

1 **THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN MET IN**
2 **REGULAR SESSION IN THE COMMISSIONERS' ROOM OF THE CRAVEN**
3 **COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN,**
4 **NORTH CAROLINA, ON MONDAY, JUNE 1, 2020. THE MEETING CONVENED AT**
5 **7:00 P.M.**

6
7 **MEMBERS PRESENT:**

8 Chairman Thomas F. Mark
9 Vice Chairman Jason R. Jones
10 Commissioner Denny Bucher
11 Chairman George S. Liner
12 Commissioner Theron L. McCabe

13
14 **MEMBERS ABSENT:**

15 Commissioner E. T. Mitchell
16 Commissioner Johnnie Sampson, Jr.

17
18 **STAFF PRESENT:**

19 Jack B. Veit, III, County Manager
20 Nan Holton, Clerk to the Board

21
22 **STAFF REMOTE:**

23 Craig Warren, Finance Director
24 Gene Hodges, Assistant County Manager
25 Amber Parker, Human Resources Director
26 Arey Grady, County Attorney
27 Jason Frederick, Planner II
28 Chad Strawn, Assistant Planning Director
29 Andrew Shorter, Airport Director
30 Steven Creel, Maintenance Director

31
32 Following the Pledge of Allegiance, County Attorney, Arey Grady, recited the following
33 invocation:

34
35 God, our Father, You guide everything in wisdom and love. "You are good and forgiving, full of love to all
36 who call upon You."

37
38 We now praise You for that love and rejoice in Your abundant blessing. You call us today to grow in the
39 knowledge of that love and invite us to receive Your blessings.

40
41 Accept the prayers we offer for our beloved County; protect us and keep us ever in Your sight. Fill these
42 Commissioners with Your holy wisdom, and may that wisdom lead to right action.

43
44 Strengthen all County Representatives as they labor for the common good and for what is just in Your
45 eyes. May true harmony, lasting freedom, and justice be secured for all so that there may be lasting
46 peace.

47
48 We ask this in Your most Holy Name.

49
50 Amen.

51
52 **Based upon the opening prayer given by Reverend Patrick Riffle the January 9, 2015 session of the**
53 **United States House of Representatives.**

54
55 Commissioner Liner motioned to approve the agenda, as presented, seconded by Commissioner
56 McCabe and approved unanimously.

57
58
59
60
61
62 **PUBLIC HEARING ON PROPOSED FY 2020-2021 BUDGET**
63

64 Chairman Mark stated the Board will go into public hearing, as advertised, to receive public
 65 input on the proposed FY 20-21 Budget, which was available to the public in the County
 66 Manager’s office and on the County’s website since May 18, 2020.

67
 68 At 7:06 p.m. Commissioner Liner motioned to go into public hearing, seconded by
 69 Commissioner Bucher and approved unanimously.

70
 71 Commissioner Jones stated that there were no citizens from the public that signed up to speak.

72
 73 At 7:07 p.m. Commissioner Jones motioned to come out of public hearing, seconded by
 74 Commissioner McCabe and approved unanimously.

75
 76 **FLOOD DAMAGE PREVENTION ORDINANCE PUBLIC HEARING**

77
 78 Jason Frederick, Planner II, stated that the Craven County Planning Board signed a Resolution of
 79 Planning Consistency on March 26, 2020 in support of the proposed amendments as required by
 80 NC General Statutes. The Board of Commissioners on May 18, 2020 voted in favor of holding a
 81 public hearing on June 1, 2020 to receive public comments on the proposed amendments. The
 82 proposed ordinance was posted for public review to the County’s website on May 18, 2020. As
 83 set forth in the NCGS two public notices were placed in the *Sun Journal* on May 21st and May
 84 28th.

85
 86 At 7:11 p.m. Commissioner Jones motioned to go into public hearing for the purpose of
 87 receiving comments on the proposed amendments to the Flood Damage Prevention Ordinance.
 88 The motioned was seconded by Commissioner McCabe and approved unanimously.

89
 90 Commissioner Jones stated that there were no citizens from the public that signed up to speak.

91
 92 At 7:12 p.m. Commissioner McCabe motioned to come out of public hearing, seconded by
 93 Commissioner McCabe and unanimously approved.

94
 95 **PETITIONS OF CITIZENS**

96
 97 There were no citizens from the public that signed up to speak.

98
 99 **CONSENT AGENDA**

100
 101 Commissioner Liner motioned to approve the consent agenda, inclusive of the Minutes of May
 102 18, 2020 Regular Session and May 22, 2020 Reconvened Minutes and Tax Releases.

103
 104 **Credits**

TAXPAYER NAME	TICKET#	AMOUNT
BLAIR, SCOTT MICHAEL CORRECTED DISCOVERED PROPERTY VALUE	2019-209269	\$53.62
BROWN, ROSA CARTER DWELLING VACANT	2019-207009	\$63.00
BROWN, ROSA CARTER DWELLING VACANT	2018-7370	\$41.04
BROWN, ROSA CARTER DWELLING VACANT	2017-7410	\$44.28
BROWN, ROSA CARTER DWELLING VACANT	2016-7331	\$47.52
CONNOR, JAMES CARTER DID NOT OWN JANUARY 1	2019-211451	\$11.22

126			
127	FISHER, MATT	2019-400069	\$1,052.89
128	CORRECTED DISCOVERED PROPERTY VALUE		
129			
130	FISHER, MATT	2019-400068	\$918.49
131	CORRECTED DISCOVERED PROPERTY VALUE		
132			
133	FISHER, MATT	2019-212681	\$802.70
134	CORRECTED DISCOVERED PROPERTY VALUE		
135			
136	GAYLE, RODNEY & ANTOINETTE B	2019-350045	\$447.09
137	DOUBLE BILLED		
138			
139	GAYLE, RODNEY & ANTOINETTE B	2019-350046	\$449.30
140	DOUBLE BILLED		
141			
142	GAYLE, RODNEY & ANTOINETTE B	2019-350047	\$479.50
143	DOUBLE BILLED		
144			
145	GAYLE, RODNEY & ANTOINETTE B	2019-350048	\$513.22
146	DOUBLE BILLED		
147			
148	GAYLE, RODNEY & ANTOINETTE B	2019-350049	\$481.04
149	DOUBLE BILLED		
150			
151	GAYLE, RODNEY & ANTOINETTE B	2019-350050	\$510.37
152	DOUBLE BILLED		
153			
154	HENDGES, KEVIN E & MELISSA H	2020-403220	\$756.74
155	DID NOT OWN JANUARY 1		
156			
157	HENDGES, KEVIN E & MELISSA H	2020-403219	\$674.76
158	DID NOT OWN JANUARY 1		
159			
160	HICKS, JESSICA ELIZABETH	2019-211539	\$6.91
161	DID NOT OWN JANUARY 1		
162			
163	HOWES, ASHLEY S	2019-211507	\$3,099.57
164	NOT TAXABLE TO CRAVEN COUNTY		
165			
166	RICHARDS, CLARENCE HRS	2010-43345	\$738.08
167	DID NOT OWN JANUARY 1		
168			
169	RICHARDS, CLARENCE HRS	2011-48198	\$702.76
170	DID NOT OWN JANUARY 1		
171			
172	RICHARDS, CLARENCE HRS	2012-48126	\$665.32
173	DID NOT OWN JANUARY 1		
174			
175	RICHARDS, CLARENCE HRS	2013-46180	\$619.99
176	DID NOT OWN JANUARY 1		
177			
178	RICHARDS, CLARENCE HRS	2014-47246	\$584.95
179	DID NOT OWN JANUARY 1		
180			
181	RICHARDS, CLARENCE HRS	2015-48412	\$549.91
182	DID NOT OWN JANUARY 1		
183			
184	RICHARDS, CLARENCE HRS	2016-48744	\$527.84
185	DID NOT OWN JANUARY 1		
186			
187			

188	RICHARDS, CLARENCE HRS	2017-48936	\$491.84
189	DID NOT OWN JANUARY 1		
190			
191	RICHARDS, CLARENCE HRS	2018-48929	\$455.84
192	DID NOT OWN JANUARY 1		
193			
194	TOTAL		\$15,787.79

DEPARTMENTAL MATTERS: PLANNING – ADOPTION OF FLOOD DAMAGE PREVENTION ORDINANCE

Jason Frederick, Planner II, stated that the FEMA approved flood maps, as provided by the North Carolina Flood Mapping Program, are set to go into effect on June 19, 2020 for Craven County. To remain in compliance with the National Flood Insurance Program the County is required to amend the current ordinance to reflect the newly revised State Model Flood Damage Prevention Ordinance (FDPO); which regulates development within the regulatory flood zone(s). Approving the amendments, as written, within the revised Flood Damage Prevention Ordinance will coincide with the adoption of the FEMA/State approved flood maps.

He reported that Preliminary flood maps were released to the County, and the public, through the State’s website (<https://fris.nc.gov>) for review on June 30, 2016. These maps were created using data collected from past hurricanes such as: Emily (1993), Fran (1996), Isabelle (2003) and Ophelia (2005) and two extratropical storms of 2006 as well as 600 + computer simulated storms. In general, while reviewing the maps staff observed some changes in base flood elevations, ranging from a reduction of 2’ (ft) to an increase of 3’ (ft) as well as a new flood zone identified as the Coastal High Hazard Area, more commonly referred to as the VE zone. The addition of a VE Zone will have minimal effect impacting only approximately 50 structures in the County’s jurisdiction. This new VE Zone reflects areas subject to wave action of up to 3’ (ft) which will result in new regulatory standards for development in these areas. Based on the most current data released by the State mapping program, Craven County (unincorporated) has the addition of 331 structures to the regulatory AE Floodzone and 438 removed structures; which resulted in a net loss of 107 structures overall. Mr. Frederick noted, for properties that have been removed from the AE Floodzone due to these map changes and have received flood damage in the past, staff encouraged these property owners to keep and maintain their flood insurance policy.

Since the release of these maps the Planning Department has used many methods to raise awareness to inform the public of the proposed flood map changes such as: notification on tax bills, announcements on the County’s website, public workshops/events, presentations to local organizations, outreach to each township as well as flood zone assistance via phone or in office meetings with the public. Failure to adopt the proposed amendments to the ordinance will result in loss of flood insurance for homeowners along with federally supported disaster assistance funds.

Changes to the County’s Flood Damage Prevention Ordinance can be largely found in:

- Article 2 Definitions- Clarifications and Additions
- Article 4 Administrative Process Clarifications
- Article 5 Floodplain Development Standards “Development Regulations” with new VE Zone
- Article 6 Legal Provision and Adoption

Mr. Frederick requested that the Board of Commissioners adopt the Craven County Flood Damage Prevention Ordinance and to authorize the Chairman to sign a Resolution of Planning Consistency in support of the proposed amendments. He informed them the ordinance would become effective June 19, 2020.

