



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

Join the meeting via zoom: <https://zoom.us/j/91999409212>

or by calling 1 646 558 8656, when prompted, enter meeting ID: 919 9940 9212 followed by the Pound sign (#).

Public Hearing comments can be emailed to the clerk prior to the meeting: skane@southernshores-nc.gov

June 1, 2020

COUNCIL MEETING-5:30 P.M.-PITTS CENTER

1. Opening

- A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
- B. Pledge of Allegiance
- C. Moment of Silence
- D. Amendments to / Approval of Agenda
- E. Consent Agenda **TAB1**
 - i. Council Meeting Minutes
 - ii. Pickups & Releases

2. Staff Reports

- A. Interim Town Manager/Planning Director
- B. Police Chief
- C. Fire Chief, Southern Shores Volunteer Fire Department
- D. Town Attorney's Report

3. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)

4. Public Hearings

- A. Public Hearing- Consideration of Manager's Proposed FY 20-21 Budget **TAB 2**
- B. Public Hearing- New Flood Maps and Update to Southern Shores Town Code Chapter 16, Flood Damage Prevention Ordinance. **TAB 3**

5. Old Business

- A. Discussion of No Left Turn Weekend (requested on agenda from April budget workshop mtg.) **TAB 4**
- B. Recycle Update & Options/Contract **VERBAL UPDATE TO BE PROVIDED AT MEETING**

6. New Business

- A. Consideration of Responses to RFQ-Town Engineer **TAB 5**

7. General Public Comment (Limit: 3 minutes per speaker.)

8. Other Business

- A. Mayor's Comments & Responses
- B. Council Member's Comments & Responses

9. Adjourn

**TOWN OF SOUTHERN SHORES
TAX DEPARTMENT**

6/1/2020

PICKUPS

November Real	\$6.66
December Real	\$0.18

RELEASES

November Real	\$	205.72
January Real	\$	313.72
March Real	\$	10.37

TOTAL

\$6.84

\$529.81

MINUTES TO BE EMAILED



As required by State law, the Budget Officer's proposed FY 20-21 Operating Budget was filed, May 5, with the Town Clerk. This proposed operating budget is balanced and reflects funding for all longstanding Town services as well as the Council's goals directed either prior to or at its Budget Work Session meeting during this current fiscal year. The required Public Hearing on the proposed budget has been set for Monday June 1, 2020 at 5:30 PM, being the first regular meeting of June 2020. Council may adopt any changes to the Budget Officer's proposed budget, or approve it, after closure of the June 1, 2020 Public hearing.

Notice is hereby given that a public hearing will be held in the Pitts Center located at 5377 N. Virginia Dare Trail, Southern Shores, on Monday, June 1, 2020, beginning at 5:30 p.m., for the purpose of receiving input from citizens wishing to comment on the proposed budget for FY2020-2021. Comments can also be emailed to the Town Clerk skane@southernshores-nc.gov prior to the public hearing.



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Ordinance No. 2020-06-01

An Ordinance of the Southern Shores Town Council Adopting a Budget and Tax Rate for FY 2020-21

BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina that the following be the various budgets for FY 2020-21:

SECTION I. GENERAL FUND

- A. Appropriations: The following amounts are appropriated for the operation of the Town government and its activities for the fiscal year beginning July 1, 2020 and ending June 30, 2021:

Administration Department	\$ 1,045,014
Code Enforcement & Inspections Department	\$ 306,985
Fire Department	\$ 939,378
Ocean Rescue Services	\$ 166,200
Police Department	\$ 1,751,272
Public Works Department	* \$ 543,208
Public Works Department – Streets, Bridges, Beaches & Canals	* \$ 368,486
Sanitation Services	\$ 767,700
Contribution to Capital Reserve Fund for Canals	\$ 20,000
Total General Fund Appropriations	\$ 5,908,243

- B. Estimated Revenues: It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2020 and ending June 30, 2021 to meet foregoing appropriations:

Property Taxes- Current Year	\$ 2,961,936
Vehicle Taxes (NCVTS)- Current Year	\$ 105,000
Special Assessment	\$ 30,000
Property & Vehicle Taxes- Prior Years, Penalties and Interest	\$ 8,000
Subtotal: Property and Vehicle Taxes	\$ 3,104,936
Land Transfer	\$ 242,981
Local Option Sales Tax	\$ 901,543
Occupancy Tax	\$ 801,504
Other Intergovernmental Revenues	\$ 656,679
Building Permits & Fees	\$ 126,000
Other Revenues	\$ 74,600
	2,803,307

Total General Fund Revenues **\$ 5,908,243**

SECTION V. EXPENDITURES

All expenditures must be made in accordance with governing North Carolina General Statutes and adopted Town policies regarding purchasing and bidding. The Budget Officer is authorized to expend funds consistent with the governmental functions and amounts shown as appropriated and to execute such documents necessary for same.

Notwithstanding Town policies regarding purchasing and bidding, the Budget Officer is authorized to execute documents for the following items or services in accordance with the specific appropriations established by this Ordinance or as the budget may be amended during the fiscal year: Multi-year lease, lease-purchase, or purchase of vehicles and equipment.

SECTION VI. LEASE REVENUES

The Budget Officer is hereby authorized to negotiate in the best interest of the Town and execute such documents necessary for the realization of revenues or other consideration from lease or use of any Town property with a term not to exceed three years.

SECTION VII. FIRE SERVICES

An amount of \$ 314,020 is included (as shown on adopted line item budget) in the total amount appropriated in Section 1. A. for "Fire Department". This funding is for reimbursement to the Southern Shores Volunteer Fire Department, Inc. (SSVFD) for that entity's debt service costs incurred during FY 2020-21 for funding for a new fire station as described in the effective contract for fire services between the Town and the SSVFD.

SECTION VIII. BUDGET OFFICER LINE TRANSFER AUTHORIZATION

The Budget Officer is authorized to re-allocate intra-departmental appropriations among the various objects of expenditures as he considers necessary for effective budget performance, and is also authorized to affect inter-departmental transfers within the same Fund for effective budget performance. The Budget Officer is also authorized to affect, within the same Fund, intra-departmental and inter-departmental transfers from a Departmental contingency line appropriation established in accordance with NCGS §159-13(b)(3), with such contingency line transfers being in accordance with NCGS §159-13(b)(3).

SECTION IX. BUDGET OFFICER RESTRICTIONS

No salary increases may be made without approval of the Town Council. Inter-fund transfers not established in this budget document may only be performed by authorization of the Town Council.

SECTION X. UTILIZATION OF BUDGET AND BUDGET ORDINANCE

This Ordinance and the Budget Document shall be the basis of the financial plan for operations of the Town of Southern Shores, North Carolina Municipal Government during the fiscal year 2020-21. Copies of this Budget Ordinance shall be furnished to the Clerk of the Town Council and to the Budget Officer and Finance Officer, and is to be kept on file by them for their direction in the disbursement of funds.

ADOPTED this _____ day of June, 2020.

Mayor Tom Bennett

ATTEST:

Sheila Kane, Town Clerk

seal





TOWN OF SOUTHERN SHORES
5375 N VIRGINIA DARE TRAIL | SOUTHERN SHORES, NC 27949
(252) 261-2394 | WWW.SOUTHERNSHORES-NC.GOV

FISCAL YEAR 2020-2021
PROPOSED OPERATING BUDGET

FILED AND SUBMITTED MAY 5, 2020

CONTENTS

- BUDGET MESSAGE
- BUDGET DEVELOPMENT CALENDAR FOR FY 2020-2021
- GENERAL FUND EXPENDITURES GRAPH
- GENERAL FUND REVENUES GRAPH
- OCCUPANCY, SALES, AND LAND TRANSFER TAXES GRAPH
- PROPOSED LINE ITEM BUDGETS:
 - GENERAL FUND
 - CEMETERY FUND
 - CAPITAL RESERVE FUND



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May 5, 2020

Budget Message
Fiscal Year 2020-2021
[NCGS §159-1]

To the Honorable Mayor and Members of the Town Council:

In accordance with the State of North Carolina's Local Government Budget and Fiscal Control Act, the proposed budget for fiscal year 2020-2021 was filed today with the Town Clerk and will be available for public inspection beginning May 6, 2020. Public Notice of the proposed operating budget will be posted on the Town's bulletin boards, the Town's website, the Town's social media outlet, and in a Notice of Public Hearing to be published in accordance with NCGS §159-12 for a Public Hearing to be held June 1, 2020 at 5:30 p.m. in the Pitts Center.

During the current fiscal year, the number of residential and commercial building permits has decreased compared to fiscal year 2018-2019 but the number of new single-family dwellings are on track to exceed those permitted in the previous two fiscal years. Due to the revaluation of all property in Southern Shores that was completed earlier this year, the overall value of the Town's taxable property increased 20%. This results in a re-setting of the Town's tax rate to 19.58 cents in order to keep revenues the same to fund the current cost of expenses. Property taxes comprise 53% of the Town's major sources of revenues in the proposed budget.

The other major sources of revenue for the Town of Southern Shores include occupancy tax, sales tax, and land transfer tax, which is distributed to each municipality in Dare County. Due to the COVID-19 pandemic, we are projecting a 20% reduction in occupancy tax revenue, 5% decrease in sales tax revenue, and 2.5% decrease in land transfer revenue. As directed by Council, the \$662,340 that has traditionally been allocated to fund street projects has been used to offset the anticipated loss of revenue due to the COVID-19 pandemic.

During the months of February and March, 2020, Finance Officer Bonnie Swain and I met with each Department Head, including the Southern Shores Volunteer Fire Department, and gathered the proposed expenses for services for the next fiscal year. The costs for contracted services, including lifeguard service, limb and branch collection, and fire protection, are established in each contract. The proposed expenses and revenues were presented to Council at the April 21, 2020 Budget Work Session which was broadcasted on the Zoom online meeting platform. Council had the opportunity to ask questions about each line item as they were reviewed. The Finance Officer has made the adjustments to the budget as directed by Council at the Work Session and the proposed budget is balanced at the revenue neutral rate without a tax increase.

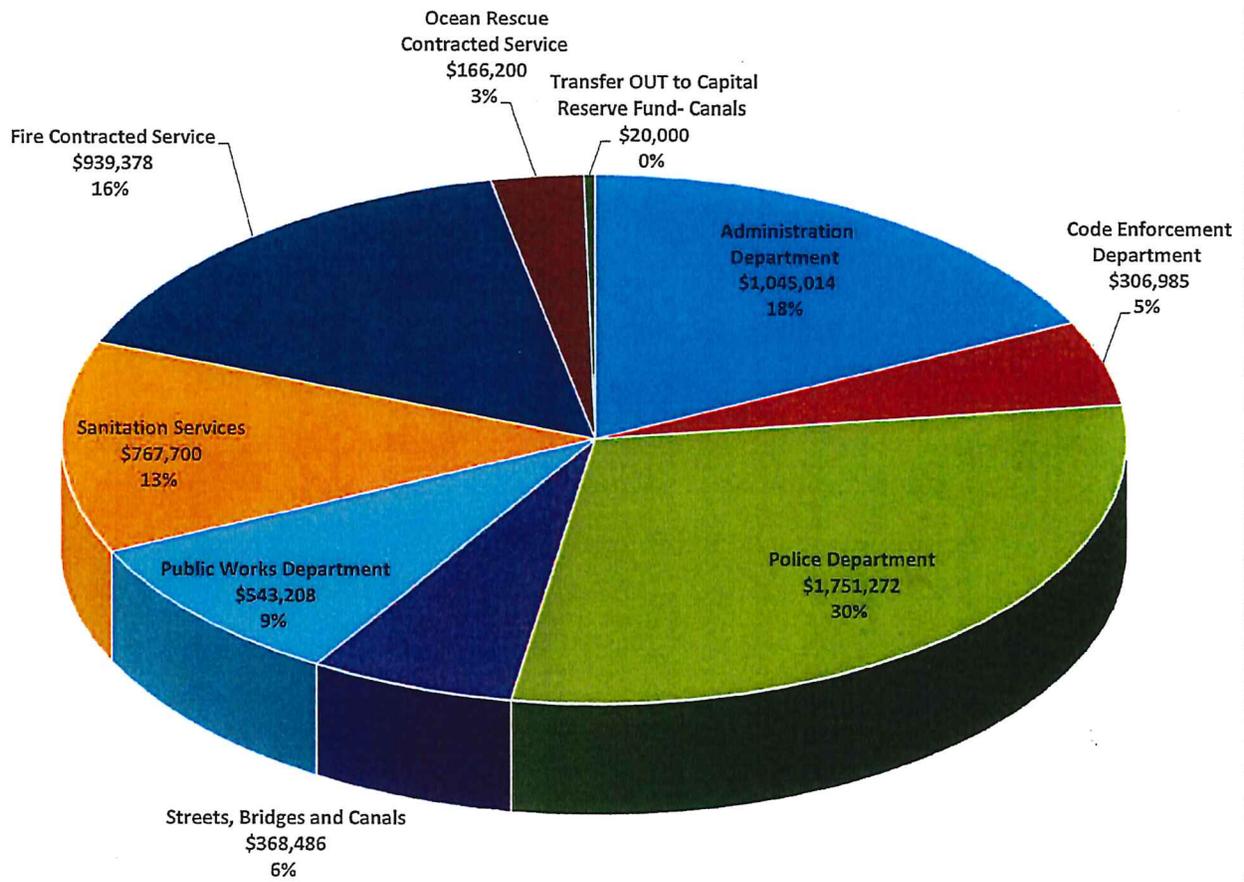
The proposed budget has been filed and will be available for public inspection tomorrow morning. Following the Public Hearing held on June 1, 2020 Council may amend the proposed budget or adopt it as proposed which must occur prior to July 1, 2020.

