

Town of Southern Shores
Proposed 2020 Flood Damage Prevention Ordinance
Summary of Changes
(3/12/2020)

The State model ordinance has been modified and should be adopted as modified with consideration of the items listed as optional. State clarifications and modification are indicated in GREEN. Southern Shores staff has recommended several additions to the state ordinance to help in clarifying and to create a regulatory flood elevation for areas outside of the Special Flood Hazard Areas. Staff's recommended changes are in PURPLE. Staff recommendations are consistent with the CRS Users Group and have been reviewed and approved by the State. Staff recommends a minimum building elevation of eight (8) feet throughout the entire Town either through freeboard requirements or local elevation standard (LES) of eight (8) feet in the AE, AO, Shaded X and X Zones. The VE Flood Zone is subject to the designated base flood elevation (BFE) on the Flood Insurance Rate Map (FIRM) and staff is recommending a freeboard requirement in addition to the BFE.

Section 16-1 – Objectives

- The State added objectives for model ordinance and Southern Shores added objectives to regulate the Shaded X and X Flood Zone.

Section 16-2 – Definitions

- State clarified/modified several definitions that were included in the 2006 ordinance. The State added the following definitions:

Alteration of Watercourse, Area of Shallow Flooding, Coastal "A" Zones, Coastal Area Management Act (CAMA), Design Flood, Development Activity, Digital Flood Insurance Map (DFIRM), Flood Resistant Material, Floodway, Letter of Map Change (LOMA), Light Duty Truck, Limit of Moderate Wave Action (LiMA), Map Repository, Technical Bulletin and Technical Fact Sheet, Temperature Controlled, Water Surface Elevation

Staff is recommending adding several definitions to clarify existing procedures and to create a regulatory flood level in the Shaded X and X Flood Zones. Staff is recommending the following:

Local Elevation Standard, Reference Level, Regulatory Flood Protection Elevation (RFPE), Shaded X Zone and X Zone, Enclosure/Enclosed Area, Accessory Structure, Primary Frontal Dune

Section 16-3 – General Provisions

- Staff is recommending the establishment of Local Elevation Standards to serve as Regulatory Flood Protection Elevation in Shaded X and X Zones
- The State modified Penalties for Violations

Section 16-4 – Administration

- The State modified Designation of Floodplain Administrator
- Application Requirements:
 - Staff is recommending adding Shaded X and X Zone
 - State clarified the datum used for determining elevation
 - State modified requirement for V-Zone Certification with plans and specifications by a professional engineer in addition to the V Zone Certification required prior to Certificate of Occupancy
- Permit Requirements
 - State modifications to requirements on the floodplain development permit

- State modifications to the limit of use below the RFPE
- State clarification of V Zone construction limits
- Materials allowed below RFPE
- Certification Requirements
 - Staff recommends modifying the current language for the requirement of an under construction elevation certificate in the AE, AO, VE, Shaded X and X Zones during construction and;
 - State modification for the requirement of a final finished construction elevation certificate.
 - Staff recommends requiring a pre-construction and final finished construction elevation certificate in the Shaded X and X Zones to meet the RFPE. However, allowing site survey or other approved FEMA form by a licensed professional may be used to demonstrate natural grade exceeds the RFPE of eight (8) feet, in lieu of an elevation certificate for both preconstruction and final finished construction elevation certificate.
 - State modifications to the Floodproofing Certificates.
 - State modification to V-Zone Certification.
 - Staff recommendation to V-Zone Certification to include final V-Zone Certification prior to issuance of Certificate of Compliance/Occupancy.
- Determination for existing buildings and structures
 - State clarified substantial improvement requirement
- Duties and Responsibilities of the Floodplain Administrator
 - State clarified the requirement to maintain a current map repository
- Variance Procedures
 - Staff recommends extending variance options to the Shaded X and X Zones because of the staff recommended RFPE requirement.

Section 16-5 – Provisions for Flood Hazard Reduction

- General Standards
 - State specified the type of equipment that shall be above RFPE.
- Specific Standards
 - Staff recommends including Shaded X and X Zones for non-residential construction.
- Elevated Buildings
 - Staff recommendation to clarify what is allowed in enclosures below the RFPE and to include Shaded X and X Zones.
- Additions/Improvements
 - State clarification of the “50% rule” for existing structures located in the SFHA’s and the type of improvements that fall under this rule and the time frame of one year.
 - Staff recommends standards for improvements within the Shaded X and X Zones with the required RFPE. Staff recommends to NOT apply substantial damage or substantial improvement regulations in these zones. Staff recommends allowing interior renovations to existing living space regardless of RFPE. Allowing lateral additions at the existing structure level. Staff recommends requiring the RFPE be met if the building is relocated on the lot. Finally, not to allow conversion of existing unconditioned space to conditioned space if the area is below RFPE.
 - State modified language pertaining to Recreation Vehicles.
- Accessory Structures
 - Staff recommends clarifying exemption requirement for accessory use structures 150 square feet or less.

- Staff recommends a provision for other structures on a lot in addition to the principal use that finished living space be required to meet all the requirements of the applicable general and specific standards.
- State modifications to the use of tanks and included language for standards for floodplains without established BFE's, with BFE's but without established floodways or non-encroachment areas, floodways and non-encroachment areas.
- Coastal High Hazard Areas (Zones VE)
 - State made several changes to the Coastal High Hazard Area (Zone VE) including clarifying specifications for concrete pads, swimming pools, elevators, fill/grading, manufactured homes, recreational vehicles, decks/patios, bulkheads, seawall, retaining walls, revetments, solid fences, fences and privacy walls that were previously only outlined in the technical bulletins (not regulatory).
 - Staff recommends language detailing a V-Zone Certification requirement
 - State modified language as it pertains to standards for areas of shallow flooding in the AO and AH Zones.

Section 16-6 – Legal Status Provisions

- State clarified and modified language for official adoption of the Flood Damage Prevention Ordinance