Commissioner Liner motioned to approve the Amended Flood Damage Prevention Ordinance and to authorize the Chairman to sign the Resolution of Planning Consistency, as requested, seconded by Commissioner McCabe and unanimously approved.

NOTE: The Amended Flood Damage Prevention Ordinance is attached to the end of these Minutes.

250
 251 The Commissioners made inquiries about how to get flood insurance, penalties involved, and if
 252 Mr. Frederick was confident that those being affected had been contacted. He addressed each of
 253 their questions and assured them that the Planning Department had conducted a great deal of
 254 outreach.

255
 256 **DEPARTMENTAL MATTERS: AIRPORT – FAA GRANT FUNDING REQUEST**

257
 258 Airport Director, Andrew Shorter, requested the County’s signature to accept the FAA federal
 259 funding grant.

260
 261 He stated that a supplemental grant was awarded for EWN last year to construct the new Aircraft
 262 Rescue and Firefighting building in the amount of \$5,248,016. The project has been bid and is
 263 awaiting grant authorization to award the contract to begin construction. The contract must be
 264 awarded prior to July 11, 2020 to remain within the 120 day bid period.

265
 266 Commissioner McCabe motioned to sign the FAA federal funding grant, as requested, seconded
 267 by Commissioner Bucher and approved unanimously.

268
 269 **DEPARTMENTAL MATTERS: FACILITIES**

270
 271 *Approval of Hurricane Florence Repair Work for Courthouse Complex*

272
 273 Assistant County Manager, Gene Hodges, reported that on December 2, 2019, the Craven
 274 County Board of Commissioners approved the selection of Barnhill Contracting Company as the
 275 Construction Manager at Risk (CM@R) for the repairs to the Courthouse/Emergency
 276 Services/Information Technology Facility (Courthouse). With this method of delivery, the
 277 design team and the CM@R team put together bid specs and designs into bid packages for the
 278 different trades related to this project (HVAC, elevators, plumbing, etc.)

279 There must be a minimum of three bids for each package to open on the first bid date. Bids were
 280 collected and opened virtually on April 21 (first round) and April 30 (re-bid). As a reminder,
 281 there were five main systems that needed to be replaced or repaired in this facility. These five
 282 systems are the elevator that services the sally port, fire pump/suppression system, boiler, chiller,
 283 and air handler. Initially, the plans and specs bid out installation of a portable/temporary air
 284 handler/chiller but the prices for this were in the \$500k-\$700k range, including the rental of the
 285 unit for the time it would be needed. It was decided to bid this out as permanent repair work
 286 instead. The bid documents are for a total amount of \$1,132,110, which includes replacement
 287 and rework of the elevator that services the sally port, installation of a boiler in the new location
 288 on the 3rd floor, and analysis and repair work to the fire suppression system to remove the
 289 requirement of the fire pump and service the fire sprinkler system with the flow from the
 290 municipal water system. The amounts that make up this amendment are as follows:

291
 292

Architect and Engineering Fees:	\$ 550,000
Construction Costs and CM@R Fees:	\$1,280,453
<u>Contingency (5% of construction costs):</u>	<u>\$ 64,000</u>
Total	\$1,894,453

295
 296

297 Once the County receives the bid for the permanent repairs to chiller and air handler, another
 298 project ordinance amendment and budget amendment will be brought back to the Board for
 299 approval.

300
 301 The request is for the Board of Commissioners to approve a project ordinance amendment and
 302 associated budget amendment in the amount of \$1,894,453 to fund this project and to authorize
 303 the County Manager to execute the agreement with Barnhill Contracting for this phase of the
 304 repairs to the Courthouse.

305
 306 Commissioner Liner motioned to approve the project ordinance amendment and associated
 307 budget amendment and (i) authorize the management team to amend the existing contract to
 308 serve the purposes and needs as presented/discussed and (ii) authorize the Chairman, the Vice-
 309 Chairman, Manager and Clerk to execute and deliver the contract once prepared and any other
 310 ancillary documents which may be required to fully implement the contract. The motion was
 311 seconded by Commissioner McCabe and in a roll call vote approved 5-0.

312
313 **Ordinance**

314
315 **Courthouse EOC Recovery Project**
316 **Fund 415**

317
318 This ordinance is hereby approved in the following amount for expenditure of the Courthouse
319 EOC Recovery Project.

320

321	Expenditures	
322	Architectural/Engineering Design Services	\$ 550,000.00
323	Construction	\$ 1,280,453.00
324	Contingency	\$ 64,000.00
325		
326	TOTAL	\$ 1,894,453.00

327
328 The following revenues are hereby estimated for the Courthouse EOC Recovery Project.

329

330	Revenues	
331	Transfer from General Fund	\$ 1,894,543.00
332		
333	TOTAL	\$ 1,894,543.00

334
335 **Budget Amendment**

336

337	REVENUES	AMOUNT	EXPENDITURES	AMOUNT
338				
339	4154200-39801	\$1,894,453.00	4154200-47505	\$ 550,000.00
340			4154200-47601	\$1,280,453.00
341			4154200-47659	\$ 64,000.00
342				
343	1010000-3901	\$1,894,453.00	1019800-49793	\$1,894,453.00
344	Current Year Fund Balance		Transfer to Projects	
345				
346	Journal entry (debt)		(credit)	
347	1019800-49793	\$1,894,453.00	4154200-39801	\$1,894,453.00
348	Transfer to Projects		Transfer to General Fund	
349				
350	TOTAL	\$1,894,453.00	TOTAL	\$1,894,453.00

351
352 **Justification:** Establishing original project ordinance for the Courthouse EOC Recovery
353 Project.

354
355 *Selection of Architect for Long Range Facility Improvement Program*

356
357 Mr. Hodges presented information on the selection of an architect for long range facility
358 improvement program. He stated that at the February 17, 2020 Board of Commissioners' work
359 session, there were several facility projects that were presented. At this meeting, the Board gave
360 direction to issue a Request for Qualifications (RFQ) to invite interested firms to submit their
361 qualifications to provide architectural, engineering, and design services on a number of capital
362 projects. These projects include:

- 363
- 364 1. Maintenance Facility located at 300 Howell Road.
 - 365 2. Maintenance Facility located on 308 New Street.
 - 366 3. New EOC/911/IT facility located at a new location –Phase 1.
 - 367 4. (A) New County Administration Building located at a new location—Phase 2.
 - 368 (B) New Board of Education Administration Building co-located at a new
 - 369 location—Phase 2.
 - 370 5. Rehabilitation of current Craven County Administration Building.
 - 371 6. Rehabilitation/Remodel of Craven County Tax Office.
 - 372 7. Rehabilitation/Remodel of vacant EOC/911/IT offices in Craven County Courthouse
 - 373 facility.

- 374 8. Rehabilitation/Remodel of Human Services Annex.
 375 9. New government multi-use office building located in Havelock.

376
 377 The RFQ was issued on March 25 and responses were due on April 21. Ten firms submitted
 378 responses, but after consultation with the County Attorney, only three firms were deemed
 379 responsive either due to timeliness or not providing the response in a form as prescribed in the
 380 RFQ. An evaluation team consisting of the Assistant County Manager, Facilities Director,
 381 Facilities Maintenance Coordinator, and Purchasing Agent was formed to review the responses
 382 and conduct electronic interviews.

383
 384 Based on these evaluations, staff recommend Oakley Collier Architects (OCA) be awarded this
 385 project.

386
 387 The team felt that OCA brought to this project a level of experience, current knowledge of our
 388 facilities, and a strong mix of sub-consultants necessary to complete this project within the
 389 guidelines and time line as provided in the RFQ. Additionally, Craven County's experience with
 390 OCA has been outstanding and projects have progressed timely and efficiently.

391
 392 Mr. Hodges highlighted that the next step will be negotiating a fee and terms of a contract with
 393 the selected firm and to begin refining the scope of these various projects.

394
 395 Mr. Hodges stated he wanted to put this all in perspective, that this is just requesting architects to
 396 submit designs for future projects, and the County is not committing to do all these projects at
 397 this time, it just puts the County in a good position of preparedness rolling forward, as this is a
 398 seven to ten year window of projects.

399
 400 Commissioner McCabe motioned to award the project to Oakley Collier Architects and (i)
 401 authorize the management team to prepare a contract to serve the purposes and needs as
 402 presented/discussed and (ii) authorize the Chairman, the Vice-Chairman, Manager and Clerk to
 403 execute and deliver the contract once prepared and any other ancillary documents which may be
 404 required to fully implement the contract. The motion was seconded by Commissioner Liner and
 405 approved unanimously.

406
 407 Discussion highlighted being able to prioritize the list, taking it slowly, and potentially even
 408 choosing not to do certain projects. The Havelock building is the only one that needs to be
 409 moved on soon.

410 **DEPARTMENTAL MATTERS: FINANCE –LOTTERY APPLICATION**

411
 412 Finance Director, Craig Warren, stated that each year the Board of Education and the Board of
 413 Commissioners jointly approve a project application to be submitted to the North Carolina
 414 Department of Public Instruction. This application is required in order to draw down lottery
 415 proceeds that have been allocated to Craven County in the Public School Building Capital Fund.
 416 These funds are restricted and can only be used for school construction projects or to retire debt
 417 incurred as a result of school construction projects.

418
 419 Commissioner Liner motioned to approve the project application, as requested, seconded by
 420 Commissioner Bucher and approved unanimously.

421 **APPOINTMENTS**

422 *Pending Appointments*

423
 424
 425 Chairman Mark reviewed the following pending appointments:

- 426
- 427
- 428
- 429 • Adult Care Home Advisory Committee
- 430 • Nursing Home Advisory Committee
- 431 • Recreation Advisory Committee
- 432 • Regional Aging Advisory Board
- 433 • Senior Legislative Tarheel Alternate
- 434

435 *Current Appointments*

436
437 *Emergency Medical Services Advisory Council*
438
439 Commissioner Jones nominated Tom Brubaker for reappointment to the EMS Advisory Council.
440 There being no additional nominations, Mr. Brubaker was reappointed by acclamation.

441
442 *Havelock Planning Board (ETJ)*
443

444 The Board was advised that the term of Marion Sykes is due to expire and he is not seeking
445 reappointment. Since there are no applications on file, the staff will get of list of names from
446 their ETJ to be contacted.

447
448 *Juvenile Crime Prevention Council*
449

450 Commissioner Liner motioned to reappoint Jennifer Dacey to the JCPC. Commissioner Mark
451 motioned to appoint Robert Brinson. There being no additional nominations, both were
452 reappointed and appointed by acclamation.

453
454 *Coastal Carolina Regional Airport Authority*
455

456 Chairman Mark read a letter of support for Charles Meekins and Jerry Jackson from Airport
457 Director, Andrew Shorter. Commissioner Jones motioned to table this decision until September
458 1, 2020. His motioned was seconded by Commissioner Liner and approved unanimously.