Wes Haskett
Interim Town Manager/Budget Officer
Town of Southern Shores

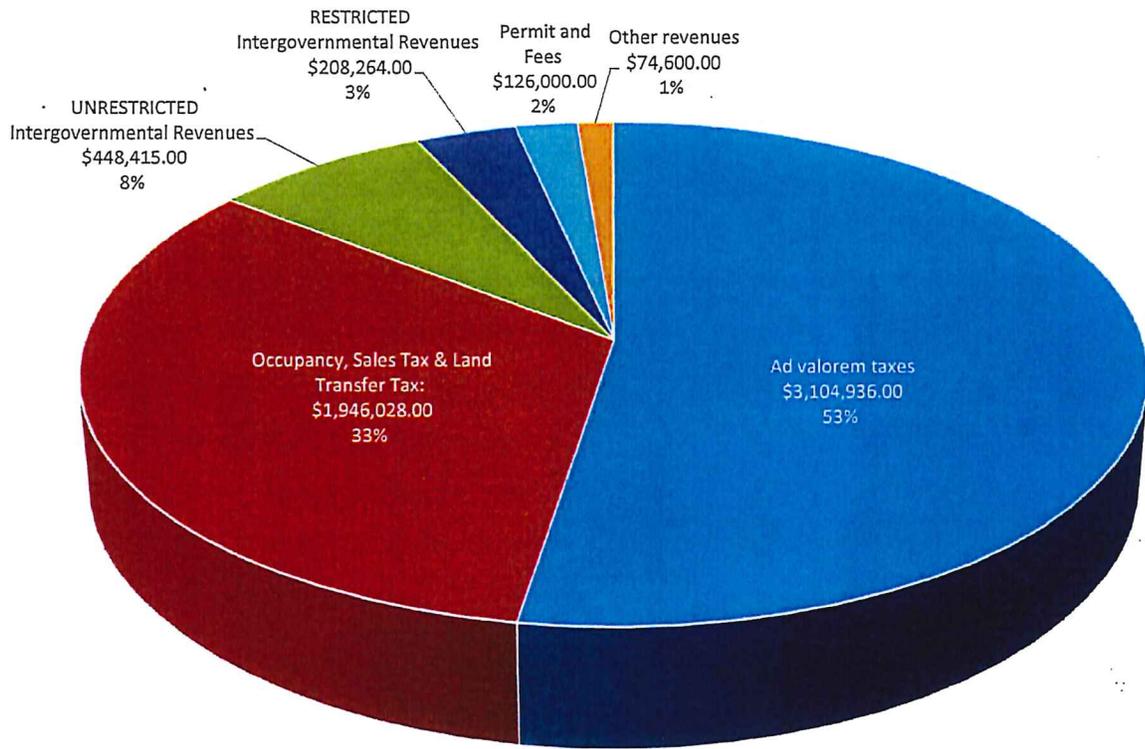
Budget Preparation Calendar for Fiscal Year 2020-2021

- **April 21, 2020 - 9:00 AM Town Council Workshop Meeting (Council Work Session-Budget Planning)** Review of Budget Officer's projected revenues and expenditures and Draft proposed budget intended to be filed and submitted. Opportunity for Town Council, by its action, to direct Budget Officer to submit different revenues and expenses, including capital and special projects, in his proposed budget.
- **May 5, 2020 - 5:30 PM Regular Meeting** - Budget Officer officially files his recommended budget (inclusive of any previous Council directives) with the Clerk - (Clerk makes Budget Officer's filed-recommended budget document available for public inspection, and publishes notice of June 1, 2020 Public Hearing
- **June 1, 2020 - 5:30 PM Regular meeting** - Public Hearing (separate from public comment periods) on the Budget Officer's FY 2020-2021 filed recommended budget. After the Public Hearing, the Council must adopt (prior to July 1, 2020), with any changes it enacts as a Council, an annual operating budget for FY 2020-2021.

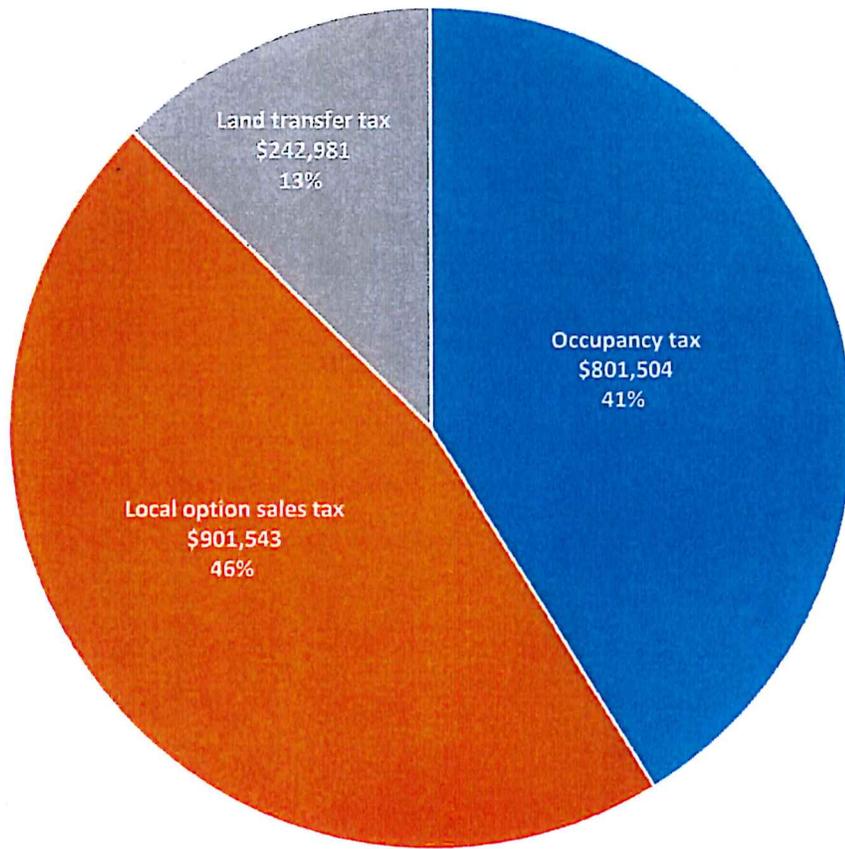
EXPENDITURES FY 2020-2021



GENERAL FUND REVENUES
FY 2020-2021



OCCUPANCY, SALES TAX & LAND TRANSFER TAX



GENERAL FUND SUMMARY						
	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended	FY 20-21 Requested	FY 20-21 Recommended	FY 20-21 Adopted
Revenues:						
Ad valorem taxes	3,030,645	3,064,445	3,081,460	3,104,936	3,104,936	
Occupancy, Sales Tax & Land Transfer Tax:	2,227,618	2,200,084	2,165,590	1,946,028	1,946,028	
UNRESTRICTED Intergovernmental Revenues	453,294	461,463	450,200	448,415	448,415	
RESTRICTED Intergovernmental Revenues	639,141	235,748	664,382	208,264	208,264	
Permit and Fees	156,815	139,324	129,000	126,000	126,000	
Other revenues	81,833	234,125	147,674	74,600	74,600	
SubTotal:	6,589,346	6,335,189	6,638,306	5,908,243	5,908,243	
Transfer IN from Other Funds	22,000	-	-			
Appropriated-Undesignated Fund Balance	-	-	1,406,411			
Total:	6,611,346	6,335,189	8,044,717	5,908,243	5,908,243	
Expenditures:						
Administration Department	944,656	1,004,062	1,080,656	1,045,014	1,045,014	
Code Enforcement Department	245,974	300,597	270,673	306,985	306,985	
Police Department	1,468,688	1,621,713	1,768,688	1,751,272	1,751,272	
Streets, Bridges and Canals	1,419,636	1,078,281	2,355,404	368,486	368,486	
Public Works Department	389,150	513,722	752,469	543,208	543,208	
Sanitation Services	650,166	685,046	742,863	767,700	767,700	
Fire Contracted Service	691,767	633,240	890,464	939,378	939,378	
Ocean Rescue Contracted Service	161,550	163,500	163,500	166,200	166,200	
Total Operating General Fund Expenditures	5,971,587	6,000,161	8,024,717	5,888,243	5,888,243	
Transfer OUT to Capital Reserve Fund- Canals	20,000	20,000	20,000	20,000	20,000	
Transfer OUT to Capital Reserve Fund	254,019					
			8,044,717	5,908,243	5,908,243	
REVENUES OVER (UNDER) EXPENDITURES	617,759	335,028	-	-		
.01 = \$156,617						

GENERAL FUND						
REVENUES	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended	FY 20-21 Requested	FY 20-21 Recommended	FY 20-21 Adopted
AD VALOREM TAXES:						
Property taxes - current year	2,885,427	2,920,081	2,936,160	2,961,936	2,961,936	
Property taxes - prior years	10,210	9,775	5,000	5,000	5,000	
Vehicle taxes - prior years	42	58	2,300	-	-	
NCVTS	101,506	100,228	105,000	105,000	105,000	
Tax penalties and interest	3,460	4,303	3,000	3,000	3,000	
Special Assessment	30,000	30,000	30,000	30,000	30,000	
Total Ad Valorem Taxes	3,030,645	3,064,445	3,081,460	3,104,936	3,104,936	
Occupancy, Sales Tax & Land Transfer Tax:						
Occupancy tax	1,014,531	1,001,880	958,000	801,504	801,504	
Local option sales tax	964,512	948,993	961,619	901,543	901,543	
Land transfer tax	248,575	249,211	245,971	242,981	242,981	
Total Occupancy, Sales Tax & Land Transfer	2,227,618	2,200,084	2,165,590	1,946,028	1,946,028	
UNRESTRICTED INTERGOVERNMENTAL REVENUES:						
Utilities franchise tax	259,893	271,200	263,000	264,315	264,315	
Video Programming Tax	68,982	66,316	65,000	63,900	63,900	
Telecommunications tax	24,875	23,193	23,000	21,000	21,000	
PEG Channel Revenue	27,031	26,893	26,000	26,000	26,000	
ABC revenues	57,717	58,947	58,000	58,000	58,000	
Beer and Wine Tax	12,786	12,837	13,000	13,000	13,000	
Solid Waste Disposal Tax	2,010	2,077	2,200	2,200	2,200	
Total Unrestricted Intergovernmental Revs	453,294	461,463	450,200	448,415	448,415	
RESTRICTED INTERGOVERNMENTAL REVENUES:						
Powell Bill	119,139	117,888	118,000	118,000	118,000	
COPS Grant- DOJ	15,869	-	-	-	-	
GCC Grant	21,486	-	18,632	61,264	61,264	
GHSP Grant	-	-	18,750	-	-	
Dare County Tourist Bureau Grant	-	86,938	-	-	-	
Controlled Substance tax	1,775	922	-	-	-	
Government Access Channel Grant	7,424	6,000	10,000	5,000	5,000	
Shoreline Stabilization	24,000	24,000	24,000	24,000	24,000	
US Dept of Homeland Security- FEMA	-	-	475,000	-	-	
Dare County Beach Noursihment Grant	449,448	-	-	-	-	
Total Restricted Intergovernmental Revs	639,141	235,748	664,382	208,264	208,264	

REVENUES	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended	FY 20-21 Requested	FY 20-21 Recommended	FY 20-21 Adopted	
PERMITS AND FEES:							
Building permits	128,873	117,621	105,000	105,000	105,000		
Plan review fees	12,376	10,356	10,000	10,000	10,000		
CAMA fees	4,615	3,415	2,500	2,500	2,500		
Planning board fees	4,775	3,050	3,000	2,500	2,500		
Court costs and fees	777	882	1,000	1,000	1,000		
Parking and other fines	5,399	4,000	7,500	5,000	5,000		
Total Permits and Fees	156,815	139,324	129,000	126,000	126,000		
Other Revenues:							
Interest income	68,955	122,608	100,000	65,000	65,000		
Sale of fixed assets	2,074	31,700	4,280	-	-		
Rental Income	3,000	1,600	2,400	2,400	2,400		
Miscellaneous	6,054	66,203	5,500	5,000	5,000		
Body Armour Grant	750	-	1,200	1,200	1,200		
Outer Banks Community Foundation	1,000	1,000	1,000	1,000	1,000		
Insurance proceeds	-	11,014	33,294	-	-		
Total Other Revenues	81,833	234,125	147,674	74,600	74,600		
Total Other Revenues	1,331,083	1,070,660	1,391,256	857,279	857,279		
TOTAL REVENUE BEFORE TRANSFERS							

ADMINISTRATION DEPARTMENT	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended	FY 20-21 Requested	FY 20-21 Recommended	FY 20-21 Adopted
Salaries	370,844	375,442	364,150	369,009	369,009	
FICA	26,243	26,820	30,887	28,229	28,229	
Retirement	46,572	48,057	50,324	56,089	56,089	
Group Health insurance	43,044	47,119	53,845	47,360	47,360	
Council Compensation	18,600	18,600	18,600	18,600	18,600	
Council Travel & Training	2,394	3,123	5,000	5,000	5,000	
Unemployment Payments	-	761	1,000	1,000	1,000	
Merit/Bonus Pay	-	-	-	35,000	35,000	
Legal services	59,251	102,702	100,000	60,000	60,000	
Audit services	16,000	17,000	17,000	17,000	17,000	
Payroll services	8,511	7,017	8,200	8,200	8,200	
Computer services	53,455	61,512	75,000	72,127	72,127	
Insurance and bonds	70,230	73,681	75,000	75,000	75,000	
Advertising	725	1,616	1,000	1,000	1,000	
Travel	8,490	8,860	15,000	15,000	15,000	
Telephone	29,845	30,842	31,500	31,500	31,500	
Utilities	22,822	22,592	25,000	25,000	25,000	
Dues/subscriptions	8,240	8,191	10,000	10,000	10,000	
Training	5,731	7,267	13,500	13,500	13,500	
Supplies	7,378	6,443	10,000	12,000	12,000	
Postage	1,286	1,754	2,000	2,000	2,000	
Equipment lease & maintenance	8,291	14,091	16,000	16,000	16,000	
Municipal Elections	4,280	-	5,000	-	-	
Dare County & NCVTS tax collection	47,540	48,168	50,000	54,000	54,000	
Gov't. Access Channel (PEG Channel)	27,031	26,893	26,000	26,000	26,000	
Gov't. Access Channel Membership	1,000	1,000	1,000	1,000	1,000	
Municode publishing	3,706	1,175	5,000	5,000	5,000	
Vehicle Operations	386	438	500	500	500	
EE Recognition & Appreciation	9,258	6,841	8,500	8,500	8,500	
Wellness Initiative	2,862	1,935	3,000	3,000	3,000	
Contracted Services	3,630	3,580	30,100	4,000	4,000	
Misc.	7,286	4,905	10,000	10,000	10,000	
Technology Update- Pitts Center	7,424	6,000	10,000	5,000	5,000	
Recording of Meetings	5,681	4,437	7,550	8,400	8,400	
Cleaning of Town Buildings	16,620	15,200	1,000	1,000	1,000	
Total	944,656	1,004,062	1,080,656	1,045,014	1,045,014	

