot buffer along the northern boundary of this property shall be 40 feet." The applicant agreed to this condition.

Councilman Lane expressed support for the six-foot fence combined with the 40-foot buffer, characterizing it as a "win-win." The Council discussed and agreed on a six-foot fence rather than eight, given the applicant's explanation that the site would be graded down six to eight feet along the northern boundary, effectively increasing the visual buffer well beyond what the fence height alone would suggest. The neighboring residents present indicated satisfaction with the six-foot fence and 40-foot buffer arrangement.

Regarding the contaminant testing condition, Councilman Lane noted that the state's NCDEQ permitting requirements would likely independently require the monitoring that the planning board had sought to mandate, and staff confirmed this was probable.

Mayor McCraw closed the public hearing at 7:17 PM and opened the matter to council action.

Staff presented the following summary for the record: the tract, located on the 100 block of Industrial Drive, is currently zoned Light Industrial, contains 26.58 acres of vacant land with access to city water and sewer, and is currently outside the city's permanent limits. The applicant seeks rezoning to Conditional Zoning Heavy Industrial (CZ-H-I) to accommodate a vehicle salvage and recycling business, consistent with the city's G3 industrial area designation. The Planning Board recommended approval 5-0 and staff recommended approval of Rezoning Request CZ-H-I-050, designated as Ordinance 2026-16, with all proposed and agreed-upon conditions, consistent with the city's comprehensive plan.

Motion: Councilman Bowles moved to approve Rezoning Request CZ-H-I-050 and adopt Ordinance 2026-16, subject to all agreed-upon conditions, including a six-foot fence and a 40-foot buffer along the northern boundary, finding the request consistent with the city's comprehensive plan. Councilman Lane seconded. The motion carried unanimously, 4-0. ****SEE DOCUMENT 2*****

B. Public Hearing – Amendment to Chapter 14 – Floods Ordinance

Mayor McCraw opened the public hearing on the Amendment to Chapter 14—Floods Ordinance at 7:30 PM. No members of the public had signed up to speak, and no comments were received. Mayor McCraw closed the public hearing at 7:30 PM.

Mayor McCraw asked whether any new flood zones had been added to the city as a result of the ordinance amendment. City Manager Barrow clarified that no new zones were created; rather, the boundaries of the existing 100-year floodplain were likely expanded or adjusted by FEMA, which may have caused some previously unaffected properties to fall within flood zone designations.

Councilman Lane also addressed a concern raised with him by a constituent who could not obtain flood insurance, explaining that the city had been temporarily removed from the National Flood Insurance Program's list, and that this ordinance amendment would bring the city back into compliance and restore citizens' ability to purchase flood insurance. Staff confirmed that the deadline for compliance was the current month, making the matter time-sensitive.

Motion: Mayor Pro Tem Cole moved to adopt Ordinance 2026-15, amending Chapter 14—Floods. Councilman Lane seconded. The motion carried unanimously, 4-0. ****SEE DOCUMENT 3*****

C. Public Hearing – Consider a Moratorium on Data Centers

Mayor McCraw opened the public hearing on a proposed temporary moratorium on data centers at 7:34 PM. No members of the public had signed up to speak. Mayor McCraw closed the public hearing at 7:34 PM and invited council discussion.

Staff presented the background, explaining that as artificial intelligence, cloud computing, and cryptocurrency technologies continue to grow, communities are seeing increased interest in facilities that place significant demands on electricity, water, land, and telecommunications infrastructure. Staff noted that the city's current ordinances do not separately identify or regulate data centers, cryptocurrency mining operations, or battery energy storage systems as distinct permitted or special uses in any zoning district, meaning any such application would have to be evaluated under existing use categories not designed to address their specific impacts. Staff referenced having reviewed moratorium ordinances from Durham, North Carolina, and having studied development regulations in Sanford, North Carolina, and Lee County for guidance on how other jurisdictions have addressed these uses.

Staff clarified that the proposed moratorium is for 60 days, the maximum permitted without additional notice, but that it is likely the moratorium will need to be extended at the next council meeting with appropriate advertising.

Councilman Lane expressed strong support for the moratorium, framing it as a responsible step given the rapid growth of the industry. He observed that data centers are "a hot button topic right now" and raised a specific concern he wished to see addressed in any resulting ordinance: that, similar to how data centers are often required to build out their own electrical infrastructure, the city should consider requiring data centers to contribute to the expansion of the city's water and sewer system so that the financial burden does not fall on residents. He stated he would like this explored during the moratorium period.

The Council expressed agreement with Councilman Lane and emphasized the importance of fully understanding how such facilities could affect the community before any application is received. Council members also recommended noise studies and other relevant analyses to protect the health and safety of residents and the community.

Mayor McCraw shared his own concerns, citing data points he had encountered: some data centers consume approximately 300,000 gallons of water per day and electricity equivalent to that used by 100,000 homes. He also expressed interest in requiring an ambient noise study as part of any future review. He described the moratorium as a proactive measure and stated that the city's primary obligation is to protect its citizens.

Motion: Councilman Lane moved to adopt Ordinance 2026-17, establishing a temporary 60-day moratorium on data centers, cryptocurrency mining operations, and similar data-processing uses. Councilwoman Fowler seconded. The motion carried unanimously, 4-0. *****SEE DOCUMENT 4*****

7. ACTION ITEMS

A. Lease Agreement for Chamber

City Manager Barrow presented the lease agreement with the Chamber of Commerce for the upper floor of the old police department building, noting that multi-year discussions had been ongoing for several months and that all required public notice had been completed. The item before the Council was a resolution authorizing the City Manager to execute a three-year lease agreement.

Councilman Lane asked about the deletion of sections 7.3 and 8 from the lease, wondering whether items had been removed from a prior agreement. City Attorney clarified that those sections were deleted from a standard form template used to draft the new agreement—not from a previously executed agreement with the Chamber—and that the numbering was simply kept consistent with the form.

Mayor Pro Tem Cole indicated she had reviewed the document and found it consistent with what had previously been discussed, and moved for approval.

Mayor McCraw acknowledged Cathy Loveday, who was present and appeared to be holding a copy of the executed contract on behalf of the Chamber, and commended her work on behalf of the organization.

Motion: *Mayor Pro Tem Cole moved to approve the three-year lease agreement with the Chamber of Commerce at monthly rental rates of $1,500 in Year 1, $1,530 in Year 2, and $1,576 in Year 3, pursuant to Resolution 2026-21. Councilman Bowles seconded. The motion carried unanimously, 4-0.* *****SEE DOCUMENT 5*****

B. Request WS-017 for the 10/70 Provision by D & M Property Ventures, LLC

Staff presented Watershed Request WS-017 from D & M Property Ventures, LLC, which is proposing to construct a light industrial building with possible light industrial lots. The tract contains 2.21 acres and the owner seeks to build three additional lots for similar structures. Staff noted the city currently has 645 acres accumulated toward the 10/70 provision, and this request would add 2.8 acres (representing 70 percent of the 8.21-acre tract). The Planning Board recommended approval by a 5-0 unanimous vote. Staff also recommended approval.

Motion: *Mayor Pro Tem Cole moved to approve Watershed Request WS-017 and grant the requested 10/70 provision to D & M Property Ventures, LLC. Councilwoman Fowler seconded. The motion carried unanimously, 4-0.*

C. Request WS-018 for the 10/70 Provision by LMC Automotive

Staff presented Watershed Request WS-018 from LMC Automotive (Justin and Martin Myers), seeking use of the 10/70 provision to allow up to 53 percent use of their site. The site is located in the WS-4 watershed, which would otherwise allow only 36 percent use of the 26-acre tract. The applicant is requesting 4.63 acres from the city's existing accumulated 620 acres set aside for this type of use. The Planning Board recommended approval 5-0 unanimously. Staff recommended approval of WS-018.

Motion: Councilwoman Fowler motioned to approve the 10/70 Provision grant to LMC Automotive and Recycling for the tract on Industrial Drive under Watershed WS-018 and seconded by Mayor Pro Tem Cole . Motion carried unanimously 4-0.

D. Discussion & Consideration – Ordinance to Amend Chapter 20

The city attorney presented this item, noting that at the previous meeting, two suggested modifications had been identified. First, the parking duration had been proposed to be reduced from 30 minutes to 15 minutes, reflected in the revised subsection 25(c). Second, council had suggested that the ordinance prohibit not only sleeping in vehicles within city parks, but also sleeping anywhere in a city park—a provision now added as subsection 27.

Mayor Pro Tem Cole stated she had no questions but wished to make a statement. She affirmed her respect for the sanctity of life and her belief in the value of the Homeless Resource Collaborative's work. However, she noted that upon taking her oath of office, she committed to uphold the constitution and protect the citizens of King. She stated that it appeared many regular park users had become fearful and were avoiding Central Park, and expressed her view that passing the ordinance was necessary. She also expressed a wish that local churches might consider taking in some of the individuals experiencing homelessness, and clarified that her motivation was to protect taxpaying citizens who wished to enjoy the park in peace.

Councilwoman Fowler offered a different perspective, stating she had not personally received complaints from citizens who said they were no longer using the park due to unsheltered individuals. She shared her own observations from visits to the park, noting that she had seen children attempting to fish in the pond and that the park appeared to be in active use. She expressed genuine enthusiasm for the collaborative effort launched by Chaplain Hughes and his partners, and said she found it encouraging to know approximately how many individuals were involved. Councilwoman Fowler offered to personally donate food, snacks, and other supplies to support the collaborative's work, and expressed hope that the collaborative could help unsheltered individuals find a pathway to stability. She stated that the 15-minute parking limit would be very difficult to monitor and manage operationally.

