

Ordinance No. 2020-12

VILLAGE OF SUGAR MOUNTAIN

AN ORDINANCE TO AMEND §154.148 TO SPECIFY THE REQUIREMENTS OF A CERTIFICATE OF ZONING COMPLIANCE

WHEREAS, the Village of Sugar Mountain is a Municipal Corporation and political subdivision of the State of North Carolina; and

WHEREAS, the Village of Sugar Mountain desires to maintain a high standard for the quality of life for its citizens, visitors, and guests; and

WHEREAS, North Carolina General Statutes § 160A-360 *et seq.* authorizes the Village of Sugar Mountain to enact ordinances and regulations to address land use and planning within the jurisdiction of the Village of Sugar Mountain to promote the health, welfare, and safety of the Village of Sugar Mountain; and

WHEREAS, the Village of Sugar Mountain is a vacation and tourism destination which prides itself on the scenic nature of its community; and

WHEREAS, in order to more accurately reflect the process and information needed for the issuance of a Certificate of Zoning Compliance, the Village Council finds that it is appropriate to amend the ordinance to require property owners to present the information requested in the ordinance amendment below, so as to enable the zoning administrator to make an informed decision as to whether to issue a Certificate of Zoning Compliance.

NOW THEREFORE be it resolved by the Village Council of the Village of Sugar Mountain as follows:

SECTION I. Title XV, Chapter 154.148: Certificate of Zoning Compliance, of the Village of Sugar Mountain Code of Ordinances, is hereby amended to read as follows:

(A) Prior to both the issuance of a certificate of zoning compliance by the Village Zoning Administrator and the issuance of a building permit by the County Inspections Department, no building or other structure may be erected, moved, extended, enlarged, or structurally altered, or any excavation or filling of any lot for the construction of any building be commenced until the Village Zoning Administrator has issued a certificate of zoning compliance for such work. The Zoning Administrator shall not grant a certificate of zoning compliance for the construction or alteration of any building or structure of the building or structure as proposed to be constructed or altered would be in violation of any provision of this chapter. The Zoning Administrator shall verify that the proposed building or structure meets all dimensional requirements of this chapter in accordance with the information contained in the application and on inspection of the site. Recognizing that the preservation of existing trees provides numerous benefits to the community, the Village Council is implementing tree preservation regulations.

(B) The primary goal is to preserve, at a minimum, 20% of the existing tree canopy on properties targeted for development. To achieve the village's tree preservation goals, elected officials need the support of the citizens in the community. For all practical purposes, the preservation and care of these privately-owned trees is up to the residents of the community. No person,

directly or indirectly, shall remove any tree greater than four inches in diameter from applicable public or private property until the Zoning Administrator has issued a zoning compliance permit for the construction of any dwelling unit. Trees may be removed for areas designated as driveways, or those necessary for installing utilities.

(1) Application for certificate of zoning compliance. All applicants for certificates of zoning compliance shall be accompanied by plans, submitted in duplicate to the Zoning Administrator. The application and supporting plans and documentation shall include site plans drawn to scale, accurately showing the following information:

- (a) Property lines and corners;
- (b) Building setback lines and required yard areas;
- (c) Existing building and structures;
- (d) Utility easements, rights-of-way, culverts, and drainage ways;
- (e) Location of all utility lines and facilities on the lot;
- (f) Shape, size, use, and location of proposed buildings and structured to be erected or altered on the lot;
- (g) Other information required or necessary to provide for the enforcement of the provisions of this chapter;
- (h) Location of any land clearing, or tree removal associated with structures and other improvements, such as dwellings, parking areas, paths, walkways, driveways, water lines, sewer lines, or other utilities, garden areas, and the like;
- (i) Location of additional areas proposed for clearing or thinning for the purpose of grading, patios, views, and the like;
- (j) Location of trees to be saved and/or the locations where trees will be planted; and
- (k) If no substantial construction progress has been made within six months of the date of issuance of the certificate of zoning compliance, the Village Zoning Administrator may require the owner to replant tree(s) that have been removed, consistent with the village tree protection and preservation ordinance.

(2) Issuance of certificate of zoning compliance. The Zoning Administrator shall review the application and all supporting documentation for conformance with the provisions of this chapter and shall inspect the site, during a pre-construction conference with the developer, contractor, and project engineer, as applicable, to verify that the building or structure will meet all area and dimensional requirements. In order to perform this verification, it will be necessary that:

- (a) Property corners shall be permanently marked with iron pins or concrete monuments by a surveyor licensed in the state. The corners shall be flagged or marked for easy identification and verification of the building location by the Zoning Administrator; and

(b) The location of the proposed structure shall be marked by means acceptable to the Zoning Administrator. Once the Zoning Administrator has verified the application and the site meets all requirements, he or she shall issue a certificate of zoning compliance. One copy of all documents shall be retained by the Zoning Administrator.