PLANNING & CODE ENFORCEMENT						
	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended	FY 20-21 Requested	FY 20-21 Recommended	FY 20-21 Adopted
Salaries	152,443	177,390	184,009	207,772	207,772	
FICA	10,793	13,141	14,077	15,895	15,895	
Group Health insurance	21,901	22,677	25,862	31,311	31,311	
Employee retirement	16,419	19,675	21,425	28,207	28,207	
Contracted Services	9,267	9,800	3,600	3,600	3,600	
Printing	561	1,337	1,000	1,000	1,000	
Advertising	1,317	1,562	1,000	1,000	1,000	
Travel	123	4,829	1,500	1,500	1,500	
Dues/subscriptions	105	170	350	350	350	
Training	562	4,050	2,000	2,000	2,000	
Supplies	334	990	3,000	1,000	1,000	
Uniforms	198	-	200	200	200	
Medical Testing	66	-	-	-	-	
Capital Outlay- Vehicles	-	27,775	-	-	-	
Vehivle Maintenance	-	-	1,000	1,000	1,000	
Vehicle operations	630	565	1,000	1,000	1,000	
Homeowners Recovery fee	558	495	1,000	1,000	1,000	
Historic Landmarks Designation	-	1,728	1,500	1,000	1,000	
Flood Zone Map Mailing	1,797	1,602	2,000	3,000	3,000	
Misc	-	1,094	1,000	1,000	1,000	
Town Code Update	27,600	11,717	5,150	5,150	5,150	
BOA Meeting transcription	1,300	-	-	-	-	
Total Code Enforcement	245,974	300,597	270,673	306,985	306,985	

POLICE DEPARTMENT	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended	FY 20-21 Requested	FY 20-21 Recommended	FY 20-21 Adopted
Salaries	871,532	850,576	887,575	876,130	876,130	
Holiday	30,775	31,190	25,000	25,000	25,000	
Overtime	14,247	12,209	20,000	20,000	20,000	
FICA	67,569	66,923	71,343	70,466	70,466	
Group Health insurance	119,430	117,529	129,191	131,690	131,690	
Employees retirement	120,389	118,746	135,041	144,722	144,722	
Career Development	1,000	-	1,500	1,500	1,500	
Computer services	9,649	675	13,700	11,000	11,000	
Printing	-	100	1,000	1,000	1,000	
Advertising	707	1,712	-	1,000	1,000	
Travel	9,400	3,931	7,300	10,000	10,000	
Dues/subscriptions	790	566	1,500	1,500	1,500	
Training	7,438	9,562	4,000	12,000	12,000	
Medical testing	269	676	1,000	1,800	1,800	
Uniforms	9,709	10,602	20,000	20,000	20,000	
Supplies	33,208	20,984	37,200	28,000	28,000	
Contracted Services	15,412	22,767	25,000	35,000	35,000	
Equipment lease & maint.	7,588	-	5,000	5,000	5,000	
Equipment purchase	55,543	77,773	100,780	97,200	97,200	
Vehicle maintenance & repair	29,891	28,404	28,000	28,000	28,000	
Vehicle operations	30,199	31,626	35,000	35,000	35,000	
Misc.	3,095	67	3,475	10,000	10,000	
Capital Outlay- Vehicles	-	191,511	124,819	95,000	95,000	
GCC Grant- BWC cameras	7,264	-	37,264	37,264	37,264	
GCC Grant Thermal Cams	-	-	-	24,000	24,000	
GHSP Grant	-	-	25,000	-	-	
Total	1,445,104	1,598,129	1,739,688	1,722,272	1,722,272	
Sep. Allowance Transferred to Pension Fund	23,584	23,584	29,000	29,000	29,000	
Total Police	1,468,688	1,621,713	1,768,688	1,751,272	1,751,272	

Streets, Bridges, Beaches and Canals	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended	FY 20-21 Requested	FY 20-21 Recommended	FY 20-21 Adopted
Street Sign Maintenance	748	1,586	5,000	5,000	5,000	
Engineering & Arborist Services	5,850	7,408	5,000	5,000	5,000	
Street Maintenance	20,633	10,605	57,202	57,202	57,202	
Brush Trimming	5,245	8,300	20,000	20,000	20,000	
Bridge Maintenance	-	-	2,125	2,125	2,125	
Beach Profile Study	33,106	-	45,000			
Financial Planning-Beach Nourishment	-	-	35,000	35,000	35,000	
Beach Noursihment	889,048	70,557	-			
Beach Surveys	-	-	3,337			
Osprey Lane	338	-	-			
Juniper Trail	2,418	315,501	-			
Fairway Drive	225	-	-			
N,S & E Dogwood Intersection	5,025	-	-			
Yaupon Trail	4,669	461,687	-			
Wild Swan Lane	113	-	-			
Hollow Beach Court	2,688	-	-			
Palmetto Lane	162,310	-	-			
Clam Shell Trail	185,006	-	-			
Skyline Dr. Intersection	52,567	-	-			
East Dogwood Bike Path	-	181,733	-			
Dogwood Bike Path Phase 2	-	8,624	-			
FY 19-20 Infrastructure Projects	-	-	322,910	-	-	
Hillcrest Drive	-	-	22,000			
Sea Oats Trail	-	-	16,000			
Dewberry Lane	-	-	10,000			
East Dogwood Trail	-	-	291,430			
FY 20 -21 Infrastructure Projects	-	-	-	198,759	198,759	
Waterway Maintenance and Repair	400	400	400	400	400	
Storm Debris Cleanup	-	11,880	20,000	20,000	20,000	
Bulkhead Maintenance and Repair	38,857	-	25,000	25,000	25,000	
NC Hwy12-E. Dogwood Stormwater Floodin	10,390	-	-			
South Dogwood Walkway	-	-	1,000,000			
Hurricane Dorian Recovery	-	-	475,000			
Total	1,419,636	1,078,281	2,355,404	368,486	368,486	

PUBLIC WORKS DEPARTMENT						
	FY 17-18 Actual	FY 18-19 Actual	FY 19-20 Amended	FY 20-21 Requested	FY 20-21 Recommended	FY 20-21 Adopted
Salaries	204,882	272,355	303,306	320,888	320,888	
FICA	15,995	20,579	23,203	24,458	24,458	
Group Health insurance	26,017	31,274	35,489	32,701	32,701	
Employee retirement	24,794	32,249	38,221	45,916	45,916	
Training	573	1,485	3,000	3,000	3,000	
Printing	-	72	600	200	200	
Travel	560	1,031	2,000	2,000	2,000	
Uniforms	3,484	3,292	3,500	3,500	3,500	
Dues and Subscriptions	385	-	350	350	350	
Supplies	9,884	6,814	8,500	9,000	9,000	
Advertising	1,530	985	500	500	500	
Safety Compliance	878	905	1,500	2,000	2,000	
Town buildings maintenance & repairs	12,700	22,230	33,300	33,300	33,300	
Beautification-grounds	4,245	3,750	5,000	6,000	6,000	
Equipment lease & maintenance	3,897	5,368	6,500	8,000	8,000	
Building Upgrades	-	-	220,000	-	-	
Vehicle maintenance & repair	1,386	2,306	3,500	4,500	4,500	
Vehicle operations	6,239	8,537	9,000	10,000	10,000	
Misc	549	328	1,000	1,000	1,000	
Capital Outlay- Equipment	39,378	-	-	-	-	
Capital Outlay- Vehicle	-	33,524	-	-	-	
Medical Testing	132	168	150	150	150	
Equipment Purchase	-	16,100	27,850	9,745	9,745	
Contracted Service	5,236	-	-	-	-	
Shoreline Stabilization	26,406	24,000	24,000	24,000	24,000	
Facilities Assessment	-	26,370	-	-	-	
Parking Lot Maintenance	-	-	2,000	2,000	2,000	
Total	389,150	513,722	752,469	543,208	543,208	

STAFF REPORT

To: Southern Shores Town Council
Date: May 27, 2020
Case: TCA-20-01
Prepared By: Wes Haskett, Interim Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Town of Southern Shores

Requested Action: Amendment of the Town Code (TCA) by amending Chapter 16, Flood Damage Prevention and adoption of Preliminary Flood Maps

ANALYSIS

Typically, FEMA requires local Flood Insurance Rate Maps (FIRMS) and flood ordinances to be updated every ten years. The current FIRMS for Dare County and the Town of Southern Shores became effective on September 20, 2006. The preliminary FIRMS were released on June 30, 2016 and become effective on June 19, 2020. Town Staff and officials from Dare County and the other Municipalities have been meeting regularly as a CRS Users Group since the Preliminary FIRMS were released. Discussion has primarily focused on public awareness of historical flooding, property owners dropping flood insurance policies vs. potential flood claims and their impact on local, State, and Federal levels, responsible building practices, and developing higher regulatory standards for construction.

The preliminary FIRMS have been available for viewing on the State's Flood Risk Information System website. The proposed language for updating our Flood Damage Prevention Ordinance and a summary of proposed changes have been provided to you and made available to stakeholders. The proposed language has been color coded to indicate the source of the proposed changes: The required Federal and State clarifications and modifications are indicated in green, Town Staff's recommended changes are in purple, and the Town Planning Board's recommended changes are highlighted. Staff recommendations are consistent with the CRS Users Group's recommendations and have been reviewed and approved by the State. Included in Staff's recommended changes is a minimum building elevation of eight (8) feet above mean sea level throughout the entire Town either through freeboard requirements or a local elevation standard of 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 FIRM and staff is recommending a freeboard requirement in addition to the BFE.

Our Permit Officer and Floodplain Administrator, Dabni Shelton, spent a significant amount of time getting us to where we are today in this process, and she has done a great job in doing so.

RECOMMENDATION

The Town Planning Board unanimously recommended approval of the proposed TCA at the May 18, 2020 Planning Board meeting.

Town of Southern Shores
Proposed 2020 Flood Damage Prevention Ordinance
Summary of Changes
(6/1/2020)

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

What Are The Different Flood Hazard Zone Designations Shown On A Flood Insurance Rate Map (FIRM) And What Do They Mean?

Zone AE

Zones AE are the flood insurance rate zones used for the 1-percent-annual-chance floodplains that are determined for the Flood Insurance Study (FIS) by detailed methods of analysis. In most instances, Base Flood Elevations (BFEs) derived from the detailed hydraulic analyses are shown at selected intervals in this zone. Mandatory flood insurance purchase requirements apply. AE zones are areas of inundation by the 1-percent-annual-chance flood, including areas with the 2-percent wave runup, elevation less than 3.0 feet above the ground and areas with wave heights less than 3.0 feet. These areas are subdivided into elevation zones with BFEs assigned.

Zone AO

AO zones are areas of sheet-flow shallow flooding where the potential runup is less than 3.0 feet above an overtopped barrier crest ($\Delta R < 3.0$ feet). The sheet flow in these areas will either flow into another flooding source (AE zone), result in ponding (AH zone) or deteriorate because of ground friction and energy losses and merge into the X zone. AO areas are designated with 1-, 2-, or 3-foot depths of flooding.

Zone VE

VE zones are coastal high hazard areas where wave action and/or high-velocity water can cause structural damage during the base flood. They are subdivided into elevation zones with BFEs assigned. VE zones are identified using one or more of the following criteria for the base flood conditions:

1. The **wave runup zone** occurs where the (eroded) ground profile is 3.0 feet or more below the 2-percent wave runup elevation
2. The **wave overtopping splash zone** is the area landward of the crest of an overtopped barrier, in cases where the potential 2-percent wave runup exceeds the barrier crest elevation by 3.0 feet or more ($\Delta R > 3.0$ feet).
3. The **breaking wave height zone** occurs where 3-foot or greater wave heights could occur (this is the area where the wave crest profile is 2.1 feet or more above the total stillwater level).
4. The **primary frontal dune zone**, as defined in 44 CFR Section 59.1 of the NFIP regulations.

Zone X (shaded)

Zones X (shaded) are areas of 0.2-percent-annual-chance floodplain, areas of 1-percent-annual-chance (base flood) sheet flow flooding with average depths of less than 1 foot, areas of base flood stream flooding with a contributing drainage area of less than 1 square mile or areas protected from the base flood by levees. No BFEs or depths are shown in this zone and insurance purchase is not required

Zone X (unshaded)

Zones X (unshaded) are flood insurance rate zones used for areas outside the 0.2-percent-annual-chance floodplain. No BFEs or depths are shown in this zone, and insurance purchase is not required.



Town of Southern Shores
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TCA-2020-01

Ordinance 2020-XXXX

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

PART I. That Town Code Chapter 16 be replaced in its entirety as follows:

... Chapter 16 - FLOOD DAMAGE PREVENTION

Sec. 16-1. - Statutory authorization; findings of fact; purpose and objectives.

(a) *Statutory authorization.* **The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D (Effective January 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.**

Therefore, the Town Council of the Town of Southern Shores, North Carolina, does ordain as follows:

(b) *Findings of fact.*

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

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in floodprone areas of uses vulnerable to floods or other hazards.

(c) *Statement of purpose.* It is the purpose of this chapter to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within floodprone areas by provisions designed to:

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

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

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

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

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

5 (d) *Objectives.* The objectives of this chapter are to:

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

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

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

10 (4) Minimize prolonged business losses and interruptions;

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

14 (6) Help maintain a stable tax base by providing for the sound use and development of
15 floodprone areas; and

16 (7) Ensure that potential buyers are aware that property is in a special flood hazard area.

17 **(8) Minimize damage to private and public property due to flooding;**

18
19 **(9) Make flood insurance available to the community through the National Flood
20 Insurance Program;**

21
22 **(10) Maintain the natural and beneficial functions of floodplains;**

23
24 **(11) Mitigate flood risks in all areas of ~~unincorporated Dare County~~ the Town of
25 Southern Shores and its areas of extra territorial jurisdiction by implementing
26 local elevation standards for all Special Flood Hazards Areas and Shaded X and X
27 Zones.**

28
29 Sec. 16-2. - Definitions.

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

33
34 *Accessory structure (appurtenant structure)* means a structure located on the same parcel of
35 property as the principal structure and the use of which is incidental to the use of the principal
36 structure. Garages, carports and storage sheds are common urban accessory structures. Pole
37 barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be
38 located on the same parcel as the farm dwelling or shop building. **For floodplain management
39 purposes, accessory structures are considered structures used for parking and storage
40 only. The definition used for floodplain management purposes may vary from similar
41 definitions found in the Southern Shores Zoning Ordinance.**

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

44 ***Alteration of a watercourse* means a dam, impoundment, channel relocation, change
45 in channel alignment, channelization, or change in cross-sectional area of the channel or**

1 **the channel capacity, or any other form of modification which may alter, impede, retard or**
2 **change the direction and/or velocity of the riverine flow of water during conditions of the**
3 **base flood.**

4 *Appeal* means a request for a review of the Floodplain Administrator's interpretation of any
5 provision of this chapter.

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

11 *Area of special flood hazard. See Special flood hazard area (SFHA).*

12 *Base flood* means the flood having a one percent chance of being equaled or exceeded in
13 any given year.

14 *Base flood elevation (BFE)* means a determination of the water surface elevations of the
15 base flood as published in the Flood Insurance Study. When the BFE has not been provided in a
16 special flood hazard area, it may be obtained from engineering studies available from a federal,
17 state or other source, using FEMA approved engineering methodologies. This elevation, when
18 combined with the freeboard, establishes the regulatory flood protection elevation.