A member of the public, Janet Stewart, a local educator who had been volunteering with Matthew 25 for approximately one year, came forward. She offered context for the increased presence of individuals at the park, explaining that for those living in vehicles without air conditioning, the shaded park provides relief from extreme heat during the summer months. She expressed understanding of community fear and acknowledged it often stems from unfamiliarity, and asked the Council to recognize that the park represents a safe and cool place for individuals who may have no other option. She described those she has come to know as people who worked in grocery stores for decades before hard times fell upon them, and who are now in their retirement years living out of cars rather than in homes. She asked the Council to consider the human cost of restricting their access.

Chaplain Hughes responded to Councilman Bowles's earlier question about resources and provided further detail on his daily engagement with the individuals at the park. He noted he has phone contact with each person and visits regularly. He spoke specifically about a woman named Sharon, an older individual with hip problems and two bulldogs who serve as both companionship and security. He described how another individual from the encampment walks Sharon's dogs through the park each day, properly cleaning up after them. He addressed the incident previously mentioned by Ms. Irving—a man who entered Sharon's vehicle without permission—clarifying that the man is now in jail under a $1,500 secured bond. Chaplain Hughes stated that in two to four hours of daily presence in and around the park, he has not personally observed anyone from the regular group breaking the law. He spoke with evident emotion about a man currently living at the park who has been diagnosed with stage 4 lung cancer, and stated his intention to connect that individual with Wake Forest Baptist Health Cancer Center. He concluded by saying his motivation comes from a call to love people—"loving people must require action."

Diane Irving returned to the microphone to describe specific incidents involving her neighbors: being cursed at and threatened by individuals in and around the park, stating that the experience for some residents had "not been good." She reiterated her request to give taxpaying citizens relief while acknowledging the need for compassion toward those experiencing homelessness.

Mayor McCraw observed that without ordinance language, the city has no enforcement mechanism to prevent the encampment from growing, and noted that word had already spread—pointing to individuals from other communities who had relocated to King's park precisely because enforcement was perceived to be lacking. He stated his belief that the individuals would not relocate to the other side of the parking lot due to the convenience of the restrooms on their current side, and affirmed that Chaplain Hughes's role as a known and trusted point of contact within the group offers a valuable resource for compassionate enforcement.

Following this discussion, Mayor McCraw asked whether there were any other concerns or desired revisions and then entertained a motion.

Motion: *Mayor Pro Tem Cole moved to adopt Ordinance 2026-14, amending Chapter 20—Parks and Recreation of the Code of Ordinances of the City of King, North Carolina, to regulate the duration of vehicle parking and occupancy within park parking facilities and prohibit sleeping in vehicles or elsewhere within city parks. The motion failed for lack of a second.*

Following the vote, Councilman Bowles offered extended comments. He explained that his reason for not seconding was not indifference to the issue, but rather a desire to allow additional time and structure before implementation. He expressed a preference for bringing the matter back at the November meeting, allowing time for Chaplain Hughes and the Homeless Resource Collaborative to gather data and provide input that could inform a more structured implementation. Councilman Bowles stated clearly that he does want to protect city residents, but also views the unsheltered individuals as "citizens of our planet" who

deserve an opportunity to be helped. He expressed hope that the problem could be given a chance to "fix itself" with the support of Chaplain Hughes and Ms. Stewart's collaborative before mandatory enforcement measures are enacted.

Councilwoman Fowler echoed concern about the operational feasibility of the 15-minute limit, noting enforcement would be challenging. She relayed that she had asked Chaplain Hughes to encourage the encampment residents to relocate their vehicles to the shaded area on the opposite side of the park, near the fountain, where there is also a large parking lot. Chaplain Hughes had agreed to address that the following day.

Councilman Bowles and Mayor McCraw both noted that the convenience of restrooms on the current side of the lot is likely the primary reason the group congregates there, and that this makes a voluntary relocation unlikely. Mayor McCraw reiterated his support for eventually having rules in place, expressing concern about the city becoming a destination for individuals from other areas due to the perceived absence of restrictions. Discussion continued informally about the distinction between individuals who want help finding a path forward and those who prefer their current lifestyle, with Councilman Bowles citing a prior conversation in which Chaplain Hughes acknowledged that some individuals actively choose to remain without housing. The consensus was that while the ordinance was not adopted at this meeting, the topic would be revisited in November with additional community input.

8. DEPARTMENTAL REPORTS

Mayor McCraw asked whether the Council had any questions regarding the departmental reports. Hearing no specific questions, he noted that he appreciated the new format used in the reports, particularly the graphical representations of total permits, number of inspections, and other data points.

Motion: *Councilman Lane moved to accept the departmental reports. Councilwoman Fowler seconded. Motion carried unanimously 4-0.*

ITEMS OF GENERAL CONCERN

Councilman Lane expressed general encouragement about the level of community involvement at the meeting and noted with appreciation that several of the evening's agenda items involved businesses choosing to come to King and the expansion of commercial activity, including both 10/70 provision requests. He also directed a personal acknowledgment toward Chaplain Hughes, stating that prior to the evening's presentation he had not seen a clear path forward on the homelessness issue, and that the collaborative's presentation had provided meaningful answers.

Mayor Pro Tem Cole offered a statement in response to comments made earlier in the meeting. She emphasized that she is "a very giving person" who believes in the sanctity of life, and that her motivation in supporting the ordinance was to protect the city's taxpaying citizens—not to indicate a lack of compassion for individuals experiencing homelessness. She directed her remarks partly toward members of the public present.

Mayor McCraw asked Police Chief Boyette about the status of the new police K-9. The Chief confirmed the dog had been received and that the handler was in the process of acclimating with the animal before going into active service, with no issues reported. Mayor McCraw expressed enthusiasm about the program.

Mayor McCraw also reminded the Council and public that September is National Senior Center Month and reiterated the invitation to stop by the Senior Center on September 23rd to celebrate its 19th anniversary and enjoy a sweet treat. He extended thanks to Paula Hall and all Senior Center personnel for their ongoing service.

CLOSED SESSION

NC General Statute 143-318.11(a)(5) To establish or instruct the staff or agent concerning the negotiation of compensation or other terms of an employment contract.

Motion: *Councilman Lane moved to enter into Closed Session pursuant to* NC General Statute 143-318.11(a)(5) To establish or instruct the staff or agent concerning the negotiation of compensation or other terms of an employment contract. *Councilwoman Fowler seconded the motion. The motion carried unanimously, 4-0.*

The Council entered Closed Session at 8:20 PM.

The Council returned to open session at 9:12 PM.

Mayor McCraw stated that no action was taken in closed session, but that three items discussed in closed session would now be acted upon in open session:

1. Authorization of one new position for the Fire Department, exact title or role of the position not specified.
2. Adoption of a special separation allowance with provisions, as read by Fire Chief Roberson.
    a. Complete 20-years of service with the City of King FD; and
    b. Retire from the fire department; and
    c. Be eligible for full retirement benefits from the LGERS system; and
    d. Have not attained 62 years of age.
3. Authorization to pay off the ladder truck.

Motion: *Councilman Lane made a motion to approve the three items as described—authorization of one fire department position, adoption of the special separation allowance with provisions, and payoff of the ladder truck. Councilwoman Fowler seconded the motion. The motion carried unanimously 4-0.*

Prior to the motion to adjourn, Councilman Bowles offered brief additional remarks regarding the Chapter 20 ordinance discussion. He reiterated that his decision not to second the motion was rooted in a desire to give the collaborative process more time and to return to the matter in November with more information from Chaplain Hughes. He affirmed his commitment to protecting both city residents and the unsheltered individuals in the community and expressed a desire to see the issue "fixed" with appropriate structure and support. Councilwoman Fowler and Councilman Bowles continued a brief dialogue about long-term versus transient homeless individuals and the role of regional resources such as the Shepherd's House in Mount Airy, with Councilman Bowles acknowledging that while some individuals pass through the area, many are long-term and some may actively prefer homelessness as a way of life.

ADJOURNMENT

Motion: *Councilman Lane moved to adjourn. Councilman Bowles seconded. The motion carried unanimously, 4-0.*

The meeting was adjourned at 9:26 PM.

****** Clerk's Note: See Documents 1-5 for supporting documents. ******

Attest:

Nicole Branshaw, City Clerk

Approved by:

Richard E. McCraw, Mayor

CITY COUNCIL

Date: September 8, 2026

PUBLIC COMMENT SIGN-UP SHEET

All persons who wish to speak MUST sign up for the Public Comment period unless you wish to speak during a public hearing, in which case you must sign up for the Public Hearing. ALL SPEAKERS ARE LIMITED TO 3 MINUTES.

PLEASE PRINT ALL INFORMATION

	NAME	ORGANIZATION (If Any)	ADDRESS	PHONE	SUBJECT	City Resident?
1.	Rick Hughes	HRC	201 Northbrook Dr.	336 406 6585	HRC	☑yes ☐no
2.	Cathy Holliday	181 Leeds Ln		336-705-2460	Chamber	☐yes ☐no
3.	Diane Irvine	114 Park Place		336-745-8742	Park Ordinance	☐yes ☐no
4.						☐yes ☐no
5.						☐yes ☐no
6.						☐yes ☐no
7.						☐yes ☐no
8.						☐yes ☐no
9.						
10.						
11.						
12.						
13.						