459
460 *Craven County Social Services Board*
461

462 Chairman Mark nominated Gwendolyn Bryan for appointment to the Craven County Social
463 Services Board. There being no additional nominations, Ms. Bryan was nominated by
464 acclamation.

465
466 *Upcoming Appointments*
467

468 Chairman Mark reviewed the following appointments to boards and committees due to expire
469 June 30, 2020

- 470
471
- 472 • Craven County Tourism Development Authority
 - 473 • Fire Tax Commissioners
 - 474 • Nursing Home Advisory Committee
 - 475 • Craven County ABC Board
 - 476 • Eastern Carolina Regional Housing Authority
 - 477 • New Bern Planning and Zoning Board

478 Commissioner Liner requested a list of whose terms are ending on these board and committees.
479 Clerk to the Board, Nan Holton, stated that she will send out a list to the Commissioners via
480 email.

481
482 County Manager, Jack Veit, inserted that the Craven Community College Board of Trustees will
483 also be addressed at the June 15, 2020 meeting.

484 **COUNTY ATTORNEY'S REPORT**

485
486
487 *Final Offer to Purchase Real Property Parcel #9-046-115*
488

489 County Attorney, Arey Grady, presented an offer previously received and tentatively approved
490 by Craven County in the amount of \$1,300.00 for this property, which was acquired through a
491 tax foreclosure. The total taxes and costs that were foreclosed were \$2,344.21. The current tax
492 value is \$4,730.00. The offer was advertised, and there were no upset bids, the final bid being
493 \$1,300.00.

494
495 Commissioner Liner motioned to adopt the resolution to accept the final sale, seconded by
496 Commissioner Jones and approved unanimously.

497

RESOLUTION
New Bern, North Carolina
Tax Parcel Number 9-046-115

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THAT WHEREAS, Craven County has received an offer to purchase a parcel of property owned by the County, identified as Tax Parcel Number 9-046-115, and being more particularly described herein; and,

WHEREAS, the Board of Commissioners is authorized to sell the County's interest in the property pursuant to North Carolina General Statute §160A-269; and,

WHEREAS, the offer to purchase was advertised as required by said statute; and

WHEREAS, the final offer to purchase, after the upset bid period, was for the sum of \$1,300.00 by Charles Petersen; and,

WHEREAS, the Board of Commissioners deems it advisable and in the best interest of the County to sell its interest in the subject property to the successful bidder and to convey its interest in said property by quitclaim deed.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CRAVEN COUNTY:

Section 1. That the last and highest bid of Charles Petersen in the sum of \$1,300.00 for said parcel identified as Tax Parcel Number 9-046-115, and being more particularly described herein, be and the same is hereby accepted as to the County's interest in said property, and the Chairman, County Manager and/or Clerk be and they are hereby authorized and directed to execute a quitclaim deed to the purchaser for the County's interest in said property, and to further execute any and all other documents related to the sale of the same.

Section 2. That a copy of said quitclaim deed is attached hereto and incorporated herein by reference, and the original deed shall be delivered to said purchaser once the same has been executed on behalf of the County, upon payment of the purchase price.

Section 3. That the subject property is more particularly described as follows:

All that certain lot or parcel of land lying and being situate in Number Nine (9) Township, Craven County, North Carolina, and being more particularly described as follows:

All of that certain property more fully described in Deed Book 3501, Page 1393 in the Craven County Registry. This property is also commonly referred to by its tax parcel identification number which is 9-046-115.

Initial Offer to Purchase Real Property – 2203 Chestnut Ave. New Bern, NC #8-037-001

Mr. Grady presented an offer previously received and approved by Craven County and the City of New Bern the amount of \$375.00 for this property, which was acquired through a tax foreclosure. The total taxes and costs that were foreclosed were \$4,179.83. The current tax value is \$750.00. The offer was advertised, and there was an upset bid in the amount of \$450.00. This offer was advertised and there were no upset bids, the final bid being \$450.00. The County granted final approval on March 16, 2020. However, the high bidder decided not move forward with the closing. The City has since contacted the initial bidder who has reinstated a bid of \$375.00.

In accordance with historical practice, the County allows the municipality jointly owning foreclosed property to "take the lead" in situations involving jointly owned property, meaning the County allows the municipality to make the decision on the suitability of an initial offer, and in turn, assuming County approval, the municipality prepares the necessary contract, deed and

549 upset bid advertisement. Finally, assuming final approval by the municipality and the County
 550 after the expiration of the bid process, the municipality attends to the recordation of the deed to
 551 the high bidder, collects the purchase price and remits the County’s share. As noted above, in
 552 the present case the City of New Bern has approved the initial bid and requested the County to
 553 do the same.

554
 555 Should the County accept this Offer, then the property will be advertised for upset bids by the
 556 City of New Bern in accordance with the General Statutes. Once no further upset bids are timely
 557 received, the County and City may accept or reject the final offer.

558
 559 Commissioner Liner motioned to adopt the resolution to accept the initial offer and to allow the
 560 City of New Bern to advertise for upset bids, seconded by Commissioner McCabe and
 561 unanimously approved.

562
 563 **CRAVEN COUNTY**

564 **RESOLUTION**

565 THAT WHEREAS, Craven County has received an Offer to Purchase a parcel of
 566 property owned by it identified as 2203 Chestnut Ave., New Bern, NC, Tax Parcel Number 8-
 567 037-001, and more particularly described Deed Book 3569, Page 529 in the Craven County
 568 Registry (hereinafter the “Real Property”), a copy of said offer is attached hereto as Exhibit A;
 569 and,

570 WHEREAS, the Board of Commissioners is authorized to sell the County’s interest in the
 571 property pursuant to the provisions of North Carolina General Statute §160A-269.

572 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
 573 OF CRAVEN COUNTY:

574 1. That the Board of Commissioners hereby authorizes the initiation of the upset bid
 575 process for the Real Property by advertising notice of the offer to purchase in accordance with
 576 the provisions of North Carolina General Statute §160A-269.

577 2. That the County Manager, Clerk and/or Attorney are authorized to take all actions
 578 necessary to accomplish the purposes of this Resolution.

579 ADOPTED THIS 1st DAY OF JUNE, 2020.

580 *Initial Offer to Purchase Real Property – S West Craven Middle School Road #9-048-181*

581
 582 Mr. Grady presented an offer received by Craven County in the amount of \$5,000.00 for this
 583 property, which was acquired through a tax foreclosure. The total taxes and costs that were
 584 foreclosed on were \$6,210.70. The current tax value is \$8,950.00.

585
 586 Should the County accept this offer, then the property will then be advertised for upset bids in
 587 accordance with the General Statutes. Once no further upset bids are timely received, the County
 588 may accept or reject the final offer.

589
 590 Commissioner McCabe motioned to adopt the resolution to accept the initial offer and to
 591 advertise for upset bids, seconded by Commissioner Liner and approved unanimously.

592
 593 **CRAVEN COUNTY**

594 **RESOLUTION**

595 THAT WHEREAS, Craven County has received an Offer to Purchase a parcel of
 596 property owned by it identified as S West Craven Middle School Road, New Bern, NC, Tax
 597 Parcel Number 9-048-181, and more particularly described Deed Book 3383, Page 228 in the
 598 Craven County Registry (hereinafter the “Real Property”), a copy of said offer is attached hereto
 599 as Exhibit A; and,

600 WHEREAS, the Board of Commissioners is authorized to sell the County's interest in the
601 property pursuant to the provisions of North Carolina General Statute §160A-269.

602 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
603 OF CRAVEN COUNTY:

604 1. That the Board of Commissioners hereby authorizes the initiation of the upset bid
605 process for the Real Property by advertising notice of the offer to purchase in accordance with
606 the provisions of North Carolina General Statute §160A-269.

607 2. That the County Manager, Clerk and/or Attorney are authorized to take all actions
608 necessary to accomplish the purposes of this Resolution.

609 ADOPTED THIS 1st DAY OF JUNE, 2020.

610 *Request from City of New Bern Regarding 209 Lawson Street, New Bern #8-011-162*

611
612 Mr. Grady stated that Craven County and the City of New Bern acquired this property through a
613 tax foreclosure. The City has started proceedings to condemn and demolish the dilapidated
614 improvements at these properties. The City has proposed to either have the County pay its pro-
615 rata share for demolition, or to transfer the County's interests to the City in which case the City
616 will be solely responsible for demolition cost.

617
618 It is recommended that the County donate its interest in the property to the City of New Bern
619 upon the condition that the City will be responsible for all costs of demolition.

620
621 Commissioner Liner motioned to donate the County's interest in the property to the City of New
622 Bern with a caveat that follow-up is conducted to ensure that demolition takes place. The motion
623 was seconded by Commissioner Bucher and approved unanimously.

624
625 Mr. Grady stated that he would communicate directly with the City Attorney to provide the
626 County confirmation of demolition.

627

628 **COUNTY MANAGER'S REPORT**

629

630 County Manager, Jack Veit, provided a brief update regarding the CARES Act Funding Plan that
631 was submitted. He thanked Finance Director, Craig Warren, and Assistant Finance Director,
632 Amanda White, for their rush to complete it.

633

634 Mr. Veit thanked the Board for their work during the Budget Work Sessions and sought their
635 thoughts on meeting one final time.

636

637 Mr. Veit expressed his sorrow over the passing of Carteret County Commissioner, Johnathan
638 Robinson, stating he meant a lot to him and served his constituents well.

639

640 **COMMISSIONERS' REPORTS**

641

642 *Commissioner Bucher* had nothing to report.

643

644 *Commissioner McCabe* had nothing to report

645

646 *Commissioner Liner* mentioned the absence of both Commissioner Mitchell due to health
647 concerns with her father, and Commissioner Sampson who was dealing with health issues of his
648 own and expressed the Boards concern for them both. He reminded the public that COVID 19 is
649 not over and to continue with safe practices.

650

651 *Commissioner Jones* relayed that he had been in discussion with Sheriff Hughes and upon
652 completion of an inventory of their Personal Protection Equipment (PPE) gear, they feel that
653 they lack adequate protective gear.

654 The need is for protective non-lethal gear, for two mobile field teams, consisting of 8-man teams
655 with enough equipment for two spares for a total of eighteen protective gear sets.

656

657 Commissioner Jones motioned to approve \$34,000 out of the Fund Balance to purchase 18
 658 protective gear sets for the Sheriff’s Office. His motion was seconded by Commissioner
 659 McCabe and carried unanimously in a 5-0 roll call vote.

660 *Sheriff’s Department*

663	REVENUES	AMOUNT	EXPENDITURES	AMOUNT
664				
665	1010000-39901	\$34,000	1014310-43240	\$30,000
666	Current Year Fund Balance		Supplies – Other	\$ 4,000
667			Uniforms	
668				
669	TOTAL	\$34,000.00	TOTAL	\$34,000.00

671 Commissioner Jones commended the staff for all of their hard work on the budget and stated he
 672 appreciated how the Board has worked well together through strong debates.