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

21 *Breakaway wall* means a wall that is not part of the structural support of the building and is
22 intended through its design and construction to collapse under specific lateral loading forces
23 without causing damage to the elevated portion of the building or the supporting foundation
24 system.

25 *Building. See Structure.*

26 *Chemical storage facility* means a building, portion of a building, or exterior area adjacent to
27 a building used for the storage of any chemical or chemically reactive products.

28 ***Coastal Area Management Act (CAMA)* means North Carolina's Coastal Area**
29 **Management Act. This act, along with the Dredge and Fill Law and the Federal Coastal**
30 **Zone Management Act, is managed through North Carolina Department of Environmental**
31 **Quality (NCDEQ) Division of Coastal Management (DCM).**

32 ***Coastal A Zone (CAZ)* means an area within a special flood hazard area, landward of a**
33 **V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the**
34 **principal source of flooding must be astronomical tides, storm surges, seiches, or**
35 **tsunamis, not riverine flooding. During the base flood conditions, the potential for wave**
36 **heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally**
37 **designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA)).**

38
39 *Coastal barrier resources system (CBRS)* consists of undeveloped portions of coastal and
40 adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal
41 Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by
42 federal or state governments or private conservation organizations identified as otherwise
43 protected areas (OPA).

44 *Coastal high hazard area* means a special flood hazard area extending from offshore to the
45 inland limit of a primary frontal dune along an open coast and any other area subject to high
46 velocity wave action from storms or seismic sources. The area is designated on a flood insurance
47 rate map (FIRM), or other adopted flood map as determined in section 16-3(b), as zone VE.

1 **Design Flood see “Regulatory Flood Protection Elevation.**

2
3 *Development* means any manmade change to improved or unimproved real estate,
4 including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving,
5 excavation or drilling operations, or storage of equipment or materials.

6 **Development Activity means any activity defined as Development which will**
7 **necessitate a Floodplain Development Permit. This includes buildings, structures, and**
8 **non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks,**
9 **landings, ramps, and erosion control/stabilization measures.**

10
11 **Digital Flood Insurance Rate Map (DFIRM) means the digital official map of a**
12 **community, issued by the Federal Emergency Management Agency (FEMA), on which both**
13 **the Special Flood Hazard Areas and the risk premium zones applicable to the community**
14 **are delineated.**

15
16 *Disposal* means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection,
17 dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the
18 solid waste or any constituent part of the solid waste may enter the environment or be emitted
19 into the air or discharged into any waters, including groundwaters.

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

22 **Enclosure/Enclosed Area means that portion of an elevated building below the lowest**
23 **elevated floor that is either partially or fully shut in by rigid/solid walls and is located either**
24 **partially or fully below the RFPE.**

25
26 *Encroachment* means the advance or infringement of uses, fill, excavation, buildings,
27 permanent structures or development into a special flood hazard area, which may impede or alter
28 the flow capacity of a floodplain.

29 *Existing building and existing structure* means any building and/or structure for which the
30 “start of construction” commenced before **November 27, 1979.**

31
32 *Existing manufactured home park or manufactured home subdivision* means a manufactured
33 home park or subdivision for which the construction of facilities for servicing the lots on which the
34 manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the
35 construction of streets, and either final site grading or the pouring of concrete pads) was
36 completed before the initial effective date of the floodplain management regulations adopted
37 **November 27, 1979** by the community.

38 *Flood or flooding* means a general and temporary condition of partial or complete inundation
39 of normally dry land areas from:

- 40 (1) The overflow of inland or tidal waters; and/or
41 (2) The unusual and rapid accumulation or runoff of surface waters from any source.

42 *Flood insurance* means the insurance coverage provided under the National Flood
43 Insurance Program.

44 *Flood insurance rate map (FIRM)* means an official map of a community, issued by the
45 Federal Emergency Management Agency, on which both the special flood hazard areas and the
46 risk premium zones applicable to the community are delineated. (see also DFIRM)

47 *Flood Insurance Study (FIS)* means an examination, evaluation, and determination of flood
48 hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and
49 other flood data in a community issued by the FEMA. The Flood Insurance Study report includes

1 Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if
2 published.

3
4 *Flood Prone Area* see "Floodplain"

5
6 *Flood zone* means a geographical area shown on a Flood Hazard Boundary Map or Flood
7 Insurance Rate Map that reflects the severity or type of flooding in the area.

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

9 *Floodplain administrator* means the individual appointed to administer and enforce the
10 floodplain management regulations.

11 *Floodplain development permit* means any type of permit that is required in conformance
12 with the provisions of this chapter, prior to the commencement of any development activity.

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

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

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

24 ***Flood-resistant material* means any building product [material, component or system]
25 capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters
26 without sustaining damage that requires more than low-cost cosmetic repair. Any material
27 that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives
28 for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-
29 resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that
30 restrict evaporation from below and materials that are impervious, but dimensionally
31 unstable are not acceptable. Materials that absorb or retain water excessively after
32 submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-
33 Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials,
34 referenced therein, are acceptable flood-resistant materials.**

35
36 ***Floodway* means the channel of a river or other watercourse, including the area above
37 a bridge or culvert when applicable, and the adjacent land areas that must be reserved in
38 order to discharge the base flood without cumulatively increasing the water surface
39 elevation more than one (1) foot.**

40
41 *Freeboard* means the height added to the base flood elevation (BFE) to account for the
42 many unknown factors that could contribute to flood heights greater than the height calculated for
43 a selected size flood and floodway conditions, such as wave action, bridge openings, storm surge
44 or precipitation exceeding and the hydrological effect of urbanization on the watershed. The base
45 flood elevation plus the freeboard establishes the regulatory flood protection elevation.

46 *Functionally dependent facility* means a facility which cannot be used for its intended
47 purpose unless it is located in close proximity to water, such as a docking or port facility
48 necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The
49 term does not include longterm storage, manufacture, sales, or service facilities.

1 *Hazardous waste management facility* means, as defined in NCGS 130A, Article 9, a facility
2 for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous
3 waste.

4 *Highest adjacent grade (HAG)* means the highest natural elevation of the ground surface,
5 prior to construction, immediately next to the proposed walls of the structure.

6 *Historic structure* means any structure that is:

- 7 (1) Listed individually in the National Register of Historic Places (a listing maintained by the
8 U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior
9 as meeting the requirements for individual listing on the National Register;
- 10 (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the
11 historical significance of a registered historic district or a district preliminarily determined
12 by the Secretary to qualify as a registered historic district;
- 13 (3) Individually listed on a local inventory of historic landmarks in communities with a
14 Certified Local Government (CLG) Program; or
- 15 (4) Certified as contributing to the historical significance of a historic district designated by
16 a community with a Certified Local Government (CLG) Program. Certified Local
17 Government (CLG) Programs are approved by the U.S. Department of the Interior, in
18 cooperation with the state department of cultural resources through the state historic
19 preservation officer, as having met the requirements of the National Historic Preservation
20 Act of 1966, as amended in 1980.

21 ***Letter of Map Change (LOMC)* means an official determination issued by FEMA
22 that amends or revises an effective Flood Insurance Rate Map or Flood Insurance
23 Study. Letters of Map Change include:**

- 24 (a) ***Letter of Map Amendment (LOMA):* An official amendment, by letter, to an
25 effective National Flood Insurance Program map. A LOMA is based on technical
26 data showing that a property had been inadvertently mapped as being in the
27 floodplain, but is actually on natural high ground above the base flood elevation.
28 A LOMA amends the current effective Flood Insurance Rate Map and establishes
29 that a specific property, portion of a property, or structure is not located in a
30 special flood hazard area.**
- 31 (b) ***Letter of Map Revision (LOMR):* A revision based on technical data that may
32 show changes to flood zones, flood elevations, special flood hazard area
33 boundaries and floodway delineations, and other planimetric features.**
- 34 (c) ***Letter of Map Revision Based on Fill (LOMR-F):* A determination that a structure
35 or parcel of land has been elevated by fill above the BFE and is, therefore, no
36 longer located within the special flood hazard area. In order to qualify for this
37 determination, the fill must have been permitted and placed in accordance with
38 the community's floodplain management regulations.**
- 39 (d) ***Conditional Letter of Map Revision (CLOMR):* A formal review and comment as
40 to whether a proposed project complies with the minimum NFIP requirements
41 for such projects with respect to delineation of special flood hazard areas. A
42 CLOMR does not revise the effective Flood Insurance Rate Map or Flood
43 Insurance Study; upon submission and approval of certified as-built
44 documentation, a Letter of Map Revision may be issued by FEMA to revise the
45**

1 effective FIRM.

2
3 **Light Duty Truck** means any motor vehicle rated at 8,500 pounds Gross
4 **Vehicular Weight Rating** or less which has a vehicular curb weight of 6,000 pounds
5 **or less and which has a basic vehicle frontal area of 45 square feet or less as**
6 **defined in 40 CFR 86.082-2 and is:**

- 7
8 (a) **Designed primarily for purposes of transportation of property or is a derivation**
9 **of such a vehicle, or**
- 10 (b) **Designed primarily for transportation of persons and has a capacity of more than**
11 **12 persons; or**
- 12 (c) **Available with special features enabling off-street or off-highway operation and**
13 **use.**
14

15 **Limit of Moderate Wave Action (LimWA)** means the boundary line given by FEMA on
16 **coastal map studies marking the extents of Coastal A Zones (CAZ).**

17 *Lowest adjacent grade (LAG)* means the elevation of the ground, sidewalk or patio slab
18 immediately next to the building, or deck support, after completion of the building.

19 **Local Elevation Standard** means a locally adopted elevation level used as the
20 **Regulatory Flood Protection Elevation (RFPE) in Shaded X and X zones or used in**
21 **conjunction with the BFE and freeboard standard to mitigate flood hazards in the AE, AO,**
22 **AH, VE zones, as depicted on the FIRMs for Southern Shores.**

23
24 *Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An
25 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or
26 limited storage in an area other than a basement area is not considered a building's lowest floor,
27 provided that such an enclosure is not built so as to render the structure in violation of the
28 applicable non-elevation design requirements of this chapter.

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

33 *Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land
34 divided into two or more manufactured home lots for rent or sale.

35 **Map Repository.** means the location of the official flood hazard data to be applied for
36 **floodplain management. It is a central location in which flood data is stored and managed;**
37 **in North Carolina, FEMA has recognized that the application of digital flood hazard data**
38 **products carries the same authority as hard copy products. Therefore, the NCEM's**
39 **Floodplain Mapping Program websites house current and historical flood hazard data. For**
40 **effective flood hazard data, the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map**
41 **repository, and for historical flood hazard data the FloodNC website**
42 **(<http://FLOODNC.GOV/NCFLOOD>) is the map repository.**

43 *Market value* means the building value, not including the land value and that of any
44 accessory structures or other improvements on the lot. Market value may be established by

1 independent certified appraisal: replacement cost depreciated for age of building and quality of
2 construction (actual cash value); or adjusted tax assessed values.

3 *New construction* means structures for which the start of construction commenced **on or**
4 **after November 27, 1979, which is the effective date of the initial floodplain management**
5 **regulations** and includes any subsequent improvements to such structures.

6 *Otherwise Protected Area (OPA)* means an otherwise protected area.

7 *Post-FIRM* means construction or other development for which the start of construction
8 occurred on or after **May 13, 1972**, the effective date of the initial Flood Insurance Rate Map.

9 *Pre-FIRM* means construction or other development for which the start of construction
10 occurred before **May 13, 1972**, the effective date of the initial Flood Insurance Rate Map for the
11 area.

12 ***Primary Frontal Dune (PFD)* means a continuous or nearly continuous mound or ridge**
13 **of sand with relatively steep seaward and landward slopes immediately landward and**
14 **adjacent to the beach and subject to erosion and overtopping from high tides and waves**
15 **during major coastal storms. The inland limit of the primary dune occurs at the point**
16 **where there is a distinct change from a relatively steep slope to a relatively mild slope.**
17 **This definition is used for floodplain management purposes and varies from the definition**
18 **used in the NC Division of Coastal Management regulations.**

19 *Principally above ground* means that at least 51 percent of the actual cash value of the
20 structure is above ground.

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

25 *Recreational vehicle (RV)* means a vehicle which is:

- 26 (1) Built on a single chassis;
- 27 (2) 400 square feet or less when measured at the largest horizontal projection;
- 28 (3) Designed to be self-propelled or permanently towable by a light-duty truck;
- 29 (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters
30 for recreational, camping, travel, or seasonal use, and
- 31 (5) Is fully licensed and ready for highway use.

32 ***Reference Level***

- 33 • **For structures within the Special Flood Hazard Areas designated as Zones AE**
34 **and AO the reference level is the bottom of the lowest floor or the bottom of the**
35 **lowest attendant utility including ductwork, whichever is lower, with only flood**
36 **resistant materials located below the reference level.**
- 37 • **For structures within the Special Flood Hazard Areas designated as Zone VE, the**
38 **reference level is the bottom of the lowest horizontal structural member of the**
39 **lowest floor or the bottom of the lowest attendant utility including ductwork,**
40 **whichever is lower.**
- 41 • **For structures within Zones Shaded X or X, the reference level is the bottom of the**
42 **lowest floor or the bottom of the lowest attendant utility including ductwork**

1 whichever is lower, with only flood resistant materials located below the reference
2 level.

3
4 **Regulatory Flood Protection Elevation (RFPE)** means in Special Flood Hazard Areas,
5 the “Base Flood Elevation” plus the “Freeboard” for those areas where base flood
6 elevations have been determined on the FIRM. It also means the base flood depth above
7 the highest adjacent grade or local elevation standards for those areas identified as AO
8 zones of the FIRM, or the local elevation standard for those areas identified as Shaded X
9 or X zones on the FIRM.

10
11 **For Southern Shores the RFPE is as follows:**

- 12
13 • **In VE zones, the RFPE is the Base Flood Elevation as designated on the effective**
14 **FIRM plus 3 feet of freeboard OR an elevation to a minimum of 14 feet NAVD 1988.**

- 15
16 • **In AE zones, the RFPE is the Base Flood Elevation as designated on the effective**
17 **FIRM plus 3 feet of freeboard OR an elevation to or above 8 feet NAVD 1988,**
18 **whichever is greater.**

- 19
20 • **In AO zones, the RFPE is the designated base flood depth on the effective FIRM**
21 **above the highest natural adjacent grade plus 3 feet of freeboard OR an elevation**
22 **to or above 8 feet NAVD 1988, whichever is greater.**

- 23
24 • **In Shaded X and X zones, the RFPE is 8 feet NAVD 1988 OR the natural grade**
25 **elevation if the natural grade is greater than 8 feet NAVD 1988.**

26
27 *Remedy a violation* means to bring the structure or other development into compliance with
28 state and community floodplain management regulations or, if this is not possible, to reduce the
29 impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure
30 or other affected development from flood damages, implementing the enforcement provisions of
31 the chapter or otherwise deterring future similar violations, or reducing federal financial exposure
32 with regard to the structure or other development.