In many cases, the City Council will receive your comments but take no action at the meeting.

A staff member will contact you to follow up on your concerns.

BOARD: City Council
DATE: Sept 8, 2026
DOCUMENT #: 1 PAGES: 1

6A

CITY COUNCIL

Date: September 8, 2026

PUBLIC HEARING SIGN-UP SHEET

PUBLIC HEARING

PUBLIC HEARING: Rezoning request CZ-H-I-050 by LMC Automotive & Recycling.

All persons who wish to speak MUST sign up for the Public Hearing. ALL SPEAKERS ARE LIMITED TO 3 MINUTES.

PLEASE PRINT ALL INFORMATION

NAME	ORGANIZATION (If Any)	ADDRESS	PHONE	PRO/CON	City Resident?
Marty Myers	LMC	2828 Toms Ridge Ln Gold Hill 27018	336-407-9262	Pro	☐yes ☑no
Dustin Myers	LMC	7481 Shallowford Rd Lewisville 27023	336-407-4343	Pro	☐yes ☑no
Steve Causey	LMC				☐yes ☑no
Sam Chamberlain		1696 King NC	336 813-7282		☐yes ☐no
					☐yes ☐no
					☐yes ☐no
					☐yes ☐no
					☐y
					☐y
					☐y
					☐y
					☐y
					☐y
					☐y

BOARD: City Council

DATE: 9-8-2026

DOCUMENT #: 2 PAGES: 5

CITY OF KING ZONING ACTION REQUEST/PERMIT

REQUEST NO. **CZ-H-I-050**

I. APPLICANT: **Justin & Marty Myers** DATE OF REQUEST: **6-30-2026**
ADDRESS: **7481 Shallowford Road/2828 Tom's Ridge Lane** COUNTY: **Stokes** TOWNSHIP: **Yadkin**
Lewisville, NC 27023/East Bend, NC 27018 DEED BOOK: **554** PAGE: **1240**
TELEPHONE: **(336) 407-4343/336.407.9262** TAX MAP: **5991-48/58** PARCEL: **3759/2334**
ZONING DISTRICT: **L-I (Light-Industrial)** SUBDIVISION LOT NO.: **N/A**
OWNERS (SUBJECT & ABUTTING PROPERTIES): **See Site Plan**

II. APPLICATION IS HEREBY MADE FOR THE HEREIN DESCRIBED ZONING ACTION ON PROPERTY LOCATED: **In the 100 Block of Industrial Drive on the SW side.**

THE REQUESTED ACTION IS: **Approval of the conditional rezoning of a 26.58-acre tract to CZ-H-I.**

IS THE PROPERTY LOCATED IN THE WATERSHED PROTECTION AREA? YES **X** NO ___

IS THE PROPERTY LOCATED IN A FLOOD PLAIN? YES ___ NO **X** IF YES SEE ATTACHMENT B

PAID AUG 0 5 2026 BY:

III. INDICATE TYPE REQUEST:

___ REZONING PERMIT	___ TEMPORARY PERMIT (NO SITE INSP.)
X CONDITIONAL ZONING REQUEST	___ MINOR SUBDIVISION PLAT REVIEW
___ SPECIAL USE PERMIT	___ MAJOR SUBDIVISION PLAT REVIEW
___ VARIANCE PERMIT	___ PLAT FILING FEE
___ TEMPORARY PERMIT (SITE INSP.)	___ WATERSHED REVIEW

APPLICANT'S OR AGENTS SIGNATURE — ZONING ENFORCEMENT OFFICER

(SEE FEE SCHEDULE) **TOTAL FEE DUE: $2,000.00 + $783.45 (Advert.) = $2,783.45**

IV. PLANNING BOARD WILL REVIEW (IF REQUIRED): **August 24, 2026, at 6 pm at city hall**
BOARD OF ADJUSTMENT WILL REVIEW & HOLD A QUASI-JUDICIAL HEARING: ___
COUNCIL WILL REVIEW & HOLD PUBLIC HEARING (IF REQUIRED): **September 8, 2026, at 6 pm at city hall**
PROPERTY POSTED BY: **August 18, 2026**
NOTIFICATIONS MAILED BY: **August 18, 2026**
NEWSPAPER ADVERTISEMENT: **August 20, 2026 & August 27, 2026**

V. ACTION BY PLANNING BOARD/BOARD OF ADJUSTMENT
APPROVAL/RECOMMENDATION ___ DISAPPROVAL ___ APPROVAL WITH MODIFICATIONS: X
Recommended approval to City Council with all proposed conditions, including five-year contaminant testing of the vehicle drainage area, subject to the applicants written acceptance.
Approved 5-0.
08-24-2026 (DATE) — Robert J. Wacker (CHAIRMAN)

VI ACTION BY CITY COUNCIL
APPROVAL ___ DISAPPROVAL ___ ✓ APPROVAL WITH MODIFICATIONS/CONDITIONS: ___
COMMENTS: City Council approved Rezoning Request CZ-H-I-050 and Ordinance 2026-16, with all agreed upon conditions, including a 40-foot buffer along the northern boundry, as consistent with the city's comprehensive plan. Approved unanimously 4-0
9-8-2026 (DATE) — Richard L. McCraw (MAYOR)

ORDINANCE NO. 2026-16

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF KING, NORTH CAROLINA

WHEREAS, the King City Council of King, North Carolina, has the authority pursuant to Part 3 of Article 6 of Chapter 160D of the North Carolina General Statutes to adopt and amend zoning ordinances and map designations; and

WHEREAS, a request has been made by LMC Automotive to rezone property located at SCTM 5991-48-3759 & 5991-58-2334, currently zoned as L-I (Light-Industrial), to CZ-H-I (Conditional Zoning-Heavy-Industrial); and

WHEREAS, the Planning Board reviewed the proposed rezoning request on August 24, 2026, and recommended approval of the amendment; and

WHEREAS, a public hearing was properly noticed and held by the City of King on September 8, 2026, to consider the proposed amendment; and

WHEREAS, the King City Council has reviewed the request in light of the adopted comprehensive plan and other applicable adopted plans and finds that:

1. The proposed zoning map amendment is consistent with the Stokes 2035 Comprehensive Plan, specifically in that the subject tract falls within a G-3 Mixed-Use Centers and Corridors and allows for Industrial uses;

2. The proposed rezoning is reasonable and in the public interest because it matches adjacent land use districts, has access to public utilities & roads, and would not endanger the health, safety, or general welfare of those around the use;

NOW, THEREFORE, BE IT ORDAINED by the King City Council of King, North Carolina:

Section 1. The Official Zoning Map of the City of King is hereby amended by changing the zoning classification of the property (26.58 acres) listed as SCTM 5991-48-3759 & 5991-58-2334 from **L-I** (Light-Industrial) to **CZ-H-I** (Conditional Zoning-Heavy-Industrial), as shown in the map attached hereto.

Section 2. The rezoning is subject to the following site plans and conditions voluntarily offered by the applicant: see attached site plan and conditions.

Section 3. This ordinance shall become effective immediately upon its adoption.

ADOPTED this 8th day of September 2026.

{Seal}

CITY COUNCIL OF THE NORTH CAROLINA CITY OF KING

Richard E. McCraw, Mayor

ATTEST:

Nicole Branshaw, City Clerk

CITY OF KING CONDITIONAL ZONING
CZ-H-I-050 REQUEST BY LMC AUTOMOTIVE
GRANTED

On the date listed below, the City Council for the City of King, NC met and held a public hearing to consider the following application:

Property Owner(s): Justin and Marty Myers

Property Location: 100 Blk. of Industrial Drive

Tax ID Numbers: 5991-48-3759 & 5991-58-2334

Proposed Use of Property and relative ordinance sections: A conditional rezoning to a heavy-industrial district for use of an automotive salvage & recycling yard. As specified in Sec.32-202 Industrial under a like use of a Junkyard.

Meeting Date: Planning Board – August 24, 2026, and City Council – September 8, 2026

Having heard all the staff, applicant, public testimonies presented at the hearing, and the recommendation of the planning board, the City of King City Council finds that the application is complete, that the application complies with the applicable requirements of the city's codified ordinances for the development proposed, and the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the city's ordinances, site plans, and the applicant's agreed upon conditions as follows:

1. All buffering & screening shall be continuously maintained and in good order as intended to create a proper visual screening of the property.
2. Owner shall continuously comply with all state requirements for maintaining a salvage and recycling facility per NCGS 136-144 & NCGS 156-512.
3. Owner shall install a six-foot (6) fence with opaque cloth fencing. Fence shall be installed on the interior side of any buffer or existing vegetation.
4. Interior retention pond shall catch all onsite contaminates and shall be maintained on a regular basis so as not to contaminate onsite or offsite soils or water ways.
5. Stacking of vehicles shall be a maximum of 2 vehicles high, if used. Stacking shall never exceed the height of the fencing/buffer.
6. Owner shall continuously prevent the breeding of vectors (mosquitoes, rats, other vermin). Owner shall contract with a licensed pest control company for quarterly treatment of the site for these types of vermin. Records of those visits by the pest control company shall be kept onsite as proof of compliance.
7. Owner shall not create another entrance to the subject property (ID # listed above) from Industrial Drive without City Council's approval. A site plan modification would be required.
8. All vehicle draining of fluids and removal of any potentially toxic material or part shall be done on a surface that can capture and retain any spilt fluids or toxic materials.