673
 674 County Manager, Jack Veit, provided a COVID 19 update from the day. He stated Craven
 675 County has 208 total cases, and that currently 108 are active, of which three are hospitalized; and
 676 99 have recovered. There have been five deaths. He indicated he stays in contact with the
 677 Health Director and a lot of testing has been done. Given the recent spike in numbers due to a
 678 cluster situation, the recovered numbers should soon rise above the active cases.

680 *Chairman Mark* commented that he hopes everyone continues to social distance, wash their
 681 hands and wear a mask.

683 Commissioner Bucher motioned to recess until 4:00 p.m. on Wednesday, June 3, 2020. His
 684 motion was seconded by Commissioner Jones and approved unanimously.

685 **FLOOD DAMAGE PREVENTION ORDINANCE**

686 **Coastal Regular Phase**

687
 688
 689
 690 **ART. 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.....1**
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 692 **ART. 3. GENERAL PROVISIONS10**
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 695 **ART. 6. LEGAL STATUS PROVISIONS32**

696
 697 **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

698
 699 **Sec. 18-1 STATUTORY AUTHORIZATION.**

700
 701 The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153 A; Article 8 of
 702 Chapter 160A; and Article 7, 9 and 11 of Chapter 160D (Effective January 1, 2021) of the North Carolina General Statutes,
 703 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and
 704 general welfare of its citizenry.

705
 706 Therefore, the Board of Commissioners of Craven County, North Carolina, does ordain as follows:

707
 708 **Sec. 18-2 FINDINGS OF FACT.**

709
 710 The flood prone areas within the jurisdiction of Craven County are subject to periodic inundation which results in loss of life,
 711 property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures
 712 of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and
 713 general welfare.

714
 715 These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and
 716 velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are
 717 inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

718
 719 **Sec. 18-3 STATEMENT OF PURPOSE.**

720
 721 It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses
 722 due to flood conditions within flood prone areas by provisions designed to:

- 723
 724 (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which
 725 result in damaging increases in erosion, flood heights or velocities;
 726
 727 (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the
 728 time of initial construction;
 729

730 Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the
731 accommodation of flood waters;
732
733 Control filling, grading, dredging, and all other development which may increase erosion or flood damage; and,
734
735 Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood
736 hazards to other lands.
737

Sec. 18-4 OBJECTIVES.

739 The objectives of this ordinance are:

740
741
742 (1) To protect human life and health;
743
744 (2) To minimize expenditure of public money for costly flood control projects;
745
746 (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the
747 general public;
748
749 (4) To minimize prolonged business losses and interruptions;
750
751 (5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines,
752 streets, and bridges) that are located in flood prone areas;

753 Minimize damage to private and public property due to flooding;

754 Make flood insurance available to the community through the National Flood Insurance Program;

755 Maintain the natural and beneficial functions of floodplains;

756
757 To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to
758 minimize flood blight areas; and,
759
760 To ensure that potential homebuyers are notified that property is in a Special Flood Hazard Area.
761
762

DEFINITIONS.

Sec. 18-5 Definitions.

766 Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning
767 they have in common usage and to give this ordinance its most reasonable application.
768
769
770 “Accessory Structure (Appurtenant Structure)” means a structure which is located on the same parcel of property as the principal
771 structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common
772 urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be
773 located on the same parcel as the farm dwelling or shop building.
774
775 “Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.
776
777 “Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or
778 change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede,
779 retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.
780
781 “Appeal” means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.
782
783 “Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base
784 flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not
785 exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
786
787 “Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”
788
789 “Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
790
791 “Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood
792 Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering
793 studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when
794 combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.
795
796 “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.
797
798 “Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and
799 construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the
800 supporting foundation system.
801
802 “Building” see “Structure”.
803
804 “Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of
805 any chemical or chemically reactive products.
806
807 “Coastal Area Management Act (CAMA)” means North Carolina’s Coastal Area Management Act, this act, along with the
808 Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of
809

810 Environmental Quality (NCDEQ) Division of Coastal Management (DCM).
811
812 “Coastal A Zone (CAZ)” means an area within a special flood hazard area, landward of a V zone or landward of an open coast
813 without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges,
814 seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than
815 or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))
816
817 “Coastal Barrier Resources System (CBRS)” consists of undeveloped portions of coastal and adjoining areas established by the
818 Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent
819 revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as
820 Otherwise Protected Areas (OPA).
821
822 “Coastal High Hazard Area” means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal
823 dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is
824 designated on a FIRM, or other adopted flood map as determined in Article 3, Section 18-7 of this ordinance, as Zone VE.
825
826 “Design Flood” See “Regulatory Flood Protection Elevation.”
827
828 “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or
829 other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or
830 materials.
831
832 “Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit.
833 This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks,
834 landings, ramps, and erosion control/stabilization measures.
835
836 “Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the Federal Emergency
837 Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the
838 community are delineated.
839
840
841 “Disposal” defined as in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any
842 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
843 environment or be emitted into the air or discharged into any waters, including groundwaters.
844
845 “Elevated Building” means a non-basement building which has its reference level raised above ground level by foundation walls,
846 shear walls, posts, piers, pilings, or columns.
847 “Encroachment” means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into
848 a floodplain, which may impede or alter the flow capacity of a floodplain.
849
850 “Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced
851 before 5/4/87, the effective date of the initial FIRM
852
853 “Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for
854 which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a
855 minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is
856 pre-FIRM.
857
858 “Existing Manufactured Home Site” means a manufactured home site for which the construction of facilities for servicing the
859 site(s) on which the manufactured home(s) are to be affixed (including, at a minimum, the installation of utilities, the construction
860 of streets (if applicable), and/or either final site grading or the pouring of concrete pads) is completed before July 2, 2004.
861
862 “Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas
863 from:
864 (1) the overflow of inland or tidal waters; and,
865 (2) the unusual and rapid accumulation of runoff of surface waters from any source.
866
867 “Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency
868 Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a
869 supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
870
871 “Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the Federal Emergency Management
872 Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
873
874 “Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.
875
876 “Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management
877 Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.
878
879 “Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazard areas, corresponding water
880 surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood
881 Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if
882 published.
883
884 “Flood Prone Area” see “Floodplain”
885
886 “Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the
887 severity or type of flooding in the area.
888
889 “Floodplain” means any land area susceptible to being inundated by water from any source.
890
891 “Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.
892

- 893 “Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this
894 ordinance, prior to the commencement of any development activity.
895
- 896 “Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood
897 damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to
898 emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
899
- 900 “Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building
901 codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State
902 or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
903
- 904 “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, which
905 reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with
906 their contents.
907
- 908 “Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and
909 prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic
910 repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade
911 use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-
912 type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not
913 acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical
914 Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from FEMA. Class 4 and 5 materials, referenced
915 therein, are acceptable flood-resistant materials.
916
- 917 “Floodway” means the channel of a river or other watercourse including the area above a bridge or culvert when applicable and
918 the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water
919 surface elevation more than one (1) foot.
920
- 921 “Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway
922 or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base
923 flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering
924 methods and hydraulic models meeting the minimum requirement of the National Flood Insurance Program.
925
- 926 “Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights
927 greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or
928 culvert openings, storm surge or precipitation exceeding the base flood, and the hydrological effect of urbanization of the
929 watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.
930
- 931 “Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close
932 proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers,
933 shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
934
- 935 “Hazardous Waste Management Facility” means a facility for the collection, storage, processing, treatment, recycling, recovery,
936 or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.
937
- 938 “Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction immediately
939 next to the proposed walls of the structure.
940
- 941 “Historic Structure” means any structure that is:
942
- 943 (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of
944 Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing
945 on the National Register;
 - 946 (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a
947 registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic
948 district;
 - 949 (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government
950 (CLG) Program”;
 - 951 (d) Certified as contributing to the historical significance of a historic district designated by a “Certified Local
952 Government (CLG) Program”.
- 953 Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the
954 North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the
955 requirements of the National Historic Preservation Act of 1966 as amended in 1980.
956
- 957 “Letter of Map Change (LOMC)” means an official determination issued by FEMA that amends or revises an effective Flood
958 Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
959
- 960 (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance
961 Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as
962 being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the
963 current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or
964 structure is not located in a special flood hazard area.
965
 - 966 (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood
967 elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
 - 968 (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been
969 elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to
970 qualify for this determination, the fill must have been permitted and placed in accordance with the community’s
971 floodplain management regulations.
 - 972 (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project
973 complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard
974 areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon

- 975 submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to
976 revise the effective FIRM.
- 977
978 “Light Duty Truck” means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular
979 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
980 86.082-2 and is:
- 981
982 (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
983 (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
984 (c) Available with special features enabling off-street or off-highway operation and use.
985
- 986 “Limit of Moderate Wave Action (LiMWA)” means the boundary line given by FEMA on coastal map studies marking the
987 extents of Coastal A Zones (CAZ).
988
- 989 “Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab, immediately next to the
990 building or deck support, after completion of the building.
991
- 992 “Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant
993 enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not
994 considered a building’s lowest floor provided that such an enclosure is not built so as to render the structure in violation of the
995 applicable non-elevation design requirements of this ordinance.
996
- 997 “Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and
998 designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured
999 home” does not include a “recreational vehicle”.
- 1000
1001 “Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more
1002 manufactured home lots for rent or sale.
- 1004 “Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central
1005 location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood
1006 hazard data products carries the same authority as hard copy products. Therefore, the NCEM’s Floodplain Mapping Program
1007 websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website
1008 (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website
1009 (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.
1010
- 1011 “Market Value” means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by
1012 what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost
1013 depreciated by age of building (Actual Cash Value) or adjusted assessed values.
1014
- 1015 “New Construction” means structures for which the “start of construction” commenced on or after April 6, 1987, the effective
1016 date of the initial floodplain management regulations and includes any subsequent improvements to such structures.
1017
- 1018 “Nonconforming Building or Development” means any legally existing building or development which fails to comply with the
1019 current provisions of this ordinance.
1020
- 1021 “Non-Encroachment Area (NEA)” means the channel of a river or other watercourse including the area above a bridge or culvert
1022 when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively
1023 increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
1024
- 1025 “Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection,
1026 excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other
1027 material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or
1028 velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its
1029 likelihood of being carried downstream.
1030
- 1031 “Otherwise Protected Area (OPA)” see “Coastal Barrier Resources System (CBRS)”.
1032
- 1033 “Post-FIRM” means construction or other development which started on or after May 4, 1987 the effective date of the initial
1034 Flood Insurance Rate Map.
1035
- 1036 “Pre-FIRM” means construction or other development which started before May 4, 1987 the effective date of the initial Flood
1037 Insurance Rate Map for the area, whichever is later.
1038
- 1039 “Primary Frontal Dune (PFD)” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward
1040 and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and
1041 waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct
1042 change from a relatively steep slope to a relatively mild slope.
1043
- 1044 “Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.
1045
1046
- 1047 “Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or
1048 neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner,
1049 of any navigable lake, or river, bay, stream, canal, or basin.
1050
- 1051 “Recreational Vehicle (RV)” means a vehicle, which is:
1052