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

35 *Salvage yard* means any nonresidential property used for the storage, collection, and/or
36 recycling of any type of equipment, and includes, but is not limited to, vehicles, appliances and
37 related machinery.

38 *Sand Dunes* means naturally occurring accumulations of sand in ridges or mounds landward
39 of the beach.

40 **Shaded X Zone** means areas of moderate flood hazard shown on the FIRM and are the
41 **areas between the limits of the base flood and the 0.2% annual chance for flood. Also**
42 **commonly referred to as the 500-year flood.**

1 *Shear Wall* means walls used for structural support but not structurally joined or enclosed at
2 the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the
3 water.

4 *Solid waste disposal facility* means any facility involved in the disposal of solid waste, as
5 defined in NCGS 130A-290(a)

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

8 *Special Flood Hazard Area (SFHA)* means the land in the floodplain subject to a one percent
9 or greater chance of being flooded in any given year, as determined in Section 16-3(b) of this
10 chapter.

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

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

26 *Substantial damage* means damage of any origin sustained by a structure during any one-
27 year period whereby the cost of restoring the structure to its before-damaged condition would
28 equal or exceed 50 percent of the market value of the structure before the damage occurred. See
29 definition of *Substantial improvement*. The term "substantial damage" also means flood-related
30 damage sustained by a structure on two separate occasions during a ten-year period for which
31 the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25
32 percent of the market value of the structure before the damage occurred.

33 *Substantial improvement* means any combination of repairs, reconstruction, rehabilitation,
34 addition, or other improvement of a structure, taking place during any one-year period for which
35 the cost equals or exceeds 50 percent of the market value of the structure before the start of
36 construction of the improvement. The one-year period shall be based on the date a Certificate of
37 Occupancy is issued for the improvement. This term includes structures which have incurred
38 substantial damage, regardless of the actual repair work performed. The term does not, however,
39 include either:

- 40 (1) Any correction of existing violations of state or community health, sanitary, or safety code
41 specifications which have been identified by the community code enforcement official and
42 which are the minimum necessary to ensure safe living conditions; or
- 43 (2) Any alteration of a historic structure, provided that the alteration will not preclude the
44 structure's continued designation as a historic structure and the alteration is approved by
45 variance issued pursuant to Section 16-4 (e).

46 ***Technical Bulletin and Technical Fact Sheet* means a FEMA publication that provides**
47 **guidance concerning the building performance standards of the NFIP, which are contained**
48 **in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact**
49 **sheets are intended for use primarily by State and local officials responsible for**

1 interpreting and enforcing NFIP regulations and by members of the development
2 community, such as design professionals and builders. New bulletins, as well as updates
3 of existing bulletins, are issued periodically as needed. The bulletins do not create
4 regulations; rather they provide specific guidance for complying with the minimum
5 requirements of existing NFIP regulations.
6

7 **Temperature Controlled** means having the temperature regulated by a heating and/or
8 cooling system, built-in or appliance.
9

10 *Variance* means a grant of relief from the requirements of this chapter.

11 *Violation* means the failure of a structure or other development to be fully compliant with the
12 community's floodplain management regulations. A structure or other development without the
13 elevation certificate, other certifications, or other evidence of compliance required in sections 16-4
14 and 16-5 is presumed to be in violation until such time as that documentation is provided.

15 **Water surface elevation (WSE)** means the height, in relation to NAVD 1988, of floods
16 of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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

20 **X Zone** means the areas of minimal flood hazard shown on the FIRM which are areas
21 outside of the Special Flood Hazards Areas and higher than the elevation of the 0.2%
22 annual flood chance. Also referred to as Unshaded X Zone.
23

24 Sec. 16-3. - General provisions.

25 (a) *Lands to which this chapter applies.* This chapter shall apply to all **areas** within the jurisdiction,
26 including extraterritorial jurisdictions (ETJs), if applicable, of the **Town of Southern Shores**.

27 (b) *Basis for establishing the special flood hazard areas.* The Special Flood Hazard Areas are
28 those identified under the Cooperating Technical State (CTS) agreement between the State of
29 North Carolina and FEMA in its FIS dated **June 19, 2020** for **Dare County** and associated
30 DFIRM panels, including any digital data developed as part of the FIS, which are adopted by
31 reference and declared a part of this ordinance **and all revisions thereto after January 1, 2021**.
32 Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the
33 jurisdictional authority of **Southern Shores** are also adopted by reference and declared a part of
34 this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions
35 (PMRs) shall be adopted within 3 months.
36

37 (c) *Establishment of Floodplain Development Permit.*

38 **A Floodplain Development Permit shall be required in conformance with the provisions of**
39 **this ordinance prior to the commencement of any development activities within Special**
40 **Flood Hazard Areas and Shaded X and X Zones, determined in accordance with the**
41 **provisions of Section 16-3 (b) of this ordinance.**
42

43 (d) *Establishment of Local Elevation Standard to serve as Regulatory Flood Protection*
44 *Elevation in Shaded X and Unshaded X zones*

45 **A locally adopted elevation standard shall apply to any Shaded X or X zone as identified**
46 **on the effective DFIRMs for Southern Shores or used in conjunction with the BFE and**
47 **freeboard standard to mitigate flood hazards in the AE, AO, AH, VE zones, as depicted on**

1 the FIRMs for Southern Shores. These areas may be vulnerable to flooding from storm
2 surge, wind-driven tides, and excessive rainfall associated with storm systems. Many of
3 these areas have flooded during past storm events and continue to remain at risk to
4 flooding. Therefore, a local elevation standard and other floodplain development
5 standards including Regulatory Flood Protection Elevation have been determined by the
6 Town of Southern Shores to be appropriate for these Shaded X and X zones as defined in
7 Section 16-2. All development activities in any Shaded X or X zone shall conform to the
8 provisions set forth in this Chapter.
9

10 (e) *Compliance.* No structure or land shall hereafter be located, extended, converted, altered, or
11 developed in any way without full compliance with the terms of this chapter and other
12 applicable regulations.

13 (f) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate, or impair
14 any existing easements, covenants, or deed restrictions. However, where this chapter and
15 another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

16 (g) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

17 (1) Considered as minimum requirements;

18 (2) Liberally construed in favor of the Town Council; and

19 (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

20 (h) *Warning and disclaimer of liability.* The degree of flood protection required by this
21 chapter is considered reasonable for regulatory purposes and is based on scientific
22 and engineering consideration. Larger floods can and will occur. Actual flood heights
23 may be increased by manmade or natural causes. This chapter does not imply that land
24 outside the special flood hazard areas or uses permitted within such areas will be free
25 from flooding or flood damages. This chapter shall not create liability on the part of the
26 Town or by any officer or employee thereof for any flood damages that result from
27 reliance on this chapter or any administrative decision lawfully made hereunder.

28 (i) *Penalties for Violations.* Violation of the provisions of this ordinance or failure to
29 comply with any of its requirements, including violation of conditions and safeguards
30 established in connection with grants of variance or special exceptions, shall constitute a
31 Class 1 misdemeanor pursuant to NC G.S. § 143-215.58. Any person who violates this
32 ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be
33 fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both.
34 Each day such violation continues shall be considered a separate offense. Nothing herein
35 contained shall prevent Southern Shores from taking such other lawful action as is
36 necessary to prevent or remedy any violation.
37

38 Sec. 16-4. - Administration.

39 (a) *Designation of floodplain administrator.* The Town Manager or his or her designee, hereinafter
40 referred to as the Floodplain Administrator, is hereby appointed to administer and implement
41 the provisions of this section. **In instances where the Floodplain Administrator receives**
42 **assistance from others to complete tasks to administer and implement this ordinance,**
43 **the Floodplain Administrator shall be responsible for the coordination and**
44 **community's overall compliance with the National Flood Insurance Program and the**
45 **provisions of this ordinance.**

46 (b) *Floodplain development application, permit and certification requirements.*

- 1 (1) *Application requirements.* An application for a floodplain development permit shall be
2 made to the Floodplain Administrator prior to any development activities located within
3 special flood hazard areas. The following items shall be presented to the floodplain
4 administrator to apply for a floodplain development permit:
- 5 a. A plot plan drawn to scale which shall include, but shall not be limited to, the following
6 specific details of the proposed floodplain development:
- 7 1. The nature, location, dimensions, and elevations of the area of
8 development/disturbance and existing and proposed structures, utility systems,
9 grading/pavement areas, fill materials, storage areas, drainage facilities, and
10 other development;
- 11 2. The boundary of **any** Special Flood Hazard Area **or any Shaded X or X Zone**
12 as delineated on the FIRM or other flood map, as determined in section 16-
13 3(b), or a statement that the entire lot is within the Special Flood Hazard Area;
- 14 3. Flood zone(s), **including any Shaded X or X Zone**, designation of the
15 proposed development area, as determined on the FIRM or other flood map,
16 as determined in section 16-3(b);
- 17 4. The boundary of the floodway or non-encroachment area as determined in
18 section 16-3(b);
- 19 5. The base flood elevation (BFE) **and/or Regulatory Flood Protection**
20 **Elevation**, where provided as set forth in *Section 16-3(b); Section 16-4(c)(11)*
21 *and (12); or Section 16-5(b)*;
- 22 6. The old and new location of any watercourse that will be altered or relocated
23 as a result of proposed development;
- 24 7. The boundary and designation date of the Coastal Barrier Resource System
25 (CBRS) area or otherwise protected areas (OPA), if applicable; and
- 26 8. Certification of the plot plan by a registered land surveyor or professional
27 engineer.
- 28 b. Proposed elevation, and method thereof, of all development including, but not limited
29 to:
- 30 1. Elevation in relation to **NAVD 1988**, of the proposed reference level (including
31 basement) of all structures;
- 32 2. Elevation in relation to **NAVD 1988** to which any non-residential structure in
33 zones A, AE, AH, AO, A99, **Shaded X or X Zone** will be floodproofed; and
- 34 3. Elevation in relation to **NAVD 1988** to which any proposed utility systems will
35 be elevated or floodproofed;
- 36 c. If floodproofing, a floodproofing certificate (FEMA Form 086-0-34) with supporting
37 data and an operational plan that includes, but is not limited to, installation, exercise,
38 and maintenance of floodproofing measures.
- 39 d. A foundation plan, drawn to scale, which shall include details of the proposed
40 foundation system to ensure all provisions of this chapter are met. These details
41 include but are not limited to:
- 42 1. The proposed method of elevation, if applicable (i.e., fill, solid foundation
43 perimeter wall, solid backfilled foundation, open foundation on
44 columns/posts/piers/piles/shear walls) and

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2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with *Section 16-5(b)(4)*, when solid foundation perimeter walls are used in zones A, AE, AH, AO, A99, **Shaded X or X Zone**.
 3. The following, in Coastal High Hazard Areas, in accordance with *Section 16-5(b)(4)d and Section 16-5(f)*:
 - (i) **V-Zone Certification with accompanying plans and specifications verifying the engineered structure and any breakaway wall designs; in addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.**
 - (ii) Plans for open wood latticework or insect screening, if applicable;
 - (iii) Plans for nonstructural fill, if applicable. If nonstructural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the base flood elevation or otherwise cause adverse impacts by wave ramping and deflection onto the subject structure or adjacent properties.
 - e. Usage details of any enclosed areas below the regulatory flood protection elevation.
 - f. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - g. Copies of all other local, state and federal permits required prior to floodplain development permit issuance (wetlands, endangered species, erosion and sedimentation control, CAMA, riparian buffers, mining, etc.).
 - h. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure section 16-5(b)(6) and (7) of this chapter are met.
 - i. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
 - j. In Shaded X and X zones, a survey prepared by a licensed North Carolina surveyor may be used to demonstrate the natural grades of the parcel relative to the RFPE of 8 feet.**
- (2) *Permit requirements.* The floodplain development permit shall include, but not be limited to:
- a. **A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).**
 - b. The **flood zone** determination for the proposed development per available data specified in *Section 16-3(b)(c) and (d)*.
 - c. The regulatory flood protection elevation required for the reference level and all attendant utilities.

- 1 d. The regulatory flood protection elevation required for the protection of all public
2 utilities.
- 3 e. All certification submittal requirements with timelines.
- 4 f. **A statement that no fill material or other development shall encroach into the
5 floodway or non-encroachment area of any watercourse, as applicable.**
- 6 g. The flood openings requirements, if in zones A, AE, AH, AO, A99, **Shaded X or X
7 Zone.**
- 8 h. **Limitation of below RFPE enclosure uses – parking, building access and
9 limited storage only.**
- 10 i. **A statement, if in Zone VE, that there shall be no alteration of sand dunes
11 which would increase potential flood damage.**
- 12 j. **A statement, if in zone VE, that there shall be no fill used for structural support.**
- 13 k. **A statement, that all material below RFPE must be flood resistant materials.**

14 (3) *Certification requirements.*

- 15 a. *Elevation certificates for AE, AO, VE, Shaded X and X Zones.*
- 16 1. **An under construction elevation certificate is required prior to completion
17 of the framing/sheathing inspection by the Town. It shall be the duty of
18 the permit holder to submit to the Floodplain Administrator a certification
19 of the elevation of the reference level in relation to mean sea level. The
20 Floodplain Administrator shall review the certificate data submitted.
21 Deficiencies detected by such review shall be corrected by the permit
22 holder immediately and prior to further work being permitted to proceed.
23 Failure to submit the certification or failure to make required corrections
24 shall be cause to issue a stop work order for the project.**
- 25 2. **A final Finished Construction Elevation Certificate (FEMA Form 086-0-
26 33) is required after construction is completed and prior to Certificate of
27 Compliance/Occupancy issuance. It shall be the duty of the permit
28 holder to submit to the Floodplain Administrator a certification of final
29 as-built construction of the elevation of the reference level and all
30 attendant utilities. The Floodplain Administrator shall review the
31 certificate data submitted. Deficiencies detected by such review shall
32 be corrected by the permit holder immediately and prior to Certificate of
33 Compliance/Occupancy issuance. In some instances, another
34 certification may be required to certify corrected as-built construction.
35 Failure to submit the certification or failure to make required corrections
36 shall be cause to withhold the issuance of a Certificate of
37 Compliance/Occupancy. The Finished Construction Elevation
38 Certificate certifier shall provide at least 2 photographs showing the
39 front and rear of the building taken within 90 days from the date of
40 certification. The photographs must be taken with views confirming the
41 building description and diagram number provided in Section A. To the
42 extent possible, these photographs should show the entire building
43 including foundation. If the building has split-level or multi-level areas,
44 provide at least 2 additional photographs showing side views of the
45 building. In addition, when applicable, provide a photograph of the
46 foundation showing a representative example of the flood openings or
47 vents. All photographs must be in color and measure at least 3" x 3".
48 Digital photographs are acceptable.**

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3. In Shaded X and X zones, the submission of the under construction elevation certificate and the finished construction elevation certificate may be waived if a survey of the parcel was used to certify the natural grade of the parcel was to or above 8 feet **NAVD 1988** at the time of permit application. In lieu of the finished construction elevation certificate, an as-built survey of the parcel shall be submitted to certify the finished grade of the parcel is compliant with the RFPE or 8 feet **NAVD 1988** or above.