9. Notwithstanding anything else to the contrary, including all dimensions and references on the site plan approved with this conditional zoning, all references to the 30-foot buffer along the northern boundary of the Property shall be 40 feet.

LMC Automotive, owners of the above-identified project for the above conditional zoning, does hereby acknowledge receipt of the conditions for this zoning approval issued by the City Council of King and agrees with them. The undersigned does hereby acknowledge that no work may be done pursuant to this approval except in accordance with all its site plan, conditions and requirements and that this restriction shall be binding on them and their successors in interest.

10/2/2026
Owner/agent (Signature & Date)

10-2-26
Owner (Signature & Date)

****

Stokes County, North Carolina

I, Nicole Branshaw, certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Name(s) of principal(s): Marty Myers and Justin Myers

Witness my hand and notarial seal, this the 2nd day of October, 2026.

Official Signature of Notary: Nicole Branshaw (Seal)

Nicole Branshaw, Notary Public
My commission expires: **September 13, 2030**

NICOLE BRANSHAW
NOTARY PUBLIC
STOKES COUNTY
STATE OF NORTH CAROLINA
MY COMMISSION EXPIRES 09-13-2030

Richard E. McCraw
Richard E. McCraw, Mayor

9/11/2026
(Date)

6B

CITY COUNCIL

Date: September 8, 2026

PUBLIC HEARING SIGN-UP SHEET

PUBLIC HEARING

PUBLIC HEARING: Amendment to Chapter 14. – Flood Ordinance

All persons who wish to speak MUST sign up for the Public Hearing. ALL SPEAKERS ARE LIMITED TO 3 MINUTES.

PLEASE PRINT ALL INFORMATION

NAME	ORGANIZATION (If Any)	ADDRESS	PHONE	PRO/CON	City Resident?
					□yes □no
					□yes □no
					□yes □no
					□yes □no
					□yes □no
					□yes □no

BOARD: City Council
DATE: 9-8-2026
DOCUMENT #: 3 PAGES: 33

CITY OF KING
ORDINANCE NO. 2026-15
AMENDING CHAPTER 14

AN ORDINANCE AMENDING CHAPTER 14, FLOODS, OF THE CODE OF ORDINANCES OF THE CITY OF KING, NORTH CAROLINA, TO REPEAL AND REENACT ARTICLE II, FLOOD DAMAGE PREVENTION ORDINANCE, IN ITS ENTIRETY, IN ORDER TO ADOPT UPDATED FLOODPLAIN MANAGEMENT REGULATIONS CONSISTENT WITH THE MARCH 2026 NORTH CAROLINA STATE MODEL NON-COASTAL FLOOD DAMAGE PREVENTION ORDINANCE AND APPLICABLE FEDERAL AND STATE LAW

WHEREAS, the City of King (the "City") is a participating community in the National Flood Insurance Program ("NFIP"), and the continued availability of federally-backed flood insurance to owners of property within the City and its extraterritorial jurisdiction depends upon the City's maintenance of floodplain management regulations that meet or exceed the minimum standards established by the Federal Emergency Management Agency ("FEMA") under 44 C.F.R. Part 60; and

WHEREAS, the North Carolina Division of Emergency Management, acting as the State NFIP Coordinator, has issued a revised statewide model ordinance, the North Carolina State Model Non-Coastal Flood Damage Prevention Ordinance (March 2026), reflecting updated minimum floodplain management standards, and has recommended that participating communities, including the City, update their local flood damage prevention ordinances to remain consistent with that model and in good standing under the NFIP; and

WHEREAS, the North Carolina General Assembly's 2021 recodification of local development regulation authority into Chapter 160D of the North Carolina General Statutes has rendered obsolete certain statutory citations in the City's existing Flood Damage Prevention Ordinance, which was originally enacted November 7, 1988, and has since been amended, but has not been comprehensively updated to reflect Chapter 160D, current FEMA minimum criteria, or the March 2026 State Model; and

WHEREAS, the City Council has caused to be prepared, and has reviewed, a comprehensive revision of Chapter 14, Article II of the Code of Ordinances (the "2026 Revision"), adapting the March 2026 State Model to the City's existing Chapter 14 numbering and organizational structure, a true and correct copy of which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Legislature of the State of North Carolina has, in Part 6 of Article 21 of Chapter 143, Article 8 of Chapter 160A, Articles 1, 7, 9, and 11 of Chapter 160D, and G.S. 160A-174(a) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations, including floodplain management regulations, designed to promote the public health, safety, and general welfare; and

WHEREAS, the 2026 Revision set forth in Exhibit A comes forward in part by re-enactment of provisions of the City's existing Flood Damage Prevention Ordinance, and it is not the intention of the City

Council to repeal, but rather to re-enact and continue without interruption the enforcement of such existing provisions, so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, as further provided in Section 14-126 of Exhibit A; and

WHEREAS, the City Council finds that adoption of the 2026 Revision is necessary to protect the public health, safety, and general welfare of the City's residents, to minimize public and private losses due to flooding, to maintain the City's eligibility and good standing in the National Flood Insurance Program, and to bring the City's floodplain management regulations into conformity with current federal and state law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of King, North Carolina, that:

Section 1. Chapter 14, Article II, "Flood Damage Prevention Ordinance," of the Code of Ordinances of the City of King, North Carolina, is hereby repealed in its entirety and reenacted to read as set forth in Exhibit A, attached hereto and incorporated herein by reference (new ordinance provisions shown in Exhibit A as the operative text of Chapter 14, Article II).

Section 2. Except as expressly amended, repealed, and reenacted by Section 1 of this ordinance and Exhibit A, Chapter 14, Article I (Secs. 14-1—14-30, Reserved), and all other Chapters and provisions of the Code of Ordinances of the City of King shall remain in full force and effect.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance, including Exhibit A, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall become effective September 8, 2026.

ADOPTED this 8th day of September 2026.

CITY COUNCIL OF THE CITY OF KING, NORTH CAROLINA

CITY COUNCIL OF THE NORTH CAROLINA CITY OF KING

Richard E. McCraw

Richard E. McCraw, Mayor

ATTEST:

Nicole Branshaw

Nicole Branshaw, City Clerk

EXHIBIT A

King Flood Damage Prevention Ordinance (2026 Revision)

Chapter 14 – FLOODS

ARTICLE I. – IN GENERAL

Secs. 14-1 – 14-30. – Reserved.

ARTICLE II. FLOOD DAMAGE PREVENTION ORDINANCE

DIVISION 1. – NON-COASTAL REGULAR PHASE

Sec. 14-31. - STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6 of Article 21 of Chapter 143; Article 8 of Chapter 160A; and Articles 1, 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the City Council of King, North Carolina, does ordain as follows:

Sec. 14-32. - FINDINGS OF FACT.

(1) The flood prone areas within the jurisdiction of the city and its extraterritorial jurisdiction (E.T.J.) are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood prone areas by uses vulnerable to floods or other hazards. Such obstructions and occupancy by uses located in flood-prone areas may pose hazards to other lands that are not adequately elevated, floodproofed, or otherwise protected from flood damage.

Sec. 14-33. - STATEMENT OF PURPOSE.

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

(1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 14-34. - OBJECTIVES.

The objectives of this ordinance are to:

(1) Protect human life, safety, and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business losses and interruptions;

(5) Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(6) Minimize damage to private and public property due to flooding;

(7) Make flood insurance available to the community through the National Flood Insurance Program;

(8) Maintain the natural and beneficial functions of floodplains;

(9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

(10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

Sec. 14-35. - DEFINITIONS.

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

A Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

AE Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

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

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

AH Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.

Alteration of a watercourse means a 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.

AO Zone means the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping

terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

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

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

Area of Special Flood Hazard see "Special Flood Hazard Area (SFHA)".

Area of Future-Conditions Flood Hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

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

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

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

Building see "Structure".

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

Community means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

Community Flood Hazard Area (CFHA) is an area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical flood information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

Community Floodplain Management Map means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Critical facility (also called critical action) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire, and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use, or store hazardous materials or hazardous waste.

Design Flood See "Regulatory Flood Protection Elevation."

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

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

Dry Floodproofing means a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. Please refer to Technical Bulletin 3, *Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings*, and available from the FEMA.

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

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

Existing building and existing structure means any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations adopted by a community, dated July 4, 1989.

Existing Manufactured Home Park or Manufactured Home Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community, dated July 4, 1989.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or *Flooding* means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  (1) The overflow of inland or tidal waters.
  (2) The unusual and rapid accumulation or runoff of surface waters from any source.
  (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the 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) means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

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

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas applicable to the community are delineated. (see also DFIRM)

Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water

surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs).

Flood Prone Area see "Floodplain"

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

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

Floodplain Administrator means the individual appointed by the city manager to administer and enforce the floodplain management regulations.

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

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

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

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

Flood-resistant material means 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 materials 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.

Floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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 means 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.

Freeboard means the height added to the 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 or culvert openings, precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation".