- 1053 Built on a single chassis;
- 1054 400 square feet or less when measured at the largest horizontal projection;
- 1055 Designed to be self-propelled or permanently towable by a light duty truck; and,
- 1056 Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel,
- 1057 or seasonal use, and
- 1058 Is fully licensed and ready for highway use.
- 1059
- 1060 “Reference Level” is the top of the lowest floor for structures within the Special Flood Hazard Areas designated as Zones A, AE,
- 1061 A99, AO, AH. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures
- 1062 within Special Flood Hazard Areas designated as Zone VE.
- 1063
- 1064 “Regulatory Flood Protection Elevation” means the elevation to which all structures and other development located within the
- 1065 Special Flood Hazard Areas must be elevated. Non-residential structures may be floodproofed in lieu of elevation. Where Base
- 1066 Flood Elevations (BFE) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard except for existing
- 1067 manufactured home sites. For existing manufactured home sites, the regulatory flood protection elevation shall be the BFE plus
- 1068 two (2) feet unless achieving such elevation causes the lowest horizontal structural member of the manufactured home to exceed
- 1069 thirty-six (36) inches ground clearance. In this case, there are two options that would preclude the home from having to meet the
- 1070 freeboard requirement:
- 1071
- 1072 1) Fill to reduce amount of ground clearance or
- 1073
- 1074 2) Request exemption of freeboard requirement (exemption will be granted provided that the lowest floor and all
- 1075 mechanical, electrical and ductwork is installed at or above the BFE with the intent to achieve the above referenced
- 1076 freeboard requirement).
- 1077
- 1078 Any non-substantial additions to post-firm structures in which construction commenced on or after May 4, 1987 and prior
- 1079 to July 2, 2004 must be elevated to at least BFE but are exempt from freeboard.
- 1080
- 1081 “Remedy a Violation” means to bring the structure or other development into compliance with State or Community floodplain
- 1082 management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be
- 1083 reduced include protecting the structure or other affected development from flood damages, implementing the enforcement
- 1084 provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to
- 1085 the structure or other development.
- 1086
- 1087 “Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- 1088
- 1089 “Salvage Yard” means property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether
- 1090 industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.
- 1091
- 1092 “Sand Dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.
- 1093
- 1094 “Shear Wall” means walls used for structural support but not structurally joined or enclosed at the end (except by breakaway
- 1095 walls). Shear walls are parallel or nearly parallel to the flow of the water.
- 1096
- 1097 “Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).
- 1098
- 1099 “Special Flood Hazard Area (SFHA)” is the land in the floodplain subject to a one (1%) percent or greater chance of being
- 1100 flooded in any given year as determined in Article 3, Section 18-7 of this ordinance.
- 1101
- 1102 “Solid Waste Disposal Site” defined as in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by
- 1103 incineration, sanitary landfill, or any other method.
- 1104
- 1105 “Start of Construction” includes substantial improvement, and means the date the building permit was issued provided the actual
- 1106 start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the
- 1107 permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured
- 1108 home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the
- 1109 stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land
- 1110 preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it
- 1111 include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the
- 1112 installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main
- 1113 structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or
- 1114 other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- 1115
- 1116 “Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is
- 1117 principally above ground.
- 1118
- 1119 “Substantial Damage” means damage of any origin sustained by a structure during any one year period whereby the cost of
- 1120 restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure
- 1121 before the damage occurred. See definition of “substantial improvement”.
- 1122
- 1123 “Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a
- 1124 structure, taking place during any one year period whereby the cost of which equals or exceeds 50 percent of the market value of
- 1125 the structure before the “start of construction” of the improvement. This term includes structures which have incurred
- 1126 “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:
- 1127
- 1128 (a) Any correction of existing violations of State or community health, sanitary, or safety code specifications which
- 1129 have been identified by the community code enforcement official and which are the minimum necessary to assure
- 1130 safe living conditions; or,
- 1131
- 1132 Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as
- 1133 a historic structure, and the alteration is approved by variance issued pursuant to Article 4 Section 18-29 of this
- 1134 ordinance.
- 1135

1136 “Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building
 1137 performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The
 1138 bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP
 1139 regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as
 1140 updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide
 1141 specific guidance for complying with the minimum requirements of existing NFIP regulations.
 1142

1143 “Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.
 1144

1145 “Variance” is a grant of relief from the requirements of this ordinance.
 1146

1147 “Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain
 1148 management regulations. A structure or other development without the elevation certificate, other certifications, or other
 1149 evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is
 1150 provided.
 1151

1152 “Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at
 1153 least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
 1154

1155 “Water Surface Elevation (WSE)” means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies
 1156 in the floodplains of coastal or riverine areas.
 1157

1158 **GENERAL PROVISIONS.**

1159 **Sec. 18-6 LANDS TO WHICH THIS ORDINANCE APPLIES.**

1160 This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Craven County.
 1161

1162 **Sec. 18-7 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

1163 The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State
 1164 of North Carolina and FEMA in its Flood Insurance Study (FIS) for Craven County dated June 19, 2020 for Craven County and
 1165 its associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and
 1166 declared to be a part of this ordinance and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM
 1167 panels that do not change flood hazard data within the jurisdictional authority of Craven County are also adopted by reference
 1168 and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs)
 1169 shall be adopted within 3 months.
 1170

1171 **Sec. 18-8 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

1172 A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the
 1173 commencement of any development activities within Special Flood Hazard Areas as determined in Article 3, Section 18-7.
 1174

1175 **Sec. 18-9 COMPLIANCE.**

1176 No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance
 1177 with the terms of this ordinance and other applicable regulations.
 1178

1179 **Sec. 18-10 ABROGATION AND GREATER RESTRICTIONS.**

1180 This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However,
 1181 where this ordinance and another conflict overlap, whichever imposes the more stringent restrictions shall prevail.
 1182

1183 **Sec. 18-11 INTERPRETATION.**

1184 In the interpretation and application of this ordinance, all provisions shall be:
 1185

- 1186 1. Considered as minimum requirements;
- 1187 2. Liberally construed in favor of the governing body; and,
- 1188 3. Deemed neither to limit nor repeal any other powers granted under State statutes.
 1189

1190 **Sec. 18-12 WARNING AND DISCLAIMER OF LIABILITY.**

1191 The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on
 1192 scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be
 1193 increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or
 1194 uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part
 1195 of Craven County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any
 1196 administrative decision lawfully made hereunder.
 1197

1198 **Sec. 18-13 PENALTIES FOR VIOLATION.**

1199 Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions
 1200 and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor
 1201 pursuant to NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall,
 1202 upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such
 1203 violation continues shall be considered a separate offense. Nothing herein contained shall prevent Craven County from taking
 1204 such other lawful action as is necessary to prevent or remedy any violation.
 1205

1206 **Sec. 18-14 - Sec. 18-24. Reserved.**

1207 **ARTICLE 4. ADMINISTRATION.**

1218

1219 **Sec. 18-25** **DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

1220
1221 The Chief Building Inspector, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and
1222 implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to
1223 complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the
1224 coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this
1225 ordinance.

1226
1227
1228
1229 **Sec. 18-26** **FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.**

1230
1231 **Plans and Application Requirements.** Application for a Floodplain Development Permit shall be made to the floodplain
1232 administrator on forms furnished by him or her prior to any development activities proposed to be located within flood
1233 prone areas. The following items/information shall be presented to the floodplain administrator to apply for a floodplain
1234 development permit.

1235
1236 A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed
1237 floodplain development:

1238
1239 The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed
1240 structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas,
1241 drainage facilities, and other proposed development;

1242
1243 The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in
1244 Article 3, Section 18-7 or a statement that the entire lot is within the Special Flood Hazard Area;

1245
1246 Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as
1247 determined in Article 3, Section 18-7;

1248
1249 The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section 18-7;

1250
1251 The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section 18-7; Article 4, Section 18-27(11
1252 & 12); or Article 5, Sections 18-40, 18-41(5) and 18-42;

1253
1254 The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

1255
1256 The boundary and designation date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected
1257 Areas (OPA), if applicable.

1258
1259 Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited
1260 to:

1261
1262 Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

1263
1264 Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be
1265 flood-proofed; and

1266
1267 Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;

1268
1269 If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an
1270 inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of
1271 floodproofing measures.

1272
1273 A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions
1274 of this ordinance are met. These details include but are not limited to:

1275
1276 Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation,
1277 open foundation on columns/posts/piers/shear walls); and

1278
1279 Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5,
1280 Section 18-41(4)(c) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.

1281
1282 The following, in Coastal High Hazard Areas, in accordance with the provisions of Article 5, Section 18-41(4)(e)
1283 and Article 5, Section 18-45 and (Article 5, Section 18-46 if applicable)

1284
1285 (1) Plans for open wood latticework or insect screening, if applicable; and

1286
1287 (2) Plans for non-structural fill, if applicable. If non-structural fill is proposed, it must be demonstrated
1288 through coastal engineering analysis that the proposed fill would not result in any increase in the BFE
1289 or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or
adjacent properties.

1290
1291 Usage details of any enclosed areas below the lowest floor.

1292
1293 Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to
1294 be located and constructed to minimize flood damage;

1295
1296 Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e.
1297 Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.).
1298