(c) Requirements during construction:

1. Contractors are required to maintain a neat and orderly construction site, see Title IX §90.10 Nuisances.

2. Contractors will be allowed to perform work Monday through Saturday, beginning at (7) o'clock AM and ending by (8) o'clock PM. There will be no work performed on deliveries made on Sundays or Holidays.

3. Employees of the Village of Sugar Mountain and other authorized inspecting entities with whom the Village may contract shall have access to the site at all times.

4. Prior to commencing any land disturbing activities, all erosion control devices shall be installed and a graveled access for construction shall be constructed.

5. Prior to making any open cut of Village roads, the contractor shall have all underground utilities located and a road cut permit obtained from the Village Zoning Administrator.

6. Any utilities installed under a Village street shall be placed within a carrier pipe with the trench being no less than 18 inches deep. After placement of the carrier pipe, the area around the pipe shall be backfilled to a depth of six (6) inches above the crown of the pipe. This backfill shall be compacted to 95% of modified proctor. The remainder of the trench shall be backfilled and compacted in eight (8) inch lifts to 95% modified Proctor. The top eight (8) inches shall be asphalt binder course Type H or HB and the surface shall be (2) inches of asphalt, Type I-1 or I-2.

7. An engineer licensed in the State of North Carolina shall design any retaining walls as required by Avery County Planning and Inspections and/or the State of NC building code. All areas that are to be graded or have the vegetation removed and that are not covered with a building or gravel must be permanently seeded and mulched prior to receiving a certificate of zoning compliance, unless the builder or owner has made other arrangements for landscaping with the Zoning Administrator.

8. No construction vehicles or vehicles belonging to construction workers shall be parked on the pavement of any public road unless arranged in advance with the Public Works Department. Only materials and equipment that are to be used to build a portion of the project shall be stored on the construction site. If the construction site is inactive for a period of thirty (30) days or more, all materials shall be neatly stacked and secured from movement by wind, and all equipment shall be removed from the site. Ground areas that are disturbed more than ten (10) feet outside the footprint of the structure shall be temporarily seeded and mulched, graveled, or adequately mulched.

9. No vehicle equipped with tracks shall be permitted to travel on Village streets without the approval of the Village.

10. If, in the opinion of the Zoning Administrator or the Public Works Department, the material tracked on to the road creates a hazard, the developer shall immediately remove the material and take steps to continuously clean the road.

11. Vehicles are not allowed to damage roads. Any damage by a developer to a Village street, embankment, shoulder, or pavement during construction shall be repaired to the satisfaction of the Zoning Administrator or his or her designee within seventy-two (72) hours after the developer is notified in writing to make the repairs. If said damage creates a public safety hazard, the Village shall require immediate correction.

12. Any vehicle with a combination of dimensions over 8 .5 feet in width, 13.5 feet in height, and 60 feet in length is consider an oversized vehicle and will require a permit to travel on Village streets.

13. Before a Certificate of Zoning Compliance may be issued, all new construction requiring an E911 address shall have the address posted on the property in a manner conforming to the Village's requirements and the requirements of Avery County.

(3) Display of certificates. The certificate of zoning compliance and the building permit shall be displayed prominently on the temporary pole or on the job site's power source electric meter box, and made readily available for inspection during the normal working hours of 9:00 a.m. to 5:00 p.m., Monday through Friday.

(4) Fees. The Village Council may establish a fee for the issuance of certificates of zoning compliance.

(5) Construction progress. If no substantial construction progress has been made within six months of the date of issuance of the certificate of zoning compliance, or if the work authorized is suspended for a period of one year, the certificate becomes invalid.

(6) Status of ineligibility for permits. Any and all applicants that have been responsible for damage to village infrastructure and/or has an outstanding balance with the village shall be deemed ineligible to be granted any further permits within the village until such time that such balances and/or damages have been fully paid and or rectified. Likewise, any applicant contracting with a person and/or company who has been responsible for causing damage to the village infrastructure and/or has an outstanding balance with the village shall also be denied issuance of any permits within the village until such time that such balances and/or damages have been fully paid and/or rectified.

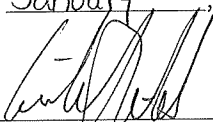
SECTION II. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the Village of Sugar Mountain Code of Ordinances as soon as practicable.

SECTION III. SEVERABILITY CLAUSE. If any section, part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Town Council in passing this Ordinance that its parts shall be severable and all other parts of the Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION IV. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Town Council for the Village of Sugar Mountain, North Carolina, at which a quorum was present and which was held on the 19 day of January, 2021.

ADOPTED this the 19 day of January, 2021.



Gunther Jochl, Mayor

ATTEST:

 (SEAL)

Tammy Floyd
Clerk to the Board