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

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

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

Historic Structure means any structure that is:

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

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

Letter of Map Change (LOMC) means 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:

(a) 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.
(b) 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.
(c) 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.
(d) 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 means 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:

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

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

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

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

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

Map Repository means 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 has 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 (https://fris.nc.gov/) is the map repository. Repositories of historical flood hazard data are available on the Flood.NC website (https://flood.nc.gov/ncflood/) and the FEMA Flood Map Service Center website (https://msc.fema.gov/portal/home).

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

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

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

Non-Conversion Agreement means 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.

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

Post-FIRM means construction or other development for which the "start of construction" occurred on or after July 4, 1989, the effective date of the initial Flood Insurance Rate Map. (The initial FIRM date can be found in the FEMA Community Status Book.)

Pre-FIRM means construction or other development for which the "start of construction" occurred before July 4, 1989, the effective date of the initial Flood Insurance Rate Map. (The initial FIRM date can be found in the FEMA Community Status Book.)

Principally Above Ground means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

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

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

(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck;
(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use;
(e) Is fully licensed and ready for highway use;
(f) Has no attached deck, porch, or shed; and
(g) Has quick disconnect sewage, water, and electrical connectors.

For the purpose of this ordinance "Tiny Homes/Houses" and Park Models that do not meet the items listed above in this definition are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures under this ordinance.

Reference Level means the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special

Flood Hazard Areas.

Regulatory Flood Protection Elevation means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 2-feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least 4-feet above the highest adjacent grade.

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

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

Repetitive Loss Property means any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

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

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

Section 1316 means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Severe Repetitive Loss Structure means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

1. Four or more separate claim payments of more than $5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

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

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 14-37 of this ordinance.

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

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

Substantial Damage means the cumulative damage of any origin sustained by a structure during any five-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 30 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any cumulative combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any five-year period for which the cost equals or exceeds 30 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 14-70 of this ordinance.

Technical Bulletin and Technical Fact Sheet means 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.

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

Variance is a grant of relief from the requirements of this ordinance. See Sec. 14-70.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Divisions 2 and 3 is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE) means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

X Zones means areas determined to be low to moderate risk flood zones and are located outside the community's delineated Special Flood Hazard Area (SFHA) and include the following:

(a) Shaded - is the area of moderate flood hazard and can represent:
    (1) 0.2% annual chance flood hazard area (500-year flood zone),
    (2) Areas of 1% annual chance flood with average depth less than one (1) foot, or
    (3) Areas of 1% annual chance flood with drainage areas of less than one (1) square mile

(b) Unshaded - is the area of minimal flood hazard determined to be outside of the 0.2% annual chance flood (500-year flood zone).

SEC. 14-36. - LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas and Community Flood Hazard Areas (CFHAs) as defined in Section 14-35. Definitions within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) and Bona Fide Farms as allowed by law, of the City of King, NC.

SEC. 14-37. - BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated July 4, 1989 for Stokes County 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 ordinance, and all revisions thereto.

When Preliminary Flood Insurance Studies and Flood Insurance Rate Maps have been provided by FEMA to the City of King:

(1) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.

(2) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administrating these regulations.

When Advisory Flood Studies have been provided by the North Carolina Floodplain Mapping Program to the City of King:

(1) The data, which are adopted by reference and declared a part of this ordinance, shall be utilized where no base flood elevations or floodway areas exist, or where the Advisory Flood Studies exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA, or
(2) The applicant shall provide a more detailed analysis of the flood hazards for the site for floodplain management purposes.

The community reserves the right to require further studies for any development within its jurisdiction, if there is evidence that a potential flood hazard exists. Studies can be used to designate Community Flood Hazard Areas (CFHA). Such evidence may include but shall not be limited to:

(1) Eyewitness accounts of historic flooding or other reports of historic flooding deemed credible by the community;
(2) Surveyed high-water marks;
(3) Geologic features observed that resemble floodplains (such as flat areas along streams);
(4) Proximity to manmade or natural constrictions in or along a watercourse (such as road crossings that can cause backwater effects), and;
(5) Drainage basin characteristics (such as drainage area, slope, percent impervious cover, land use, etc.).

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail.

Sec. 14-38. - ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas and Community Flood Hazard Areas determined in accordance with the provisions of Section 14-37 of this ordinance.

Sec. 14-39. - COMPLIANCE.

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

Sec. 14-40. - ABROGATION AND GREATER RESTRICTIONS.

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

Sec. 14-41. - INTERPRETATION.

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

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

Sec. 14-42. - WARNING AND DISCLAIMER OF LIABILITY.

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

Sec. 14-43. - REMEDIES FOR VIOLATION.

(1) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to North Carolina General Statute § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall be fined not more than $100.00 per day. Each day such violation continues shall be considered a separate offense.

(2) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, may be enforced through the provisions set forth in Chapter 14, Division 2, and/or through the provisions set forth in Chapter 32, Section 32-47.

(3) The remedies set forth herein are cumulative and not exclusive. Nothing herein contained shall prevent the City of King from taking such other lawful action as is necessary to prevent or remedy any violation.

Secs. 14-44—14-65. – Reserved

DIVISION 2. - ADMINISTRATION.

Sec. 14-66. - DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator, who shall be an individual appointed by the city manager, or the Floodplain Administrator's designee, is hereby authorized and directed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

Sec. 14-67. - FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT, AND CERTIFICATION REQUIREMENTS.

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas and Community Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

(a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

(1) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

(2) The boundary of the Special Flood Hazard Area as delineated on the FIRM, Community Flood

showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153), 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.

(1) A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), 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.

(c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 14-97(3)(b).

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(1) Recreational Vehicles meeting requirements of Section 14-97(6)(b);

(2) Temporary Structures meeting requirements of Section 14-97(7); and

(3) Accessory Structures that are 150 square feet or less and meeting requirements of Section 14-97(8).

(4) **Substantial Improvement/Damage 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

(12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 14-37, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.

(13) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progress, 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.

(15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(16) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(17) Make periodic inspections throughout the Special Flood Hazard Areas or Community Flood Hazard Area 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.

(18) Follow through with corrective procedures of Section 14-69.

(19) Review, provide input, and make recommendations for variance requests.

(20) 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 14-37 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

(22) Make substantial improvement and post event damage assessments and determinations:

(a) Conduct damage assessments for damaged structures located within the SFHA or Community Flood Hazard Area.

(b) Complete substantial improvement/damage determinations in accordance with the provisions of Section 14-67(4).

(23) 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.

(24) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation.

Sec. 14-69. - CORRECTIVE PROCEDURES.

(1) Stop Work Order: The Floodplain Administrator may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations

(2) Notice of Violation. If the Floodplain Administrator determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

(a) The name and address of the owner or the applicant or the responsible person;

(b) The address or other description of the site upon which the violation is occurring;

(c) A statement specifying the nature of the violation;

(d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;

(e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;

(f) A statement that the determination of violation may be appealed to the Board of Adjustment by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).

(3) Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city shall first notify the owner, applicant or other responsible person in writing of its intended action. The city shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, the city may take or impose any one or more of the following enforcement actions or penalties:

(a) Termination of utility service and/or withhold or revoke Certificate of Occupancy: The city may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violation or violations described therein.

(b) Suspension, revocation, or modifications of permit: The city may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the

applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(c) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a Class 1 misdemeanor pursuant to North Carolina General Statute § 143-215.58.

(i) Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100 per day. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of King from taking such other lawful actions, pursuant to North Carolina General Statute § 153A, 160A, and 160D, as is necessary to prevent or remedy any violation.

(ii) Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.

(d) Civil Penalties. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall subject the violator to a civil penalty as provided in this section. The procedures authorized by this subsection is an additional and alternative remedy available to the city independent of other remedies or enforcement procedures.

(i) Amount. A violation of any provision of this chapter shall subject the violator to a civil penalty of one hundred dollars ($100.00). Each day that a violation continues after the violator has been cited for the violation shall constitute a separate and distinct violation, subject to an additional civil penalty of one hundred dollars ($100.00) for each such day.

(ii) Issuance of citation. A civil penalty under this section shall be assessed by written citation. The citation may be issued by a police officer of the city or by the city manager or the city manager's designee. A citation issued under this section assesses only a civil penalty and is not, and shall not be treated as, a criminal citation, criminal summons, or infraction citation. Each citation issued under this section shall: (1) identify the provision(s) of this chapter violated; (2) describe the violation with reasonable particularity, including the date, time, and location of the violation; (3) state the amount of the civil penalty assessed; and (4) state the date by which the civil penalty must be paid.

(iii) Payment. A civil penalty assessed under this section shall be paid to the city within thirty (30) days after the date the citation is issued.

(iv) Collection. If a civil penalty assessed under this section is not paid within the time period stated in subsection (d)(iii) of this section, the city may recover the civil penalty, together with all costs allowed by law, by filing a civil action in the nature of debt in the General Court of Justice, as authorized by G.S. 160A-175(c).

(4) Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

(a) Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the Board of Adjustment. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within thirty (30) days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.

(b) All appeals shall be heard and decided by the community's designated Appeal Board, which shall be the Board of Adjustment. The Appeal Board shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any

monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a quasi-judicial decision, the decision of the Appeal Board shall be final.

(c) A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. The petition shall be received by the clerk of superior court within 30 days of the date of the local governing body decision.

(5) Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.

Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

Sec. 14-70. - VARIANCE PROCEDURES.