- 1299 Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the
 1300 provisions of Article 5, Section 18-41 Subsections (6)(7) of this code are met.
 1301
- 1302 If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or
 1303 relocation; including an engineering report on the effects of the proposed project on the flood-carrying capacity of
 1304 the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on
 1305 plot plan) showing the location of the proposed watercourse alteration or relocation.
 1306
- 1307 **Floodplain Development Permit Data Requirements.** The following information shall be provided at a minimum on the
 1308 Floodplain Development Permit to ensure compliance with this code.
 1309
- 1310 A complete description of the development to be permitted under the floodplain development permit issuance (e.g. house,
 1311 garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or
 1312 drilling operations, or storage of equipment or materials, etc.).
 1313
- 1314 The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3,
 1315 Section 18-7.
 1316
- 1317 The regulatory flood protection elevation required for the reference level and all attendant utilities.
 1318
- 1319 The regulatory flood protection elevation required for the protection of all public utilities.
 1320
- 1321 All certification submittal requirements with timelines.
 1322
- 1323 A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, unless
 1324 the requirements of Article 5, Section 18-44 have been met.
 1325
- 1326 (g) The flood openings requirements, if in Zones A, AE, AH, AO, A99.
 1327
- 1328 (h) Limitations of below BFE enclosure uses . (i.e., parking, building access and limited storage only).
 1329
- 1330 (i) A statement, if in Zone VE, that there shall be no alteration of sand dunes which would increase potential flood
 1331 damage.
 1332
- 1333 (j) A statement, if in Zone VE, that there shall be no fill used for structural support.
 1334
- 1335 (k) A statement, that all materials below BFE/RFPE must be flood resistant materials
 1336
- 1337 **Certification Requirements.**
- 1338 Elevation Certificates
- 1339
- 1340 (i) A preliminary Elevation Certificate (*FEMA Form 086-0-33*) is required prior to the actual start of any new
 1341 construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification
 1342 of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review
 1343 the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder
 1344 prior to the beginning of construction. Failure to submit the certification or failure to make required
 1345 corrections shall be cause to deny a floodplain development permit.
 1346
- 1347 (ii) A Final As-Built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and
 1348 prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to
 1349 the floodplain administrator a certification of final as-built construction of the elevation of the reference level
 1350 and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted.
 1351 Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to
 1352 Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to
 1353 certify corrected as-built construction. Failure to submit the certification or failure to make said corrections
 1354 required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished
 1355 Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of
 1356 the building taken within 90 days from the date of certification. The photographs must be taken with views
 1357 confirming the building description and diagram number provided in Section A of the Elevation Certificate.
 1358 To the extent possible, these photographs should show the entire building including foundation. If the
 1359 building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of
 1360 the building. In addition, when applicable, provide a photograph of the foundation showing a representative
 1361 example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital
 1362 photographs are acceptable.
 1363
- 1364 Floodproofing Certificate
- 1365
- 1366 (i) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an
 1367 operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of
 1368 Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a
 1369 certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation
 1370 to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a
 1371 professional engineer or architect and certified by same. The Floodplain Administrator shall review the
 1372 certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such
 1373 review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the
 1374 certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit.
 1375 Failure to construct in accordance with the certified design shall be cause to deny a Certificate of
 1376 Compliance/Occupancy.

- 1377 If a manufactured home is placed within an A, AE, AO, AH, or A99 zone and the elevation of the chassis is above 36
 1378 inches in height, an engineered foundation certification is required per Article 5, Section 18-41(3).
- 1379
- 1380 (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an
 1381 engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the
 1382 effects to properties located both upstream and downstream; and a map showing the location of the proposed
 1383 watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain
 1384 development permit.
- 1385
- 1386 (e) Certification Exemptions. The following structures, if located within A, AE, AH, AO, A99 Zones are exempt from
 1387 the elevation/floodproofing certification requirements specified in items (a) and (b) above:
- 1388
- 1389 Recreational Vehicles meeting requirements of Article 5, Section 18-41(6)(a);
- 1390
- 1391 Temporary Structures meeting requirements of Article 5, Section 18-41(7); and
- 1392
- 1393 Accessory Structures less than 150 square feet or \$5,000 or less and meeting requirements of Article 5, Section 18-
 1394 41(8).
- 1395
- 1396 (f) A V-Zone Certification with accompanying design plans and specifications is required prior to issuance of a
 1397 Floodplain Development permit within coastal high hazard areas. It shall be the duty of the permit applicant to
 1398 submit to the Floodplain Administrator said certification to ensure the design standards of this ordinance are met. A
 1399 registered professional engineer or architect shall develop or review the structural design, plans, and specifications
 1400 for construction and certify that the design and methods of construction to be used are in accordance with accepted
 1401 standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an
 1402 Elevation Certificate.
- 1403
- 1404 (4) **Determinations for existing buildings and structures**
- 1405
- 1406 For applications for building permits to improve buildings and structures, including alterations, movement, enlargement,
 1407 replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of
 1408 substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in
 1409 coordination with the Building Official, shall:
- 1410
- 1411 (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified
 1412 independent appraiser, of the building or structure before the start of construction of the proposed work; in the case
 1413 of repair, the market value of the building or structure shall be the market value before the damage occurred and
 1414 before any repairs are made;
- 1415
- 1416 (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or
 1417 the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- 1418
- 1419 (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial
 1420 damage; and
- 1421
- 1422 (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial
 1423 damage and that compliance with the flood resistant construction requirements of the NC Building Code and this
 1424 ordinance is required.
- 1425
- 1426 **Sec. 18-27 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**
- 1427
- 1428 Duties of the floodplain administrator shall include, but not be limited to:
- 1429
- 1430 (1) Review all floodplain development applications and issue permits for all proposed development within flood prone areas
 1431 to assure that the requirements of this ordinance have been satisfied.
- 1432
- 1433 (2) Review all proposed development within the Special Flood Hazard Areas to assure that all necessary Local, Federal or
 1434 State permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972,
 1435 33 U.S.C 1334.
- 1436
- 1437 (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of
 1438 Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation
 1439 of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 1440
- 1441 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity
 1442 is not diminished.
- 1443
- 1444 Prevent encroachments within floodways and non-encroachment areas.
- 1445
- 1446 Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) of all attendant utilities of all new
 1447 or substantially improved structures, in accordance with Article 4, Section 18-26(3).
- 1448
- 1449 Obtain the actual elevation (in relation to NAVD 1988) to which the new or substantially improved structures and all utilities
 1450 have been floodproofed, in accordance with Article 4, Section 18-26(3).
- 1451
- 1452 Obtain actual elevation (in relation to NAVD 1988) of all public utilities, in accordance with Article 4, Section 18-26(3).
- 1453
- 1454 When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect
 1455 in accordance with Article 4, Section 18-26(3) and Article 5, Section 18-41(2).
- 1456
- 1457 Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where
 1458 there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation.

1459 The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as
 1460 provided in this article.
 1461

1462 When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section 18-7, obtain, review, and
 1463 reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data and/or non-encroachment area data
 1464 available from a Federal, State, or other source, including data developed pursuant to Article 5, Section 18-42(3), in order
 1465 to administer the provisions of this ordinance.
 1466

1467 When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in
 1468 accordance with Article 3, Section 18-7, obtain, review, and reasonably utilize any floodway data, and/or non-
 1469 encroachment area data available from a Federal, State, or other source in order to administer the provisions of this
 1470 ordinance.
 1471

1472 When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography
 1473 information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by
 1474 FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the floodplain administrator in
 1475 the floodplain development permit file.
 1476

1477 Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public
 1478 inspection.
 1479

1480 Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the
 1481 floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being
 1482 done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the
 1483 floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the
 1484 jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
 1485

1486 Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired
 1487 in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work
 1488 order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be
 1489 stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of
 1490 a stop-work order constitutes a misdemeanor.
 1491

1492 Revocation of floodplain development permits as required. The floodplain administrator may revoke and require the return of the
 1493 floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits
 1494 shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure
 1495 to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the
 1496 permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be
 1497 revoked.
 1498

1499 Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain
 1500 administrator and each member of his or her inspections department shall have a right, upon presentation of proper
 1501 credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the
 1502 purposes of inspection or other enforcement action.
 1503

1504 Follow through with corrective procedures of Article 4, Section 18-28.
 1505

1506 (20) Review, provide input, and make recommendations for variance requests.
 1507

1508 (21) Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective
 1509 FIRM and other official flood maps and studies adopted in accordance with the provisions of Article 3, Section 18-7 of this
 1510 ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of
 1511 mapping needs.
 1512

1513 (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters
 1514 of Map Revision (LOMRs).
 1515

1516 **Sec. 18-28 CORRECTIVE PROCEDURES.**
 1517

1518 (1) Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall
 1519 be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall
 1520 immediately remedy each of the violations of law pertaining to their property.
 1521

1522 (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt
 1523 corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the
 1524 owner's last known address or by personal service, stating
 1525

1526 That the building or property is in violation of the Flood Damage Prevention Ordinance;
 1527

1528 That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days
 1529 after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to
 1530 present arguments and evidence pertaining to the matter; and,
 1531

1532 That following the hearing, the floodplain administrator may issue such order to alter, vacate, or demolish the building; or
 1533 to remove fill as appears appropriate.
 1534

1535 (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain
 1536 administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or
 1537 she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period,
 1538 not less than sixty (60) days, nor more than least 180 calendar days. Where the floodplain administrator finds that there is
 1539 imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be
 1540 feasible.
 1541

1542 (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected
 1543 governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days
 1544 following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final.
 1545 The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the
 1546 order.

1547
 1548 (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective
 1549 action from which no appeal has been made or fails to comply with an order of the governing body following an appeal,
 1550 the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished in the
 1551 discretion of the court.

1552
 1553 **Sec. 18-29** **VARIANCE PROCEDURES.**

1554
 1555 (1) The Board of Adjustments as established by Craven County, hereinafter referred to as the “appeal board”, shall hear and
 1556 decide requests for variances from the requirements of this ordinance.

1557
 1558 (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter
 1559 7A of the North Carolina General Statutes.

1560
 1561 (3) Variances may be issued for:

1562
 1563 (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will
 1564 not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to
 1565 preserve the historic character and design of the structure.

1566
 1567 (b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided
 1568 provisions of Article 4, Section 18-29(9)(b), (c), and (e) have been satisfied, and such facilities are protected by
 1569 methods that minimize flood damages during the base flood and create no additional threats to public safety; or

1570
 1571 (c) Any other type of development provided it meets the requirements of this Section.

1572
 1573 (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards
 1574 specified in other sections of this ordinance, and:

1575 (a) The danger that materials may be swept onto other lands to the injury of others;

1576 The danger to life and property due to flooding or erosion damage;

1577 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the
 1578 individual owner;

1581 The importance of the services provided by the proposed facility to the community;

1582 The necessity to the facility of a waterfront location, where applicable;

1583 The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

1584 The compatibility of the proposed use with existing and anticipated development;

1585 The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

1586 The safety of access to the property in times of flood for ordinary and emergency vehicles;

1587 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave
 1588 action, if applicable, expected at the site; and,

1589 The costs of providing governmental services during and after flood conditions including maintenance and repair of
 1590 public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

1591 (5) A written report addressing each of the above factors shall be submitted with the application for a variance.

1601 (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such
 1602 conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

1603 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the
 1604 elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property,
 1605 and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood
 1606 insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance
 1607 actions, including justification for their issuance.

1608 The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State
 1609 of North Carolina upon request.

1610
 1611 Conditions for Variances:

1612
 1613 Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws,
 1614 regulations, or ordinances.

1615
 1616 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood
 1617 hazard, to afford relief.