10 b. *Floodproofing certificate.*

11 (1) If non-residential floodproofing is used to meet the Regulatory Flood
12 Protection Elevation requirements, a Floodproofing Certificate (FEMA Form
13 086-0-34), with supporting data, an operational plan, and an inspection and
14 maintenance plan are required prior to the actual start of any new
15 construction. It shall be the duty of the permit holder to submit to the
16 Floodplain Administrator a certification of the floodproofed design elevation
17 of the reference level and all attendant utilities, in relation to NAVD 1988.
18 Floodproofing certification shall be prepared by or under the direct
19 supervision of a professional engineer or architect and certified by same.
20 The Floodplain Administrator shall review the certificate data, the
21 operational plan, and the inspection and maintenance plan. Deficiencies
22 detected by such review shall be corrected by the applicant prior to permit
23 approval. Failure to submit the certification or failure to make required
24 corrections shall be cause to deny a Floodplain Development Permit. Failure
25 to construct in accordance with the certified design shall be cause to
26 withhold the issuance of a Certificate of Compliance/Occupancy.

27 (2) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-
28 34), with supporting data, an operational plan, and an inspection and
29 maintenance plan are required prior to the issuance of a Certificate of
30 Compliance/Occupancy. It shall be the duty of the permit holder to submit to
31 the Floodplain Administrator a certification of the floodproofed design
32 elevation of the reference level and all attendant utilities, in relation to NAVD
33 1988. Floodproofing certificate shall be prepared by or under the direct
34 supervision of a professional engineer or architect and certified by same.
35 The Floodplain Administrator shall review the certificate data, the
36 operational plan, and the inspection and maintenance plan. Deficiencies
37 detected by such review shall be corrected by the applicant prior to
38 Certificate of Occupancy. Failure to submit the certification or failure to
39 make required corrections shall be cause to deny a Floodplain Development
40 Permit. Failure to construct in accordance with the certified design shall be
41 cause to deny a Certificate of Compliance/Occupancy.

42
43 c. *Engineered foundation certification.* If a manufactured home is placed within zone A,
44 AE, AH, AO, **Shaded X and X zone** and the elevation of the chassis is more than
45 36 inches in height above grade, an engineered foundation certification is required
46 per *Section 16-5(b)(3)(b)*.

47 d. *Watercourse alteration or relocation.* If a watercourse is to be altered or relocated, a
48 description of the extent of watercourse alteration or relocation; a professional
49 engineer's certified report on the effects of the proposed project on the flood-carrying
50 capacity of the watercourse and the effects to properties located both upstream and
51 downstream; and a map showing the location of the proposed watercourse alteration

1 or relocation shall all be submitted by the permit applicant prior to issuance of a
2 floodplain development permit.

3 e. *Certification exemptions.* The following structures, if located within zone A, AE, AH,
4 AO, **Shaded X and X zone**, are exempt from the elevation/floodproofing
5 certification requirements specified in *Section 16-5 (b)(3)a and b*.

- 6 1. Recreational vehicles meeting requirements of *Section 16-5(b)(6)(a)*;
- 7 2. Temporary structures meeting requirements of *Section 16-5(b)(7)*; and
- 8 3. Accessory structures **150 square feet or less and** meeting requirements of
9 *Section 16-5(b)(8)*.

10 f. **V-zone certification. A V-zone certification with accompanying design plans**
11 **and specifications is required prior to the issuance of a floodplain**
12 **development permit within coastal high hazard areas. It shall be the duty of**
13 **the permit applicant to submit to the floodplain administrator said certification**
14 **to ensure the design standards of this section are met. A registered**
15 **professional engineer or architect shall develop or review the structural**
16 **design, plans, and specifications for construction and certify that the design**
17 **and methods of construction to be used are in accordance with accepted**
18 **standards of practice for meeting the provisions of this chapter. This**
19 **certification is not a substitute for an elevation certificate. In addition, prior to**
20 **the Certificate of Compliance/Occupancy issuance, a registered professional**
21 **engineer or architect shall certify the finished construction is compliant with**
22 **the design, specifications and plans for VE Zone construction.**

23 **(4) Determinations for existing buildings and structures.**
24

25 **For applications for building permits to improve buildings and structures, including**
26 **alterations, movement, relocation, enlargement, replacement, repair, change of**
27 **occupancy, additions, rehabilitations, renovations, substantial improvements,**
28 **repairs of substantial damage, and any other improvement of or work on such**
29 **buildings and structures, the Floodplain Administrator, in coordination with the**
30 **Building Inspector, shall:**

- 31 (a) **Estimate the market value, or require the applicant to obtain an appraisal of the**
32 **market value prepared by a qualified independent appraiser, of the building or**
33 **structure before the start of construction of the proposed work; in the case of**
34 **repair, the market value of the building or structure shall be the market value**
35 **before the damage occurred and before any repairs are made;**
- 36 (b) **Compare the cost to perform the improvement, the cost to repair a damaged**
37 **building to its pre-damaged condition, or the combined costs of improvements**
38 **and repairs, if applicable, to the market value of the building or structure;**
- 39 (c) **Determine and document whether the proposed work constitutes substantial**
40 **improvement or repair of substantial damage; and**
- 41 (d) **Notify the applicant if it is determined that the work constitutes substantial**
42 **improvement or repair of substantial damage and that compliance with the**
43 **flood resistant construction requirements of the NC Building Code and this**
44 **ordinance is required.**

45 (c) *Duties and responsibilities of the Floodplain Administrator.* The floodplain administrator shall
46 perform, but not be limited to, the following duties:
47
48
49

- 1 (1) Review all floodplain development applications and issue permits for all proposed
2 development within special flood hazard areas to ensure that the requirements of this
3 chapter have been satisfied.
- 4 (2) Review all proposed development to assure that all necessary local, state and federal
5 permits have been received, including Section 404 of the Federal Water Pollution Control
6 Act Amendments of 1972, 33 U.S.C. 1334.
- 7 (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division
8 of Emergency Management, State Coordinator for the National Flood Insurance Program
9 prior to any alteration or relocation of a watercourse, and submit evidence of such
10 notification to the Federal Emergency Management Agency (FEMA).
- 11 (4) Assure that maintenance is provided within the altered or relocated portion of said
12 watercourse so that the flood-carrying capacity is maintained.
- 13 (5) Prevent encroachments into floodways and non-encroachment areas unless the
14 certification and flood hazard reduction provisions of Section 16-5 are met.
- 15 (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including
16 basement) and all attendant utilities of all new or substantially improved structures, in
17 accordance with Section 16-4 (b)(3) of this section.
- 18 (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially
19 improved structures and utilities have been floodproofed, in accordance with Section 16-
20 4 (b)(3) of this section.
- 21 (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with
22 Section 16-4 (b)(3) of this section.
- 23 (9) When floodproofing is utilized for a particular structure, obtain certifications from a
24 registered professional engineer or architect in accordance with Section 16-4 (b)(3) of
25 this section and Section 16-5(b)(2).
- 26 (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood
27 Hazard Areas, **Shaded X or X Zones**, floodways, or non-encroachment areas (for
28 example, where there appears to be a conflict between a mapped boundary and actual
29 field conditions), make the necessary interpretation. The person contesting the location
30 of the boundary shall be given a reasonable opportunity to appeal the interpretation as
31 provided in this chapter.
- 32 (11) When base flood elevation (BFE) data has not been provided in accordance with Section
33 16-3(b), obtain, review, and reasonably utilize any base flood elevation (BFE) data, along
34 with floodway data or non-encroachment area data, available from a federal, state, or
35 other source, including data developed pursuant to Section 16-5, in order to administer
36 the provisions of this chapter.
- 37 (12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment
38 area data has been provided in accordance with section 16-3(b), obtain, review, and
39 reasonably utilize any floodway data or non-encroachment area data available from a
40 federal, state, or other source in order to administer the provisions of this chapter.
- 41 (13) Permanently maintain all records that pertain to the administration of this chapter and
42 make these records available for public inspection.
- 43 (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain
44 development permit progresses, the floodplain administrator shall make as many
45 inspections of the work as may be necessary to ensure that the work is being done
46 according to the provisions of this chapter and the terms of the permit. In exercising this
47 power, the floodplain administrator has a right, upon presentation of proper credentials,

1 to enter on any premises within the jurisdiction of the town at any reasonable hour for the
2 purposes of inspection or other enforcement action.

3 (15) Issue stop work orders as required. Whenever a building or part thereof is being
4 constructed, reconstructed, altered, or repaired in violation of this section, the floodplain
5 administrator may order the work to be immediately stopped. The stop work order shall
6 be in writing and directed to the person doing the work. The stop work order shall state
7 the specific work to be stopped, the specific reason(s) for the stoppage, and the
8 condition(s) under which the work may be resumed. Violation of a stop work order
9 constitutes a misdemeanor.

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

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

22 (18) Follow through with corrective procedures of *Section 16-4(d)* of this section.

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

24 **(20) Maintain a current map repository to include, but not be limited to, historical and**
25 **effective FIS report, historical and effective FIRM and other official flood maps and**
26 **studies adopted in accordance with *Section 16-3(b)*, including any revisions**
27 **thereto, including Letters of Map Change, issued by FEMA. Notify state and FEMA**
28 **of mapping needs.**

29 (21) Coordinate revisions to FIS reports and FIRMs, including letters of map revision based
30 on fill (LOMR-F's) and Letters of Map Revision (LOMR's).

31 (d) *Corrective procedures.*

32 (1) *Violations to be corrected.* When the Floodplain Administrator finds violations of
33 applicable state and local laws, it shall be his or her duty to notify the owner or occupant
34 of the building of the violation. The owner or occupant shall immediately remedy each of
35 the violations of law cited in such notification.

36 (2) *Actions in event of failure to take corrective action.* If the owner of a building or property
37 shall fail to take prompt corrective action, the floodplain administrator shall give the owner
38 written notice, by certified or registered mail to the owner's last known address or by
39 personal service, stating:

- 40 a. That the building or property is in violation of the floodplain management regulations;
41 b. That a hearing will be held before the Floodplain Administrator at a designated place
42 and time, not later than ten (10) days after the date of the notice, at which time the
43 owner shall be entitled to be heard in person or by counsel and to present arguments
44 and evidence pertaining to the matter; and
45 c. That following the hearing, the Floodplain Administrator may issue an order to alter,
46 vacate, or demolish the building; or to remove fill as appears appropriate.

47 (3) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed
48 above, the floodplain administrator shall find that the building or development is in

1 violation of this chapter, they shall issue an order in writing to the owner, requiring the
2 owner to remedy the violation within a specified time period, not less than sixty (60)
3 calendar days, **nor more than 180 calendar days**. Where the Floodplain Administrator
4 finds that there is imminent danger to life or other property, they may order that corrective
5 action be taken in such lesser period as may be feasible.

6 (4) *Appeal*. Any owner who has received an order to take corrective action may appeal the
7 order to the local elected town council by giving notice of appeal in writing to the
8 Floodplain Administrator and the clerk within ten (10) days following issuance of the final
9 order. In the absence of an appeal, the order of the Floodplain Administrator shall be
10 final. The local Town Council shall hear an appeal within a reasonable time and may
11 affirm, modify and affirm, or revoke the order.

12 (5) **Failure to comply with order. If the owner of a building or property fails to comply**
13 **with an order to take corrective action for which no appeal has been made or fails**
14 **to comply with an order of the Town Council following an appeal, the owner shall**
15 **be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be**
16 **punished at the discretion of the court.**

17 (e) *Variance procedures*.

18 **These procedures apply in AE zones, AO zones, VE zones, Shaded X zones and X zones**
19 **as depicted on the FIRMs for Southern Shores.**

20 (1) The **Southern Shores Board of Adjustment** as established by **the Town**, hereinafter
21 referred to as the "appeal board," shall hear and decide requests for variances from the
22 requirements of this chapter.

23 (2) Any person aggrieved by the decision of the appeal board may appeal such decision to
24 the court, as provided in Chapter 7A of the North Carolina General Statutes.

25 (3) Variances may be issued for:

26 a. The repair or rehabilitation of historic structures upon the determination that the
27 proposed repair or rehabilitation will not preclude the structure's continued
28 designation as a historic structure and that the variance is the minimum necessary
29 to preserve the historic character and design of the structure.

30 b. Functionally dependent facilities, if determined to meet the definition as stated in
31 *Section 16-2; provided provisions of subsection (e)(9)b, c and e of this Section* have
32 been satisfied, and such facilities are protected by methods that minimize flood
33 damages.

34 c. Any other type of development, provided it meets the requirements stated in this
35 Section.