(1) The Board of Adjustment as established by the City of King, shall hear and decide requests for variances from the requirements of this ordinance.

(2) Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Court, as provided in Chapters 7A and 160D of the North Carolina General Statutes.

(3) Variances may be issued for:

(a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

(b) Functionally dependent facilities if determined to meet the definition as stated in Section 14-35 of this ordinance, provided provisions of Section 14-70(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

(c) Any other type of development provided it meets the requirements of this Section.

(4) In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location as defined under Section 14-35 of this ordinance as a functionally dependent facility, where applicable;

(f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(5) A written report addressing each of the above factors shall be submitted with the application for a variance.

(6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

(7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the 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 a structure 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.

(8) 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.

(9) Conditions for Variances:

(a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

(b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances shall only be issued prior to development permit approval.

(e) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship; and

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

(10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(a) The use serves a critical need in the community.

(b) No feasible location exists for the use outside the Special Flood Hazard Area.

(c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection

Elevation.

(d) The use complies with all other applicable federal, state and local laws.

(e) The City of King 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, in accordance with North Carolina General Statutes §143-215.54A(b).

Sec. 14-71 – 14-95. – Reserved.

DIVISION 3. - PROVISIONS FOR FLOOD HAZARD REDUCTION.

Sec. 14-96. - GENERAL STANDARDS.

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

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

(a) Replacements part of a substantial improvement must also meet the above provisions.

(b) 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 comply with the standards for new construction consistent with the code and requirements for the original structure.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the

other requirements of this ordinance.

(9) 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 14-70(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 14-67(3).

(10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(11) 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.

(12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(13) 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. 1344.

(14) 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.

(15) When a building or structure is located in more than one flood hazard zone or in a flood hazard zone with multiple base flood elevations, the provisions for the more restrictive flood hazard zone and the highest BFE shall apply.

(16) Structural fill shall not be used unless design and construction of the structural fill accounts for the following:

(a) consolidation of the underlying soil under the weight of the fill and the structure,

(b) differential settlement due to variations in fill composition and characteristics, and

(c) slope stability and erosion control during conditions of the base flood.

Sec. 14-97. - SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Section 14-37 the following provisions, in addition to the provisions of Section 14-96, are required:

(1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Section 14-35 of this ordinance.

(2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 14-35 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation (RFPE) in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 14-103(2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 14-67(3), along with the operational plan and the inspection and maintenance plan.

(3) Manufactured Homes.

(a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Section 14-35 of this ordinance.

(b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Section 14-97(4).

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

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

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

(b) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

(c) Shall 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 openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

(1) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(2) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

(3) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

(4) 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;

(5) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

(6) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(d) Shall not be temperature-controlled or conditioned.

(e) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space; the City of King will have the right to inspect the enclosed area. The City of King will conduct annual inspections. This agreement shall be recorded with the Stokes or Forsyth County Register of Deeds and shall transfer with the property in perpetuity.

(5) Additions/Improvements.

(a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination

with any interior modifications to the existing structure are:

(1) 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) 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 must comply with the standards for new construction.

(b) 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.

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

(1) 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.

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

(d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 30 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 5-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. 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.

(6) Recreational Vehicles. Recreational vehicles shall meet the following:

(a) Placement of a Recreational Vehicle in the Regulatory Floodway *or Non-Encroachment Area* is prohibited. This includes both temporary and permanent placement.

(b) Temporary Placement

(1) Be on site for fewer than 180 consecutive days; or

(2) 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.)

(c) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be

submitted in writing to the Floodplain Administrator for review and written approval:

(a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

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

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

(d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

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

(8) Accessory Structures.

(a) When accessory structures (sheds, detached garages, etc.) with a footprint of no more than 600 square feet are placed within A, AO, AH, AE and A99 flood zones, wet floodproofing may be permitted when the following criteria are 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 the provisions of Section 14-96(1);

6 All service facilities such as electrical shall be installed in accordance with the provisions of Section 14-96(4); and

7 Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 14-97(4)(c).

(b) All other accessory structures exceeding the size restrictions in Section 14-97(8)(a) above must comply with the elevation or floodproofing standards and certification requirements in accordance with Section 14-67(3) and Section 14-97(2).

An accessory structure with a footprint of 150 square feet or less in A, AO, AH, AE and A99 zones satisfying the criteria outlined above in Section 14-97(8)(a) is not required to meet the elevation or floodproofing certification requirements of Section 14-67(3). All other accessory structures must comply with the elevation or floodproofing certification requirements in accordance with Section 14-67(3).

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

(a) 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;

(b) 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;

(c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 14-97(2) of this ordinance 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.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

(1) 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

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

(a) 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 14-102 of this ordinance.

(b) 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 14-102 of this ordinance.

(c) 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 14-102 of this ordinance.

(d) Commercial storage facilities are not considered "limited storage" as noted in this ordinance and shall be protected to the Regulatory Flood Protection Elevation as required for non-residential structures.

Sec. 14-98. – Reserved.

Sec. 14-99. - STANDARDS FOR AREAS OUTSIDE THE SPECIAL FLOOD HAZARD AREA - X ZONES (SHADED/UNSHADED).

Areas designated as X Zones (Shaded or Unshaded) on the FIRM or in the FIS report established in Section 14-37, are areas determined to be low to moderate risk flood zones but are not immune to inundation by flood waters. The following provisions, in addition to the provisions of Sections 14-96 and 14-97, shall apply to all development within such areas:

(1) Where 0.2-percent-annual-chance water surface elevations are provided, the reference level in Zone X (Shaded) shall be elevated or floodproofed to at least the 0.2-percent-annual-chance water surface elevation or the Regulatory Flood Protection Elevation, whichever is higher.

(2) Where no flood hazard data is available or provided per Section 14-37:

(a) the reference level shall be elevated or floodproofed, pursuant to Section 14-97, to at least 2-feet above the highest adjacent grade; or

(b) meet the requirements of Section 14-99(4).

(3) Where Advisory Flood Studies provide base flood elevations, the reference level shall be elevated or floodproofed, pursuant to Section 14-97, to at least the advisory BFE plus a freeboard of 2-feet.

(4) Where a Community Flood Hazard Area (CFHA) is established per Section 14-37, the reference level shall be elevated or floodproofed, pursuant to Section 14-97, to at least the CFHA flood elevation plus a freeboard of 2-feet.

Sec. 14-100. - STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 14-37, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Section 14-96, shall apply:

(1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

a. When 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 14-96 and 97.

b. 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 14-97 and 14-102.

c. 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 14-97 and utilized in implementing this ordinance.

d. When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (non-residential) to or above the Regulatory Flood Protection Elevation, as defined in Section 14-35. All other applicable provisions of Section 14-97 shall also apply.

Sec. 14-101. - STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

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

(1) Standards of Sections 14-96 and 97; and

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

Sec. 14- 102. - STANDARDS FOR FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 14-37. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters

that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 14-96 and 97, shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

(a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

(b) A Conditional Letter of Map Revision (CLOMR) has been issued by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment.

(c) A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with Section 14-102(1)(a), if the encroachment results in changes to the floodway/non-encroachment area widths, and/or changes to the stream location.

(2) If Section 14-102(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(3) Manufactured homes may be permitted provided the following provisions are met:

(a) The anchoring and the elevation standards of Section 14-97(3); and

(b) The encroachment standards of Section 14-102(1).

(4) Placement of recreational vehicles in the regulatory floodway or non-encroachment area is prohibited.

Sec. 14-103. - STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Section 14-37, 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 14-96 and 97, all new construction and substantial improvements shall meet the following requirements:

(1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 4-feet, above the highest adjacent grade; or at least 4-feet above the highest adjacent grade if no depth number is specified.

(2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 14-103(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Section 14-67(3) and Section 14-97(2).

(3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Sec. 14-104. - STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Section 14-37, 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 14-96 and 97, all new construction and substantial improvements shall meet the following requirements:

(1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Sec. 14-105 – 14-125. – Reserved.

DIVISION 4. - LEGAL STATUS PROVISIONS.

Sec. 14-126. - EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted November 7, 1988, 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 the City of King enacted on November 7, 1988, as amended, which are not reenacted herein are repealed.

Sec. 14-127. - EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

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

Sec. 14-128. - 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.

Sec. 14-129. - EFFECTIVE DATE.

This ordinance shall become effective September 8, 2026.

ADOPTION CERTIFICATION

Flood Damage Prevention Ordinance

Chapter 14, Article II, City of King, North Carolina

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance (**Ordinance No. 2026-15**, amending Chapter 14 of the Code of Ordinances of the City of King, North Carolina) as adopted by the governing body of the City of King, North Carolina, on the **8th day of September 2026**.

WITNESS my hand and the official seal of the City of King, North Carolina, this the **8th day of September 2026**.

{SEAL}

GATEWAY TO THE FOOTHILLS
CITY OF KING
NORTH CAROLINA
INCORPORATED 1983
KING, N.C.

Nicole Branshaw

Nicole Branshaw, NCCMC
City Clerk
City of King, North Carolina

6C

CITY COUNCIL

Date: September 8, 2026

PUBLIC HEARING SIGN-UP SHEET

PUBLIC HEARING

PUBLIC HEARING: Moratorium Hearing Sign-Up Sheet

All persons who wish to speak MUST sign up for the Public Hearing. ALL SPEAKERS ARE LIMITED TO 3 MINUTES.