1618
 1619

- 1620 Variances shall only be issued upon:
- 1621
- 1622 A showing of good and sufficient cause;
- 1623
- 1624 A determination that failure to grant the variance would result in exceptional hardship; and
- 1625
- 1626 A determination that the granting of a variance will not result in increased flood heights, additional threats to public
- 1627 safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or
- 1628 conflict with existing local laws or ordinances.
- 1629
- 1630 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base
- 1631 Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of
- 1632 flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation.
- 1633 Such notification shall be maintained with a record of all variance actions.
- 1634
- 1635 The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal
- 1636 Emergency Management Agency and the State of North Carolina upon request.
- 1637
- 1638 A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical
- 1639 storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met. A
- 1640 Floodplain Development permit may be issued for such development only if a variance is granted.
- 1641
- 1642 The use serves a critical need in the community.
- 1643
- 1644 No feasible location exists for the use outside the Special Flood Hazard Area.
- 1645
- 1646 The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level.
- 1647
- 1648 The use complies with all other applicable federal, state and local laws.
- 1649
- 1650 Craven County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its
- 1651 intention to grant a variance at least thirty (30) days prior to granting the variance.
- 1652
- 1653 **Sec. 18-30 - Sec. 18-39. Reserved.**
- 1654
- 1655 **ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.**
- 1656
- 1657 **Sec. 18-40 GENERAL STANDARDS.**
- 1658
- 1659 In all Special Flood Hazard Areas the following provisions are required:
- 1660
- 1661 (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of
- 1662 the structure.
- 1663
- 1664 All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood
- 1665 damage.
- 1666
- 1667 All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.
- 1668
- 1669 All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or
- 1670 above RFPE or designed and installed to prevent water from entering or accumulating within the components during the
- 1671 occurrence of base flood. These include but are not limited to HVAC equipment, water softener units, bath/kitchen
- 1672 fixtures, ductwork, electric/gas, meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.),
- 1673 hot water heaters, electric outlets/switches.
- 1674
- 1675 Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment,
- and other service equipment shall also meet the above provisions.
- 1676
- 1677 Replacements that are for maintenance and not part of a substantial improvement may be installed at the original location
- 1678 provided the addition and/or improvements only comply with the standards for new construction consistent with
- 1679 the code and requirements for the original structure.
- 1680
- 1681 All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the
- 1682 system.
- 1683
- 1684 New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the
- 1685 systems and discharges from the systems into flood waters.
- 1686
- 1687 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during
- 1688 flooding.
- 1689
- 1690 Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or to a structure existing on the
- 1691 effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream
- 1692 setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway,
- 1693 non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the
- other requirements of this ordinance.
- 1694
- 1695 New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage
- 1696 facilities shall not be permitted, except by variance as specified in Article 4, Section 18-29 (10). A structure or tank for
- 1697 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

- 1698 least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section 18-26
1699 (3).
- 1700
1701 (10) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize
1702 flood damage.
1703
- 1704 (11) Have adequate drainage provided to reduce exposure to flood hazards.
- 1705
1706 (12) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
1707
- 1708 (13) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas,
1709 electrical, and water systems located and constructed to minimize flood damage.
1710
- 1711 (14) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to
1712 flood hazards.
1713
- 1714 (15) All subdivision proposals and other development proposals shall have received all necessary permits from those
1715 governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water
1716 Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
1717
- 1718 (16) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for
1719 new construction and substantial improvements.
1720
- 1721 (17) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood
1722 elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
1723

1724 **Sec. 18-41** **SPECIFIC STANDARDS.**

1725
1726 In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section
1727 18-7, or Article 4, Section 18-27(11 & 12), the following provisions are required:
1728

- 1729 (1) **Residential Construction.** New construction or substantial improvement of any residential structure (including
1730 manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood
1731 protection elevation.
1732
- 1733 (2) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or other non-
1734 residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood
1735 Protection Elevation. Structures located in A, AE, AH, A99 and AO Zones may be floodproofed to the Regulatory Flood
1736 Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary
1737 facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the
1738 passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and
1739 the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section 18-43.3
1740 (2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are
1741 satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section 18-26(3).
1742
- 1743 (3) **Manufactured Homes.**
1744
1745 New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no
1746 lower than the regulatory flood protection elevation.
1747
1748 Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and
1749 lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes,
1750 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15
1751 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis
1752 thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other
1753 foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36)
1754 inches in height, an engineering certification is required.
1755
- 1756 All foundation enclosures or skirting shall be in accordance with Article 5, Section 18-41(4).
1757
- 1758 An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially
1759 damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with
1760 and approved by the floodplain administrator and the local Emergency Management coordinator.
1761
- 1762 (4) **Elevated Buildings.** Fully enclosed area, of new construction and substantially improved structures, which is below the
1763 lowest floor or below the lowest horizontal structural member in VE zones:
1764
- 1765 (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or
1766 limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be
1767 the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment
1768 (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area
1769 shall not be finished or partitioned into separate rooms, except to enclose storage areas or building access via stairs or
1770 elevator.
1771
- 1772 (b) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
1773
- 1774 (c) Shall, in Coastal High Hazard Areas (Zone VE), meet requirements of Article 5, Section 18-43.1 shall include, in
1775 Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing
1776 for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a
1777 professional engineer or architect or meet or exceed the following minimum design criteria:
1778

- 1779 Provide a minimum of two openings on different sides of each enclosed area subject to flooding.
 1780
 1781 The total net area of all openings must be at least one (1) square inch for each square foot of each enclosed area
 1782 subject to flooding.
 1783
 1784 If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater
 1785 to automatically enter and exit;
 1786
 1787 The bottom of all required openings shall be no higher than one (1) foot above the higher of the interior or exterior
 1788 adjacent grade;
 1789
 1790 Flood openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit
 1791 the automatic flow of floodwaters in both directions; and
 1792
 1793 Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not
 1794 require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an
 1795 enclosure and requires flood openings as outlined above.
- 1796 (d) Shall, in Coastal High Hazard Areas (Zone VE), meet the requirements of Article 5, Section 18-43.1
- 1797
 1798 (5) Additions/Improvements.
 1799
 1800 (a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination
 1801 with any interior modifications to the existing structure are:
 1802
 1803 i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood
 1804 damages and must not be any more non-conforming than the existing structure.
 1805
 1806 ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the
 1807 common wall is structurally modified more than installing a doorway, both the existing structure and the
 1808 addition and/or improvements must comply with the standards for new construction.
 1809
 1810 (b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to
 1811 comply with the standards for new construction. Refer to the last sentence of Article 2, Section 18-5 "Regulatory
 1812 Flood Protection Elevation" for freeboard information.
 1813
 1814 (c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination
 1815 with any interior modifications to the existing structure:
 1816
 1817 i) Are not a substantial improvement, the addition and/or improvements only must comply with the standards for
 1818 new construction consistent with the code and requirements for the original structure.
 1819
 1820 A substantial improvement, both the existing structure and the addition and/or improvements must comply with the
 1821 standards for new construction.
 1822
 1823 (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking
 1824 place during a One (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of
 1825 the structure before the improvement or repair is started must comply with the standards for new construction. For
 1826 each building or structure, the One (1) year period begins on the date of the first improvement or repair of that
 1827 building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial
 1828 damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The
 1829 requirement does not, however, include either:
 1830
 1831 (i) Any project for improvement of a building required to correct existing health, sanitary or safety code
 1832 violations identified by the building official and that are the minimum necessary to assume safe living
 1833 conditions.
 1834
 1835 (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued
 1836 designation as a historic structure.
- 1837 (6) Recreational Vehicles. Recreation vehicles shall either:
 1838
 1839 (a) Temporary Placement
 1840
 1841 (i) Be on site for fewer than 180 consecutive days or;
 1842
 1843 (ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its
 1844 wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no
 1845 permanently attached additions);
 1846
 1847 (b) Permanent Placement Recreation vehicles that do not meet the limitations of Temporary Placement shall meet all the
 1848 requirements for new construction.
 1849
- 1850 (7) Temporary Non-Residential Structures. Prior to the issuance of a Floodplain Development Permit for a temporary
 1851 structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event
 1852 of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in
 1853 writing to the Floodplain Administrator for review and written approval:
 1854
 1855 (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3)
 1856 months, renewable up to one (1) year;
 1857
 1858 (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;

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- (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. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the buildings site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section 18-40 (1);
- (f) All service facilities such as electrical and heating equipment shall be installed in accordance with Article 5, Section 18-40(4); and
- (g) Accessory structures, regardless of the size or cost, shall not be placed below elevated buildings in V and VE Zones;
- (h) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with Article 5 Section 18-41(4)(d).
- An accessory structure with a footprint less than 150 square feet or that is a minimal investment of \$5,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing certification standards of Article 5, Section 18-41(2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section 18-26(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 Article 5, Section 18-41 (2) of this ordinance shall not be permitted in V or VE Zones. Tanks may be permitted in other 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:
- (i) 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
- (ii) 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 Article 5, Section 18-43 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 Article 5, Section 18-43 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 Article 5, Section 18-43 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 commercial structures.

1940
 1941 **Sec. 18-42** **STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD**
 1942 **ELEVATIONS.**
 1943
 1944 Within the Special Flood Hazard Areas established in Article 3, Section 18-7, where no Base Flood Elevation (BFE) data has
 1945 been provided, the following provisions shall apply:

1946 (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted
 1947 within a distance of twenty feet each side from top of bank or five times the width of the stream whichever is greater,
 1948 unless certification with supporting technical data by a registered professional engineer is provided demonstrating that
 1949 such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

1950 (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following
 1951 criteria:

1952 When BFE data is available from other sources, all new construction and substantial improvements within such areas
 1953 shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in
 1954 accordance with standards in Article 5, Sections 18-40 and 18-41.

1955 When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and
 1956 substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of
 1957 Article 5, Sections 18-41 and 18-44.

1958 All subdivision, manufactured home park and other development proposals shall provide BFE data if development is
 1959 greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be
 1960 adopted by reference in accordance with Article 3, Section 18-7 and utilized in implementing this ordinance.

1961 (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall
 1962 be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in
 1963 Article 2. All other applicable provisions of Article 5, Section 18-41 shall also apply.

1964
 1965
 1966 **Sec 18-42.1** **STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT**
 1967 **WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.**
 1968
 1969 Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor
 1970 non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following
 1971 requirements shall apply to all development within such areas:

1972 (1) Standards of Article 5, Sections 18-40 and 18-41; and
 1973
 1974 (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new
 1975 construction, substantial improvements, or other development, shall be permitted unless certification with supporting
 1976 technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the
 1977 proposed development, when combined with all other existing and anticipated development, will not increase the
 1978 water surface elevation of the base flood more than one (1) foot at any point.
 1979
 1980

1981 **Sec. 18-43** **FLOODWAYS AND NON-ENCROACHMENT AREAS.**
 1982
 1983 Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in
 1984 Article 3, Section 18-7. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of
 1985 floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to
 1986 standards outlined in Article 5, Sections 18-40 and 18-41, shall apply to all development within such areas:

1987 (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted
 1988 unless:

1989 It has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering
 1990 practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence
 1991 of the base flood. Such certification and technical data shall be presented to the Floodplain Administrator prior to
 1992 issuance of floodplain development permit.