36 (4) In passing upon variances, the appeal board shall consider all technical evaluations, all
37 relevant factors, all standards specified in other sections of this chapter, and:

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

39 b. The danger to life and property due to flooding or erosion damage;

40 c. The susceptibility of the proposed facility and its contents to flood damage and the
41 effect of such damage on the individual owner;

42 d. The importance of the services provided by the proposed facility to the community;

43 e. The necessity to the facility of a waterfront location as defined under *Section 16-2* of
44 this Chapter as a functionally dependent facility, where applicable;

45 f. The availability of alternative locations, not subject to flooding or erosion damage, for
46 the proposed use;

- 1 g. The compatibility of the proposed use with existing and anticipated development;
- 2 h. The relationship of the proposed use to the comprehensive plan and floodplain
3 management program for that area;
- 4 i. The safety of access to the property in times of flood for ordinary and emergency
5 vehicles;
- 6 j. The expected heights, velocity, duration, rate of rise, and sediment transport of the
7 floodwaters and the effects of wave action, if applicable, expected at the site; and
- 8 k. The costs of providing governmental services during and after flood conditions
9 including maintenance and repair of public utilities and facilities such as sewer, gas,
10 electrical and water systems, and streets and bridges.
- 11 (5) A written report addressing each of the factors shall be submitted with the application for
12 a variance.
- 13 (6) Upon consideration of the factors listed above and the purposes of this Chapter, the
14 appeal board may attach such conditions to the granting of variances as it deems
15 necessary to further the purposes of this Chapter.
- 16 (7) Any applicant to whom a variance is granted shall be given written notice specifying the
17 difference between the **RFPE** and the elevation to which the structure is to be built and
18 that such construction below the **RFPE** increases risks to life and property, and that the
19 issuance of a variance to construct a structure below the **RFPE** will result in increased
20 premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such
21 notification shall be maintained with a record of all variance actions, including justification
22 for their issuance.
- 23 (8) The Floodplain Administrator shall maintain the records of all appeal actions and report
24 any variances to the FEMA and the state upon request.
- 25 (9) Conditions for variances.
- 26 a. Variances shall not be issued when the variance will make the structure in violation
27 of other federal, state, or local laws, regulations, or ordinances.
- 28 b. Variances shall not be issued within any designated floodway or non-encroachment
29 area if the variance would result in any increase in flood levels during the base flood
30 discharge.
- 31 c. Variances shall only be issued upon a determination that the variance is the
32 minimum necessary, considering the flood hazard, to afford relief.
- 33 d. Variances shall only be issued prior to development permit approval.
- 34 e. Variances shall only be issued upon:
- 35 1. A showing of good and sufficient cause;
- 36 2. A determination that failure to grant the variance would result in exceptional
37 hardship; and
- 38 3. A determination that the granting of a variance will not result in increased flood
39 heights, additional threats to public safety, or extraordinary public expense,
40 create nuisance, cause fraud on or victimization of the public, or conflict with
41 existing local laws or ordinances.
- 42 (10) A variance may be issued for solid waste disposal facilities, hazardous waste
43 management facilities, salvage yards, and chemical storage facilities that are located in
44 special flood hazard areas provided that all of the following conditions are met:
- 45 a. The use serves a critical need in the community.

- 1 b. No feasible location exists for the use outside the special flood hazard area.
2 c. The reference level of any structure is elevated or floodproofed to at least the
3 regulatory flood protection elevation.
4 d. The use complies with all other applicable federal, state and local laws.
5 e. The Town of Southern Shores has notified the Secretary of the North Carolina
6 Department of Public Safety of its intention to grant a variance at least 30 calendar
7 days prior to granting the variance.

8 Sec. 16-5. - Provisions for flood hazard reduction.

9 (a) *General standards.* The following provisions are required:

- 10 (1) All new construction and substantial improvements shall be designed (or modified) and
11 adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
12 (2) All new construction and substantial improvements shall be constructed with materials
13 and utility equipment resistant to flood damage in accordance with the FEMA Technical
14 Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
15 (3) All new construction and substantial improvements shall be constructed by methods and
16 practices that minimize flood damages.
17 **(4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and**
18 **other service equipment shall be located at or above the RFPE or designed and**
19 **installed to prevent water from entering or accumulating within the components**
20 **during the occurrence of the base flood. These include, but are not limited to,**
21 **HVAC equipment, water softener units, bath/kitchen fixtures, ductwork,**
22 **electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric**
23 **outlets/switches.**
24 **(a) Replacements that are part of a substantial improvement, electrical, heating,**
25 **ventilation, plumbing, air conditioning equipment, and other service equipment**
26 **shall also meet the above provisions.**
27 **(b) Replacements that are for maintenance and not part of a substantial**
28 **improvement, may be installed at the original location provided the addition**
29 **and/or improvements only comply with the standards for new construction**
30 **consistent with the code and requirements for the original structure.**
31 (5) All new and replacement water supply systems shall be designed to minimize or eliminate
32 infiltration of floodwaters into the system.
33 (6) New and replacement sanitary sewage systems shall be designed to minimize or
34 eliminate infiltration of floodwaters into the systems and discharges from the systems into
35 flood waters.
36 (7) On-site waste disposal systems shall be located and constructed to avoid impairment to
37 them or contamination from them during flooding.
38 (8) Nothing in this section shall prevent the repair, reconstruction, or replacement of a
39 building or structure existing on the effective date of the ordinance from which this s
40 chapter is derived and located totally or partially within the floodway, non-encroachment
41 area, or stream setback, provided there is no additional encroachment below the
42 regulatory flood protection elevation in the floodway, non-encroachment area, or stream
43 setback, and provided that such repair, reconstruction, or replacement meets all of the
44 other requirements of this section.

- 1 (9) New solid waste disposal facilities and sites, hazardous waste management facilities,
2 salvage yards, and chemical storage facilities shall not be permitted, except by variance
3 as specified in *Section 16-4(e)(10)*. A structure or tank for chemical or fuel storage
4 incidental to an allowed use or to the operation of a water treatment plant or wastewater
5 treatment facility may be located in a special flood hazard area only if the structure or
6 tank is either elevated or floodproofed to at least the regulatory flood protection elevation
7 and certified according to *Section 16-4(b)(3)*.
- 8 (10) All subdivision proposals and other development proposals shall be consistent with the
9 need to minimize flood damage.
- 10 (11) All subdivision proposals and other development proposals shall have public utilities and
11 facilities such as sewer, gas, electrical, and water systems located and constructed to
12 minimize flood damage.
- 13 (12) All subdivision proposals and other development proposals shall have adequate drainage
14 provided to reduce exposure to flood hazards.
- 15 (13) All subdivision proposals and other development proposals shall have received all
16 necessary permits from those governmental agencies for which approval is required by
17 federal or state law, including section 404 of the Federal Water Pollution Control Act
18 Amendments of 1972, 33 USC 1334.
- 19 (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure
20 shall meet the requirements for new construction and substantial improvements.
- 21 (15) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone
22 with multiple base flood elevations, the provisions for the more restrictive flood hazard
23 risk zone and the highest **RFPE** shall apply.
- 24 (b) *Specific standards.* The following provisions, in addition to the provisions of Article 5, Section
25 A, are required.
- 26 (1) *Residential construction.* New construction and substantial improvement of any
27 residential structure (including manufactured homes) shall have the reference level,
28 including basement, elevated no lower than the regulatory flood protection elevation, as
29 defined in *Section 16-2*.
- 30 (2) *Nonresidential construction.* New construction and substantial improvement of any
31 commercial, industrial, or other nonresidential structure shall have the reference level,
32 including basement, elevated no lower than the regulatory flood protection elevation, as
33 defined in *Section 16-2*. Structures located in A, AE, AH, AO, **Shaded X and X zone** may
34 be floodproofed to the regulatory flood protection elevation in lieu of elevation provided
35 that all areas of the structure, together with attendant utility and sanitary facilities, below
36 the regulatory flood protection elevation are watertight with walls substantially
37 impermeable to the passage of water, using structural components having the capability
38 of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO
39 zones, the floodproofing elevation shall be in accordance with *Section 16-5(g)*. A
40 registered professional engineer or architect shall certify that the standards of this
41 subsection are satisfied. Such certification shall be provided to the floodplain
42 administrator as set forth in *Section 16-4(b)(3)*, along with the operational and
43 maintenance plans.
- 44 (3) *Manufactured homes.*
- 45 a. New or replacement manufactured homes shall be elevated so that the reference
46 level of the manufactured home is no lower than the regulatory flood protection
47 elevation, as defined in *Section 16-2*.
- 48 b. Manufactured homes shall be securely anchored to an adequately anchored
49 foundation to resist flotation, collapse, and lateral movement, either by engineer

1 certification, or in accordance with the most current edition of the state regulations
2 for manufactured homes, adopted by the commissioner of insurance pursuant to
3 G.S. 143-143.15 or a certified engineered foundation. Additionally, when the
4 elevation would be met by an elevation of the chassis 36 inches or less above the
5 grade at the site, the chassis shall be supported by reinforced piers or an engineered
6 foundation. When the elevation of the chassis is above 36 inches in height, an
7 engineering certification is required.

- 8 c. All enclosures or skirting below the lowest floor shall meet the requirements of
9 subsections (b)(4) of this section.
- 10 d. An evacuation plan must be developed for evacuation of all residents of all new,
11 substantially improved or substantially damaged manufactured home parks or
12 subdivisions located within floodprone areas. This plan shall be filed with and
13 approved by the floodplain administrator and the local emergency management
14 coordinator.

15 (4) *Elevated buildings.* **Fully enclosure/enclosed areas as defined in Section 16-2 of**
16 **new construction and substantially improved structures, which are below the**
17 **lowest floor in AE, AO, AH, Shaded X or X zones or below the lowest horizontal**
18 **structural member in VE zones:**

- 19 a. Shall not be designed or used for human habitation, but shall only be used for parking
20 of vehicles, building access, or limited storage of maintenance equipment used in
21 connection with the premises. Access to the enclosed area shall be the minimum
22 necessary to allow for parking of vehicles (garage door) or limited storage of
23 maintenance equipment (standard exterior door), or entry to the living area (stairway
24 or elevator). The interior portion of such enclosed area shall not be finished or
25 partitioned into separate rooms, except to enclose storage areas;
- 26 b. **Shall not be temperature-controlled or conditioned. Non-temperature**
27 **controlled dehumidifiers may be used in enclosed areas and shall not result**
28 **in the enclosed area being determined to be conditioned space.**
- 29
- 30 c. Shall be constructed entirely of flood resistant materials; and
- 31
- 32 d. Shall include, in zones A, AE, AH, AO, **Shaded X and X zones** flood openings to
33 automatically equalize hydrostatic flood forces on walls by allowing for the entry and
34 exit of floodwaters. To meet this requirement, the openings must either be certified
35 by a professional engineer or architect or meet or exceed the following minimum
36 design criteria:
- 37 1. A minimum of two flood openings on different sides of each enclosed area
38 subject to flooding;
- 39 2. The total net area of all flood openings must be at least one square inch for
40 each square foot of enclosed area subject to flooding; or a minimum of one
41 engineered inch for each square foot of enclosed area for an engineered
42 opening.
- 43 3. If a building has more than one enclosed area, each enclosed area must have
44 flood openings to allow floodwaters to automatically enter and exit;
- 45 4. The bottom of all required flood openings shall be no higher than one foot above
46 the **interior or exterior** adjacent grade;
- 47 5. Flood openings may be equipped with screens, louvers, or other coverings or
48 devices, provided they permit the automatic flow of floodwaters in both
49 directions; and

1 6. Enclosures made of flexible skirting are not considered enclosures for
2 regulatory purposes and, therefore, do not require flood openings. Masonry or
3 wood underpinning, regardless of structural status, is considered an enclosure
4 and requires flood openings as outlined in this subsection.

5 e. Shall allow, in Coastal High Hazard Areas (Zone VE), breakaway walls, open wood
6 latticework or insect screening, provided it is not part of the structural support of the
7 building and is designed so as to breakaway, under abnormally high tides or wave
8 action, without causing damage to the structural integrity of the building, provided
9 the following design specifications are met:

10 1. Material shall consist of open wood latticework or insect screening; or

11 2. Breakaway walls shall meet the following design specifications:

12 (i) Design safe loading resistance of each wall shall be not less than ten nor
13 more than 20 pounds per square foot; or

14 (ii) Breakaway walls that exceed a design safe loading resistance of 20
15 pounds per square foot (either by design or when so required by state or
16 local codes) shall be certified by a registered professional engineer or
17 architect that the breakaway wall will collapse from a water load less than
18 that which would occur during the base flood event, and the elevated
19 portion of the building and supporting foundation system shall not be
20 subject to collapse, displacement, or other structural damage due to the
21 effects of wind and water loads acting simultaneously on all building
22 components (structural and nonstructural). The water loading values used
23 shall be those associated with the base flood. The wind loading values
24 used shall be those required by the state building code.

25 (5) *Additions/improvements.*

26 **a. In AE, AO and VE Zones**

27 i. Additions and/or improvements to pre-FIRM structures when the addition and/or
28 improvements in combination with any interior modifications to the existing structure
29 are:

30 1. Not a substantial improvement, the addition and/or improvements must be
31 designed to minimize flood damages and must not be any more nonconforming
32 than the existing structure.

33 2. A substantial improvement with **modification rehabilitations/improvements**
34 **to the existing structure or the common wall is structurally modified**
35 **more than installing a doorway, both the existing structure and the**
36 **addition must comply with the standards for new construction.**

37 ii. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement
38 with no modifications/rehabilitations/improvements to the existing structure other
39 than a standard door in the common wall, shall require only the addition to comply
40 with the standards for new construction.

41 iii. Additions and/or improvements to post-FIRM structures when the addition and/or
42 improvements in combination with any interior modifications to the existing structure
43 are:

44 1. Not a substantial improvement, the addition and/or improvements only must
45 comply with the standards for new construction consistent with the code and
46 requirements for the original structure.

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

3 **iv. Any combination of repair, reconstruction, rehabilitation, addition or**
4 **improvement of a building or structure taking place during 1-year period, the**
5 **cumulative cost of which equals or exceeds 50 percent of the market value of**
6 **the structure before the improvement or repair is started must comply with the**
7 **standards for new construction. For each building or structure, the 1-year**
8 **period begins on the date the Certificate of Occupancy is issued for the first**
9 **improvement or repair of that building or structure subsequent to the effective**
10 **date of this ordinance. The term "substantial damage" also means flood-**
11 **related damage sustained by a structure on two separate occasions during a**
12 **ten-year period for which the cost of repairs at the time of each such flood**
13 **event, on the average, equals or exceeds 25 percent of the market value of the**
14 **structure before the damage occurred. If the structure has sustained**
15 **substantial damage, any repairs are considered substantial improvement**
16 **regardless of the actual repair work performed. The requirement does not,**
17 **however, include either:**

18
19 **(1) Any project for improvement of a building required to correct existing**
20 **health, sanitary or safety code violations identified by the building official**
21 **and that are the minimum necessary to assume safe living conditions.**

22
23 **(2) Any alteration of a historic structure provided that the alteration will not**
24 **preclude the structure's continued designation as a historic structure.**

25
26 **(v) Areas in existing structures shall not be converted for use as conditioned,**
27 **temperature controlled space unless the reference level is located to or above**
28 **the RFPE.**

29
30 **b. In Shaded X and X Zones**

31
32 **i. The substantial improvement/substantial damage definitions as established**
33 **in Article 2, Definitions, do not apply to Shaded X and X Zones.**

34
35 **ii. Laterals additions (increase in the footprint of the conditioned,**
36 **temperature-controlled space) to existing structures shall have the**
37 **reference level elevated to or above the RFPE that was applicable at the**
38 **time of original construction of the structure.**

39
40 **iii. Remodeling or renovations of existing structures with the reference level**
41 **located below the current applicable RFPE that do not increase the**
42 **footprint of the structure may be authorized at the existing reference level**
43 **or higher.**

44
45 **iv. Reconstruction of damaged portions of a structure may be authorized at**
46 **the existing reference level or higher. However, if a structure is entirely**

1 demolished for whatever reason, the replacement structure shall be
2 constructed to or above the RFPE.