PLEASE PRINT ALL INFORMATION

NAME	ORGANIZATION (If Any)	ADDRESS	PHONE	PRO/CON	City Resident?
					□yes □no
					□yes □no
					□yes □no
					□yes □no
					□yes □no
					□
					□
					□
					□
					□
					□
					□
					□

BOARD: City Council
DATE: 9-8-2026
DOCUMENT #: 4 PAGES: 7

ORDINANCE NO. 2026-17

AMENDING CHAPTER 32

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND APPROVAL OF DEVELOPMENT APPROVALS FOR DATA CENTERS, CRYPTOCURRENCY MINING OPERATIONS, AND BATTERY ENERGY STORAGE SYSTEMS WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF KING, NORTH CAROLINA

WHEREAS, the City Council of the City of King ("City Council") is vested with authority under Article 8 of Chapter 160A and Chapter 160D of the North Carolina General Statutes to adopt ordinances regulating the use of land within the corporate limits of the City of King and within the City's extraterritorial jurisdiction, as established pursuant to G.S. 160D-202 and Sec. 32-3 of the Code of Ordinances of the City of King ("Code of Ordinances"), for the purpose of promoting the public health, safety, morals, and general welfare, as set forth in Sec. 32-1 of the Code of Ordinances; and

WHEREAS, G.S. 160D-107 authorizes local governments to adopt a temporary moratorium on any development approval required by law, subject to the requirements set forth therein, and Sec. 32-5(b) of the Code of Ordinances separately codifies this authority together with its accompanying procedural and substantive requirements; and

WHEREAS, jurisdictions across North Carolina and the nation have experienced a significant increase in development interest in large-scale data centers, cryptocurrency mining operations, and associated battery energy storage systems, driven by the rapid growth of cloud computing, artificial intelligence, and digital currency markets, and the City Council desires to ensure that the City's development regulations are prepared to address such uses, and any future inquiries or applications regarding such uses, before any such application is received; and

WHEREAS, Chapter 32 of the Code of Ordinances, including the Table of Uses set forth in Article IV (Sec. 32-201—Sec. 32-204), does not separately identify or list "data center," "cryptocurrency mining operation," or "battery energy storage system" (other than a battery storage system accessory to a solar energy system regulated under Sec. 32-260) as a distinct permitted or special use in any zoning district, meaning that any such use proposed within the City at this time would necessarily have to be evaluated, if at all, under an existing use category not designed or intended to address the specific impacts of such uses; and

WHEREAS, the City has historically relied upon the Stokes County comprehensive land use plan in the absence of a City-specific comprehensive plan; in 2025, the City Council authorized the preparation of the City's own comprehensive land use plan; in 2026, the City entered into a contract with Kimley-Horn and Associates, Inc. to oversee that planning process, which formally commenced in June 2026 and remains ongoing and incomplete as of the date of this Ordinance; and the City Council finds that approving development approvals for high-impact, atypical land uses such as data centers, cryptocurrency mining operations, and battery energy storage systems before that comprehensive planning process identifies appropriate land use policies, growth

patterns, and siting considerations for such uses risks approving development that is inconsistent with, or that forecloses options later recommended by, that plan; and

WHEREAS, data centers, cryptocurrency mining operations, and stand-alone battery energy storage systems present potential adverse impacts that are not adequately addressed by the City's existing development regulations, including but not limited to: (a) substantial water consumption for cooling purposes; (b) significant noise generation from cooling equipment, backup generators, and related mechanical equipment; (c) fire, safety, and hazardous materials concerns associated with the storage of large quantities of lithium-ion or other battery cells and backup fuel; and (d) land use compatibility concerns where such facilities are located in or near residential, agricultural, or other sensitive zoning districts or uses; and

WHEREAS, the City Council finds that additional time is needed for City staff and the Planning Board to study these issues, to evaluate whether and how the Table of Uses and other provisions of Chapter 32 should be amended to specifically address data centers, cryptocurrency mining operations, and battery energy storage systems, to consider appropriate performance standards — including without limitation noise limitations, buffering and screening, setbacks, fire and life-safety standards, and decommissioning requirements — to determine whether such uses should be permitted by right, by special use permit, by development agreement, or otherwise, and to investigate whether, and to what extent, any such interim standards can be coordinated with the City's ongoing comprehensive land use planning process described above, it being understood that the incomplete status of that process may limit the extent to which such coordination is presently achievable; and

WHEREAS, the City Council has considered alternative courses of action, including relying on existing use categories and development standards, processing any applications under the City's general administrative procedures without modification, or adopting a hastily prepared text amendment without adequate study and public input, and has determined that each such alternative is inadequate because it would not provide sufficient time to develop appropriate, tailored standards consistent with the City's comprehensive plan and the protection of the public health, safety, and welfare; and

WHEREAS, the City Council finds that a moratorium of sixty (60) days is reasonable in duration and reasonably necessary to allow City staff and the Planning Board time to for study and drafting, as described herein, and does not exceed the time necessary to correct, modify, or resolve the conditions described herein; and

WHEREAS, this moratorium is not adopted for the purpose of developing or adopting new or amended plans or development regulations governing residential uses, and no residential use is subject to this moratorium; and

WHEREAS, the City Council, having called for and conducted a duly noticed legislative hearing on September 8, 2026, with notice published in a newspaper of general circulation in the City not less than seven (7) days prior to the date of the hearing in accordance with G.S. 160D-107(b) and Sec. 32-5(b)(2) of the Code of Ordinances, and having considered all public comment received at said hearing, finds that adoption of this Ordinance is necessary to protect the public health, safety, and welfare of the City's residents pending the adoption of appropriate development

regulations addressing data centers, cryptocurrency mining operations, and battery energy storage systems.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of King, North Carolina, that:

Section 1. Definitions. For purposes of this Ordinance, the following terms shall have the meanings ascribed below (new definitions added to the Code of Ordinances by reference for the duration of this Ordinance):

(a) Data Center. Any building, structure, or group of buildings or structures, or any portion thereof, containing one or more large-scale computer systems, server installations, or networked server computers, together with associated cooling, electrical, and backup power equipment, used or intended to be used for data storage, data processing, web hosting, cloud computing, application hosting, streaming services, artificial intelligence or artificial intelligence training, or other similar or related uses, processes, or services offered to, or used by, off-site users or locations.

(b) Cryptocurrency Mining Operation. Any building, structure, or group of buildings or structures, or any portion thereof, containing one or more large-scale computer systems or networked server computers used for computationally intensive applications such as blockchain technology, validation of blockchain transactions, cryptocurrency mining, or other similar or comparable functions.

(c) Battery Energy Storage System ("BESS"). Any stand-alone facility or installation consisting of one or more devices or systems that store electrical energy for later use or dispatch to the electrical grid, to a Data Center, or to a Cryptocurrency Mining Operation, other than a battery storage system that is clearly accessory and incidental to a solar energy system regulated under Sec. 32-260 of the Code of Ordinances and sized solely to serve the on-site principal use.

(d) Exclusions. The terms defined in this Section shall not include: (1) electronic gaming, internet sweepstakes, video sweepstakes, or similar uses regulated under Sec. 32-261 of the Code of Ordinances; (2) data processing, computing, or battery storage equipment that is clearly incidental and subordinate to a permitted principal use specifically identified in the Table of Uses set forth in Article IV of Chapter 32 (including, without limitation, hospitals, medical facilities, financial institutions, offices, and educational institutions), and that is intended solely to support the on-site operations of such principal use, provided that such equipment is not offered to, or used by, off-site users or off-site locations; or (3) any use for which a valid development approval has been issued, or a complete application accepted, prior to the effective date of this Ordinance, to the extent addressed in Section 7 below.

Section 2. Moratorium Imposed.

A temporary moratorium is hereby imposed, effective upon adoption of this Ordinance, upon the acceptance, processing, and approval of any development approval required by law — including, without limitation, zoning permits, building permits, special use permits, zoning map amendments

(rezonings), site plan approvals, and preliminary or final subdivision plat approvals — for the establishment, construction, erection, installation, alteration, or expansion of any Data Center, Cryptocurrency Mining Operation, or Battery Energy Storage System, as those terms are defined in Section 1, anywhere within the corporate limits of the City of King and within the City's extraterritorial jurisdiction as established pursuant to Sec. 32-3 of the Code of Ordinances and G.S. 160D-202.

Section 3. Statement of Problems or Conditions Necessitating the Moratorium; Alternatives Considered.

(a) The problems and conditions necessitating this moratorium are those described in the WHEREAS clauses of this Ordinance, including: (i) the absence of a specifically identified use category, development standards, or performance standards in Chapter 32 of the Code of Ordinances addressing Data Centers, Cryptocurrency Mining Operations, or Battery Energy Storage Systems; (ii) the significant water consumption, noise, fire and safety, and land use compatibility impacts associated with such uses; and (iii) the City's ongoing, and as-yet incomplete, comprehensive land use planning process being overseen by Kimley-Horn and Associates, Inc., which is intended to establish land use policies, growth patterns, and siting considerations that should inform — and not be undermined or foreclosed by — decisions approving high-impact, atypical uses such as those addressed by this Ordinance.