1993 A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must
 1994 also be obtained within six months of completion of the proposed encroachment.
 1995

1996 If Article 5, Section 18-43(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of
 1997 this ordinance.

1998 Manufactured homes shall be permitted provided the following provisions are met:

1999 The anchoring and the elevation standards of Article 5, Section 18-41(3); and
 2000
 2001 The no encroachment standards of Article 5, Section 18-43(1) are met.
 2002
 2003
 2004

2005 **Sec. 18-43.1** **COASTAL HIGH HAZARD AREA (ZONE VE).**
 2006
 2007 Coastal High Hazard Areas are Special Flood Hazard Areas established in Article 3, Section 18-7, and designated as Zones VE.
 2008 These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore,
 2009 all new construction and substantial improvements shall meet the following provisions in addition to the provisions of Article 5,
 2010 Sections 18-40 and 18-41:

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- (1) All new construction and substantial improvements shall:
 - (a) Be located landward of the reach of mean high tide;
 - (b) Comply with all applicable CAMA setback requirements.
 - (2) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements.
 - (3) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
 - (a) Material shall consist of open wood or plastic lattice having at least 40 percent of its area open, or
 - (b) Insect screening; or
 - (c) Breakaway walls shall meet the following design specifications:
 - (1) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
 - (2) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.
 - (4) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - (a) Water loading values used shall be those associated with the base flood.
 - (b) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.
 - (5) For concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:
 - (a) Shall be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris; and
 - (b) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure. (The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x 4 feet maximum segments is acceptable to meet this standard); and
 - (c) Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concreted pads being a source of debris; and
 - (d) Pad thickness shall not exceed 4 inches; or
 - (e) Provide a Design Professional's certification stating the design and method of construction to be used meet the applicable criteria of this section.
 - (6) For swimming pools and spas, the following is required:
 - (a) Be designed to withstand all flood-related loads and load combinations.
 - (b) Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or
 - (c) Be designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or
 - (d) Be sited to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.
 - (e) Registered design professionals must certify to local officials that a pool or spa beneath or near a VE Zone building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.
 - (f) Pool equipment shall be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.

- 2092 (7) All elevators, vertical platform lifts, chair lifts, etc., the following is required:
 2093
 2094 (a) Elevator enclosures must be designed to resist hydrodynamic and hydrostatic forces as well as erosion, scour, and
 2095 waves.
 2096
 2097 (b) Utility equipment in Coastal High Hazard Areas (VE Zones) must not be mounted on, pass through, or be located
 2098 along breakaway walls.
 2099
 2100 (c) The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counter weight and roller guides, hoist
 2101 cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel are all
 2102 required to be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using
 2103 flood damage-resistant components.
 2104
 2105 (d) Elevator shafts/enclosures that extend below the RFPE shall be constructed of reinforced masonry block or
 2106 reinforced concrete walls and located on the landward side of the building to provide increased protection from
 2107 flood damage. Drainage must be provided for the elevator pit.
 2108
 2109 (e) Flood damage-resistant materials can also be used inside and outside the elevator cab to reduce flood damage. Use
 2110 only stainless steel doors and door frames below the BFE. Grouting in of door frames and sills is recommended.
 2111
 2112 (f) If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system
 2113 that will activate during a flood and send the elevator cab to a floor above the RFPE.
 2114
 2115 (8) Accessory structures, regardless of size or cost, shall not be permitted below elevated structures.
 2116
 2117 (9) Fill/Grading
 2118
 2119 (a) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and
 2120 for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and
 2121 walkways.
 2122
 2123 (b) The fill material must be similar and consistent with the natural soils in the area.
 2124
 2125 (c) The placement of site-compatible, non-structural fill under or around an elevated building is limited to two (2) feet.
 2126 Fill greater than two (2) feet must include an analysis prepared by a qualified registered design professional
 2127 demonstrating no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage
 2128 to adjacent elevated buildings and structures.
 2129
 2130 (d) Nonstructural fill with finished slopes that are steeper than five (5) units horizontal to one (1) unit vertical shall be
 2131 permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful
 2132 diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated
 2133 buildings and structures.
 2134 (10) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
 2135
 2136 (11) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement
 2137 manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring
 2138 and elevation standards of this Section have been satisfied.
 2139
 2140 (12) Recreational vehicles may be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle
 2141 criteria of Article 5, Section 18-41(6)(a).
 2142
 2143 (13) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural
 2144 member at or above the Regulatory Flood Protection Elevation and any supporting members that extend below the
 2145 Regulatory Flood Protection Elevation shall comply with the foundation requirements that apply to the building or
 2146 structure, which shall be designed to accommodate any increased loads resulting from the attached deck. The increased
 2147 loads must be considered in the design of the primary structure and included in the V-Zone Certification required under
 2148 Article 4, Section 18-26, (3)(f).
 2149
 2150 (14) A deck or patio that is located below the Regulatory Flood Protection Elevation shall be structurally independent from
 2151 buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in
 2152 place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable
 2153 of causing structural damage to the building or structure or to adjacent buildings and structures.
 2154
 2155 (15) In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also
 2156 authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to,
 2157 buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful
 2158 diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and
 2159 structures. Such other development activities include but are not limited to:
 2160
 2161 (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 2162
 2163 (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under
 2164 flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.
 2165
 2166 (c) Docks, piers, and similar structures.
 2167
 2168 (16) No more than four (4) electrical outlets and no more than four (4) electrical switches may be permitted below RFPE
 2169 unless required by building code.
 2170

2171 **Sec. 18-43.2 STANDARDS FOR COASTAL A ZONES (ZONE CAZ) LiMWA**
 2172

2173 Structures in CAZs shall be designed and constructed to meet V Zone requirements, including requirements for breakaway walls.
 2174 However, the NFIP regulations also require flood openings in walls surrounding enclosures below elevated buildings in CAZs
 2175 (see Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures*). Breakaway walls used in CAZs must have
 2176 flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads.
 2177 Openings also function during smaller storms or if anticipated wave loading does not occur with the base flood.

- 2178
 2179 (1) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural
 2180 member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation.
 2181 Floodproofing shall not be utilized on any structures in Coastal A Zones to satisfy the regulatory flood protection
 2182 elevation requirements.
 2183
 2184 (2) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal
 2185 structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood
 2186 latticework or insect screening, provided they are not part of the structural support of the building and are designed so as
 2187 to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building
 2188 or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design
 2189 specifications shall be met:
 2190
 2191 (a) Material shall consist of open wood or plastic lattice having at least 40 percent of its area open, or
 2192
 2193 (b) Insect screening; or
 2194
 2195 (c) Breakaway walls shall meet the following design specifications:
 2196
 2197 (1) Breakaway walls shall have flood openings to automatically equalize hydrostatic flood forces on walls by
 2198 allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be
 2199 certified by a professional engineer or architect or meet or exceed the design criteria in Article 5, Section 18-
 2200 41(4)(d); and
 2201
 2202 (2) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
 2203
 2204 (3) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design
 2205 or when so required by State or local codes) shall be certified by a registered professional engineer or
 2206 architect that the breakaway wall will collapse from a water load less than that which would occur during the
 2207 base flood event, and the elevated portion of the building and supporting foundation system shall not be
 2208 subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting
 2209 simultaneously on all building components (structural and non-structural). The water loading values used
 2210 shall be those associated with the base flood. The wind loading values used shall be those required by the
 2211 North Carolina State Building Code.
 2212
 2213 (3) Concrete pads, including patios, decks, parking pads, walkways, driveways, etc. must meet the provisions of Article 5,
 2214 Section 18-43.1 (5).
 2215
 2216 (4) All new construction and substantial improvements shall meet the provisions of Article 5, Section 18-43.1 (3).
 2217
 2218 (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in
 2219 compliance with the provisions of Article 4, Section 18-26 and Article 5, Section 18-43.1 (3) and (4), on the current
 2220 version of the North Carolina V-Zone Certification form or a locally developed V-Zone Certification form.
 2221
 2222 (6) Recreational vehicles may be permitted in Coastal A Zones provided that they meet the Recreational Vehicle criteria of
 2223 Article 5, Section 18-41(6)(a).
 2224
 2225 (7) Fill/Grading must meet the provisions of Article 5, Section 18-43.1 (9).
 2226
 2227 (8) Decks and patios must meet the provisions of Article 5 Section 18-43.1 (13) and (14).
 2228
 2229 (9) In coastal high hazard areas, development activities other than buildings and structures must meet the provisions of
 2230 Article 5, Section 18-43.1 (15).
 2231

2232 **Sec. 18-43.3 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).**

2233 Located within the Special Flood Hazard Areas established in Article 3, Section 18-7, are areas designated as shallow flooding
 2234 areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly
 2235 defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5,
 2236 Sections 18-40 and 18-41, all new construction and substantial improvements shall meet the following requirements:
 2237

- 2238
 2239 (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map
 2240 (FIRM), in feet, plus a freeboard of 2 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent
 2241 grade if no depth number is specified.
 2242
 2243 (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section 18-
 2244 43.3 (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with
 2245 walls substantially impermeable to the passage of water and with structural components having the capability of resisting
 2246 hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4,
 2247 Section 18-26 (3) and Article 5, Section 18-41 (2).
 2248
 2249 (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from
 2250 proposed structures.
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2252 **Sec. 18-43.4 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).**

2253 Located within the Special Flood Hazard Areas established in Article 3, Section 18-7, are areas designated as shallow flooding
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2255 areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where
2256 average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this
2257 zone. In addition to Article 5, Sections 18-40 and 18-41, all new construction and substantial improvements shall meet the
2258 following requirements:

- 2259
2260 (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from
2261 proposed structures.

2262
2263 **ARTICLE 6. LEGAL STATUS PROVISIONS.**

2264
2265 **Sec. 18-44 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE**
2266 **PREVENTION ORDINANCE.**

2267 This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance
2268 enacted April 6, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without
2269 interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be
2270 enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of
2271 the flood damage prevention ordinance of Craven County enacted on April 6, 1987, as amended, which are not reenacted herein
2272 are repealed.

2273
2274
2275 **Sec. 18-45 EFFECT UPON OUTSTANDING BUILDING PERMITS.**

2276 Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any
2277 part thereof for which a floodplain development permit has been granted by the floodplain administrator or his authorized agents
2278 before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding
2279 permit within a period of six (6) months subsequent to passage of this ordinance or any revision thereto, construction or use shall
2280 be in conformity with the provisions of this ordinance.

2281
2282
2283 **Sec. 18-45.1 SEVERABILITY.**

2284 If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent
2285 jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

2286
2287
2288 **Sec. 18-46 EFFECTIVE DATE.**

2289 This ordinance shall become effective on ____ day of _____, 202__.

2290
2291
2292 **Sec. 18-47 ADOPTION CERTIFICATION.**

2293 I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of
2294 Commissioners of Craven County, North Carolina, on the ____ day of _____.

2295
2296
2297
2298
2299 WITNESS my hand and the official seal of _____, this the ____ day of _____, 202__.

2300
2301
2302
2303 _____
2304 Chairman Thomas F. Mark
2305 Craven County Board of Commissioners

2306
2307 _____
2308 Nan Holton
2309 Clerk to the Board