(b) The City Council considered, and rejected as inadequate, the following alternative courses of action: (1) taking no action and allowing such uses to be evaluated under existing, non-tailored use categories; (2) directing staff to process any applications for such uses under existing standards without a moratorium; (3) adopting a text amendment to Chapter 32 addressing such uses without a moratorium and without adequate time for study, drafting, and public engagement; and (4) deferring any interim action entirely until completion of the City's comprehensive land use planning process. The City Council finds that each such alternative is inadequate because alternatives (1) through (3) would not provide the time necessary for the City to develop appropriate, tailored standards prior to the potential submission and processing of an application for such a use, and alternative (4) is inadequate because the comprehensive planning process is not expected to conclude within a period consistent with the reasonable-duration requirements of G.S. 160D-107(a), making a short-term moratorium the more proportionate interim measure.

Section 4. Development Approvals Subject to Moratorium; Relationship to the Problems Identified.

The development approvals identified in Section 2 are subject to this moratorium because each constitutes a step in the approval process by which a Data Center, Cryptocurrency Mining Operation, or Battery Energy Storage System could be established, constructed, altered, or expanded within the City's jurisdiction under regulations that do not currently, and adequately, address the impacts described in Section 3. Pausing the acceptance, processing, and approval of such development approvals for the duration of this moratorium will allow the City to complete the study and regulatory drafting process described in Section 6 before any such use may be approved, thereby directly addressing the problems and conditions identified above.

Section 5. Duration; Termination Date.

This moratorium shall be effective as of the date of adoption of this Ordinance and shall terminate sixty (60) days thereafter, unless earlier terminated or subsequently extended by the City Council in accordance with G.S. 160D-107(e) and applicable law. The City Council finds that a sixty (60)-day duration is reasonably necessary, and does not exceed the time necessary, to complete the schedule of actions described in Section 6.

Section 6. Schedule of Actions to Be Taken During the Moratorium.

During the moratorium period, the following actions shall be taken:

(a) City planning staff shall research data center, cryptocurrency mining, and battery energy storage system regulations adopted by other North Carolina local governments, evaluate the impacts specific to the City of King, and prepare a preliminary draft of proposed text amendments to Chapter 32 addressing such uses, including proposed definitions, zoning district applicability, and performance standards. As part of this work, staff shall consult with Kimley-Horn and Associates, Inc. to investigate whether, and to what extent, it is feasible to coordinate any such interim standards with the City's ongoing comprehensive planning process, and shall report to the City Council whether such coordination is achievable within the moratorium period or whether the comprehensive planning process remains too preliminary at this time to inform interim standards.

(b) Staff shall present its preliminary research and any draft text amendment to the Planning Board at the Planning Board's next regularly scheduled meeting occurring during the moratorium period for review and discussion, and the Planning Board shall advise staff and the City Council whether it believes it will have sufficient information to conduct a formal public hearing on any proposed text amendment prior to expiration of the moratorium.

(c) The City Council shall receive a status update from staff and the Planning Board at the City Council's next regularly scheduled meeting(s) occurring during the moratorium period, and shall determine whether to proceed with a public hearing on a proposed text amendment to Chapter 32 prior to expiration of the moratorium, or whether, based on new facts or conditions, an extension of the moratorium is warranted in accordance with G.S. 160D-107(e).

(d) Prior to expiration of the moratorium, the City Council shall consider adoption of amendments to Chapter 32 addressing Data Centers, Cryptocurrency Mining Operations, and Battery Energy Storage Systems, or shall consider whether an extension of the moratorium is warranted under G.S. 160D-107(e).

Section 7. Exempt Projects.

Consistent with G.S. 160D-107(c), and absent an imminent threat to public health or safety, this moratorium shall not apply to: (a) any project for which a valid building permit issued pursuant to G.S. 160D-1110 is outstanding as of the effective date of this Ordinance; (b) any project for which a special use permit application has been accepted as complete as of the effective date of this Ordinance; (c) development set forth in a site-specific vesting plan approved pursuant to G.S.

160D-108.1; (d) development for which substantial expenditures have already been made in good-faith reliance on a prior valid development approval; or (e) preliminary or final subdivision plats accepted for review by the City prior to the call for the hearing on this Ordinance, provided that any such preliminary plat, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to this moratorium. If a complete application for a development approval subject to this moratorium was submitted prior to the effective date of this Ordinance, G.S. 160D-108(b) shall apply when permit processing resumes upon expiration or termination of the moratorium.

Section 8. Scope.

This moratorium applies throughout the corporate limits of the City of King and within the City's extraterritorial jurisdiction as established pursuant to Sec. 32-3 of the Code of Ordinances and G.S. 160D-202. This moratorium is not adopted for, and does not apply to, the development of any residential use.

Section 9. Conflict with Other Ordinances.

To the extent any provision of the Code of Ordinances conflicts with this Ordinance, this Ordinance shall control for the duration of the moratorium, after which the provisions of the Code of Ordinances in conflict herewith, if not otherwise amended, shall resume full force and effect.

Section 10. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 11. Expedited Judicial Review.

As provided in G.S. 160D-107(f), any person aggrieved by the imposition of this moratorium may apply to the General Court of Justice for an order enjoining its enforcement, and any such action shall be scheduled for expedited hearing with priority accorded in accordance with that statute.

Section 12. Effective Date.

This Ordinance shall become effective immediately upon adoption.

Adopted by the City Council of the City of King, North Carolina, this 8th day of September 2026, following a duly noticed legislative hearing held the same date.

CITY COUNCIL OF THE NORTH CAROLINA CITY OF KING

Richard E. McCraw

Richard E. McCraw, Mayor

ATTEST:

Nicole Branshaw

Nicole Branshaw, City Clerk

BOARD: City Council
DATE: 9-8-2026
DOCUMENT #: 5 PAGES: 2

RESOLUTION NO. 2026-21

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE KING CHAMBER OF COMMERCE, INC. FOR CITY-OWNED PROPERTY LOCATED AT 110 W. KING STREET

WHEREAS, the City of King, North Carolina (the "City") is a municipal corporation organized and existing under the laws of the State of North Carolina, and pursuant to N.C. Gen. Stat. § 160A-11, possesses corporate powers to be exercised by the City Council under N.C. Gen. Stat. § 160A-12; and

WHEREAS, N.C. Gen. Stat. § 160A-272 authorizes the City to lease or rent City-owned property for such terms and upon such conditions as the City Council may determine, for a term not longer than ten (10) years, provided that the City Council determines that the property will not be needed by the City for the term of the lease, and provided further that the lease is authorized by resolution of the City Council adopted at a regular meeting held upon not less than thirty (30) days' public notice describing the property to be leased, stating the annual rental or lease payments, and announcing the City Council's intent to authorize the lease at its next regular meeting; and

WHEREAS, the City owns the building located at 110 W. King St. (Old Hwy 52), King, North Carolina 27021 (the "Building"), and the City Council finds that the uppermost floor of the Building, consisting of approximately 2,400 square feet (the "Premises"), will not be needed by the City for municipal purposes during the term of the proposed lease; and

WHEREAS, The King Chamber of Commerce, Inc., a North Carolina non-profit corporation (the "Chamber"), has requested to lease the Premises from the City for use as nonprofit or business office space; and

WHEREAS, on August 6, 2026, the City Clerk caused to be published a Notice of Intent to Lease City Property, pursuant to N.C. Gen. Stat. § 160A-272, describing the Premises to be leased, stating the annual rental or lease payments, and announcing the City Council's intent to consider a resolution authorizing the lease at its regular meeting to be held on September 8, 2026, at 6:00 p.m., which notice was published not less than thirty (30) days prior to such meeting; and

WHEREAS, the proposed Lease Agreement between the City, as Landlord, and the Chamber, as Tenant (the "Lease"), provides for a term commencing September 1, 2026, and expiring August 31, 2029, with Base Rental of $18,000.00 for the period September 1, 2026, through August 31, 2027 (payable in monthly installments of $1,500.00); $18,360.00 for the period September 1, 2027, through August 31, 2028 (payable in monthly installments of $1,530.00); and $18,912.00 for the period September 1, 2028, through August 31, 2029 (payable in monthly installments of $1,576.00), together with a security deposit of $1,500.00, all as more particularly set forth in the Lease; and

WHEREAS, the City Council finds that leasing the Premises to the Chamber serves a valid public purpose by supporting the Chamber's mission of promoting business and economic development within the City, and that the terms of the Lease are fair and reasonable and in the best interest of the City; and

WHEREAS, the City Council desires to authorize the City Manager, on behalf of the City, to execute the Lease and to take such further actions as may be necessary to carry out the intent of this Resolution;

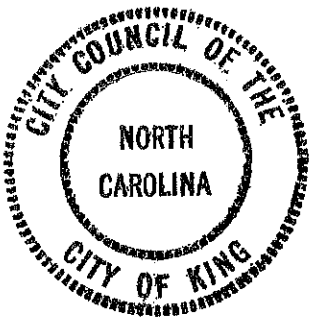
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of King, North Carolina, that the City Council hereby determines that the Premises will not be needed by the City for municipal purposes during the term of the Lease, and hereby approves the Lease Agreement with The King Chamber of Commerce, Inc., in substantially the form presented to the City Council; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Lease, and any related documents necessary or appropriate to complete the transaction, on behalf of the City of King; and

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

ADOPTED this 8TH day of September 2026.

seal



Richard E. McCraw, Mayor

ATTEST:

Nicole Branshaw, City Clerk