3
4 v. Structures that are relocated on the same site or to another site shall be
5 elevated to or above the applicable RFPE of the lot or to or above the RFPE
6 of the new site.

7
8 vi. Areas in existing structures shall not be converted for use as conditioned,
9 temperature controlled space unless the reference level is located to or
10 above the RFPE.
11

12 (6) **Recreational Vehicles.** Recreational vehicles shall either:

13
14 a. Temporary Placement

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

16 (ii) Be fully licensed and ready for highway use. (A recreational vehicle is
17 ready for highway use if it is on its wheels or jacking system, is attached
18 to the site only by quick disconnect type utilities, and has no
19 permanently attached additions.)
20
21
22

23 b. Permanent Placement. Recreational vehicles located in travel trailer parks
24 authorized by the Town that do not meet the limitations of Temporary Placement
25 shall meet all the requirements for new construction.

26
27 (7) *Temporary nonresidential structures.* Prior to the issuance of a floodplain development
28 permit for a temporary structure, the applicant must submit to the floodplain administrator
29 a plan for the removal of such structure in the event of a hurricane, flash flood or other
30 type of flood warning notification. The following information shall be submitted in writing
31 to the floodplain administrator for review and written approval:

32 a. A specified time period for which the temporary use will be permitted. Time specified
33 should not exceed three months, renewable up to one year;

34 b. The name, address, and phone number of the individual responsible for the removal
35 of the temporary structure;

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

39 d. A copy of the contract or other suitable instrument with the entity responsible for
40 physical removal of the structure; and

41 e. Designation, accompanied by documentation, of a location outside the special flood
42 hazard area, to which the temporary structure will be moved.

43 (8) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) are
44 to be placed within a special flood hazard area, the following criteria shall be met:

- 1 a. Accessory structures shall not be used for human habitation (including working,
2 sleeping, living, cooking or restroom areas) unless permitted by the town's zoning
3 ordinance and all such permissible habitable space is located above the regulatory
4 flood protection elevation;
- 5 b. Accessory structures shall not be temperature-controlled unless permitted by the
6 town's zoning ordinance and all such permissible temperature-controlled space is
7 located above the regulatory flood protection elevation;
- 8 c. Accessory structures shall be designed to have low flood damage potential;
- 9 d. Accessory structures shall be constructed and placed on the building site so as to
10 offer the minimum resistance to the flow of floodwaters;
- 11 e. Accessory structures shall be firmly anchored in accordance with *Section 16-5(a)(1)*;
- 12 f. Accessory structures, regardless of the size or cost, shall not be placed below
13 elevated buildings in V and VE Zones;
- 14 g. All service facilities such as electrical shall be installed in accordance with *Section*
15 *16-5 (a)(4)*; and
- 16 h. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall
17 be provided below regulatory flood protection elevation in conformance with *Section*
18 *16-5 (b)(4)d* of this section. An accessory structure with a footprint less than 150
19 square feet that satisfies the criteria outlined in this subsection does not require an
20 elevation or floodproofing certificate unless it has habitable space or temperature
21 controlled space. Elevation or floodproofing certifications are required for all other
22 accessory structures in accordance with *Section 16-4(b)(3)*.
- 23 i. Residential accessory structures existing as of January 1, 2017 which were otherwise
24 lawful and duly permitted at the time of their construction or modification and which
25 are nonconforming due solely to the inclusion of working, sleeping, living, cooking
26 or restroom space within the accessory structure shall be considered legally
27 nonconforming under this chapter so long as all such working, sleeping, living,
28 cooking or restroom space is located above regulatory flood protection elevation.
29 Such accessory structures may be modified in conformance with this chapter and
30 the nonconforming working, sleeping, living, cooking or restroom space within them
31 may continue so long as the nonconformity is not expanded.

32
33 **j. Exemptions:**

- 34 **i. Accessory use structures 150 square feet or less are exempt from the**
35 **certification requirements of Section 16-4(b) (3) (a).**

36
37 **k. Other structures located on the same parcel in addition to a principal use**
38 **structure which feature conditioned, temperature controlled areas elevated above**
39 **the regulatory flood protection elevation shall be constructed consistent with**
40 **Section 16-5 (a) (b). The certification requirements of Section 16-4 (b) (3) (a) shall**
41 **apply.**

42
43 **(9) Tanks. Gas and liquid storage tanks shall meet the following criteria:**

- 44
45 **a. Underground tanks. Underground tanks in flood hazard areas shall be anchored**
46 **to prevent flotation, collapse or lateral movement resulting from hydrodynamic**
47 **and hydrostatic loads during conditions of the design flood, including the**
48 **effects of buoyancy assuming the tank is empty; or**
- 49
50 **b. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas may**

1 be elevated to or above the Regulatory Flood Protection Elevation on a
2 supporting structure that is designed to prevent flotation, collapse or lateral
3 movement during conditions of the design flood. Tank-supporting structures
4 shall meet the foundation requirements of the applicable flood hazard area; or
5

6 c. Above-ground tanks, not elevated. Above-ground tanks that do not meet the
7 elevation requirements of Section 16-5 (b)(2) of this ordinance shall not be
8 permitted in V or VE Zones. Tanks may be permitted in other flood hazard areas
9 provided the tanks are designed, constructed, installed, and anchored to resist
10 all flood-related and other loads, including the effects of buoyancy and lateral
11 movement, during conditions of the design flood and without release of contents
12 in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be
13 designed, constructed, installed, and anchored to resist the potential buoyant and
14 other flood forces acting on an empty tank during design flood conditions.
15

16 d. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be locate
17 at or above the regulatory flood protection elevation or fitted with covers designed
18 to prevent lateral movement, the inflow of floodwater or outflow of the contents
19 of the tanks during conditions of the design flood.
20

21 *(c) Standards for floodplains without established base flood elevations. Within the*
22 *Special Flood Hazard Areas designated as Approximate Zone A and established in Section*
23 *16-3 (b), where no BFE data has been provided by FEMA, the following provisions, in*
24 *addition to the provisions of Section 16-5(a), shall apply:*
25

26 (1) No encroachments, including fill, new construction, substantial improvements
27 or new development shall be permitted within a distance of twenty (20) feet each
28 side from top of bank or five times the width of the stream, whichever is greater,
29 unless certification with supporting technical data by a registered professional
30 engineer is provided demonstrating that such encroachments shall not result in
31 any increase in flood levels during the occurrence of the base flood discharge.
32

33 (2) The BFE used in determining the Regulatory Flood Protection Elevation shall
34 be determined based on the following criteria:
35

36 a. When BFE data is available from other sources, all new construction and
37 substantial improvements within such areas shall also comply with all applicable
38 provisions of this ordinance and shall be elevated or floodproofed in accordance
39 with standards in Sections 16-5 (a) and (b).
40

41 b. When floodway or non-encroachment data is available from a Federal, State, or
42 other source, all new construction and substantial improvements within floodway
43 and non-encroachment areas shall also comply with the requirements of Sections
44 16-5 (b) and (f).
45

46 c. All subdivision, manufactured home park and other development proposals
47 shall provide BFE data if development is greater than five (5) acres or has more
48 than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by
49 reference in accordance with Section 16-3(b), and utilized in implementing this
50 ordinance.
51

52 d. When BFE data is not available from a Federal, State, or other source as
53 outlined above, the reference level shall be elevated or floodproofed
54 (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined
55 in Section 16-2. All other applicable provisions of, Section 16-5 (b) shall also apply.

1
2 (d) *Standards for riverine floodplains with base flood elevations but without established*
3 *floodways or non-encroachment areas.* Along rivers and streams where BFE data is
4 provided by FEMA or is available from another source but neither floodway nor non-
5 encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the
6 FIS report, the following requirements shall apply to all development within such areas:
7

- 8 (1) Standards of *Section 16-5(a) and (b)* and
9
10 (2) Until a regulatory floodway or non-encroachment area is designated, no
11 encroachments, including fill, new construction, substantial improvements,
12 or other development, shall be permitted unless certification with
13 supporting technical data by a registered professional engineer is provided
14 demonstrating that the cumulative effect of the proposed development,
15 when combined with all other existing and anticipated development, will
16 not increase the water surface elevation of the base flood more than one (1)
17 foot at any point within the community.
18

19 (e) *Floodways and non-encroachment areas.* Areas designated as floodways or non-
20 encroachment areas are located within the Special Flood Hazard Areas established in
21 *Section 16-3 (b)*. The floodways and non-encroachment areas are extremely hazardous
22 areas due to the velocity of floodwaters that have erosion potential and carry debris and
23 potential projectiles. The following provisions, in addition to standards outlined in *Section*
24 *16-5 (a) and (b)*, shall apply to all development within such areas:
25

26 1. No encroachments, including fill, new construction, substantial improvements
27 and other developments shall be permitted unless:
28

29 a. It is demonstrated that the proposed encroachment would not result in
30 any increase in the flood levels during the occurrence of the base flood
31 discharge, based on hydrologic and hydraulic analyses performed in
32 accordance with standard engineering practice and presented to the
33 Floodplain Administrator prior to issuance of floodplain development
34 permit; or
35

36 b. A Conditional Letter of Map Revision (CLOMR) has been approved by
37 FEMA. A Letter of Map Revision (LOMR) must also be obtained within six
38 months of completion of the proposed encroachment.
39

40 2. If *Section 16-5 (f)(1)* is satisfied, all development shall comply with all
41 applicable flood hazard reduction provisions of this ordinance.
42

43 3. Manufactured homes may be permitted provided the following provisions
44 are met:
45

46 a. The anchoring and the elevation standards of *Section 16-5 (b) (3)*; and
47

48 b. The encroachment standards of *Section 16-5 (f) (1)*.
49

50 (f) *Coastal high hazard areas (zones VE).* Coastal High Hazard Areas are Special Flood Hazard
51 Areas established in *Section 16-3 (b)*, and designated as Zones VE. These areas have special
52 flood hazards associated with high velocity waters from storm surges or seismic activity and,
53 therefore, all new construction and substantial improvements shall meet the following provisions
54 in addition to the provisions of, *Section 16-5 (a) and (b)*:

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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 lowest floor free of obstruction so as not to impede the flow of floodwaters, with the following exceptions:
 - a. Open wood latticework or insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with *Section 16-5 (b)(4)d.1* of this section. Design plans shall be submitted in accordance with *Section 16-4 (b)(1)d.3.(ii)*; or
 - b. Breakaway walls may be permitted provided they meet the criteria set forth in *Section 16-5 (b)(4)e.2* of this section. Design plans shall be submitted in accordance with *Section 16-4(b)(1)d.3.(i)*.
- (4) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structures 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 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 (Note: 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**

1 (1) Shall not exceed 4 inches; or

2
3 (2) Be certified by a design professional that the design and method of
4 construction to be used shall be compliant with the applicable criteria of
5 this section.
6

7 e. The provisions above shall not apply to non-residential or multi-family
8 construction that is designed by a professional engineer and constructed with
9 self-supporting structural slabs capable of remaining intact and functional
10 under base flood conditions, including expected erosion.
11

12 (6) For swimming pools and spas, the following is required:

13
14 a. Be designed to withstand all flood-related loads and load combinations.

15
16 (1) Be elevated so that the lowest horizontal structural member is elevated
17 above the RFPE; or

18
19 (2) Be designed and constructed to break away during design flood
20 conditions without producing debris capable of causing damage to any
21 structure; or

22
23 (3) Be sited to remain in the ground during design flood conditions without
24 obstructing flow that results in damage to any structure.
25

26 b. Registered design professionals must certify to local officials that a pool or spa
27 beneath or near a VE Zone building will not be subject to flotation or
28 displacement that will damage building foundations or elevated portions of the
29 building or any nearby buildings during a coastal flood.
30

31 (7) All elevators, vertical platform lifts, chair lifts, etc., the following is required:
32

33 a. Elevator enclosures must be designed to resist hydrodynamic and
34 hydrostatic forces as well as erosion, scour, and waves.

35 b. Utility equipment in Coastal High Hazard Areas (VE Zones) must not be
36 mounted on, pass through, or be located along breakaway walls.

37 c. The cab, machine/equipment room, hydraulic pump, hydraulic reservoir,
38 counter weight and roller guides, hoist cable, limit switches, electric hoist
39 motor, electrical junction box, circuit panel, and electrical control panel shall:

40
41 (1) Be elevated to or above the regulatory flood protection elevation; or

42
43 (2) Constructed using flood damage-resistant components/materials.
44

45 (8) A registered professional engineer or architect shall certify that the design,
46 specifications and plans for construction are in compliance with the provisions of
47 Section 16-4(b) and Section 16-5 (f)(3) and (4), on the current version of the North
48 Carolina V-Zone Certification form or equivalent local version. In addition, prior to

1 the Certificate of Compliance/Occupancy issuance, a registered professional
2 engineer or architect shall certify the finished construction is compliant with the
3 design, specifications and plans for VE Zone construction.

4 (9) Fill/Grading – **Fill material shall not be used for structural support of a building.**
5 Minor grading and the placement of minor quantities of nonstructural fill may be
6 permitted for landscaping and for drainage proposed under and around buildings,
7 and for support of parking slabs, pool decks, patios and walkways. **Fill material**
8 **shall not prevent free passage of floodwaters and waves beneath elevated**
9 **buildings. Fill material must not divert floodwaters or deflect waves such that**
10 **increased damage is sustained by adjacent or nearby buildings. FEMA Technical**
11 **Bulletins may be consulted for appropriate evaluation criteria on the placement of**
12 **nonstructural fill in VE zones.**

13 (10) There shall be no alteration of sand dunes or mangrove stands which would
14 increase potential flood damage.

15 (11) No manufactured homes shall be permitted except in an existing manufactured
16 home park or subdivision. A replacement manufactured home may be placed on a
17 lot in an existing manufactured home park or subdivision provided the anchoring
18 and elevation standards of this section have been satisfied.

19 (12) Recreational vehicles may be permitted in Coastal High Hazard Areas provided that
20 they meet the recreational vehicle criteria of *Section 16-5 (b)(6)a*.

21 (13)A deck that is structurally attached to a building or structure shall have the bottom
22 of the lowest horizontal structural member at or above the Regulatory Flood
23 Protection Elevation and any supporting members that extend below the
24 Regulatory Flood Protection Elevation shall comply with the foundation
25 requirements that apply to the building or structure, which shall be designed to
26 accommodate any increased loads resulting from the attached deck. The increased
27 loads must be considered in the design of the primary structure and included in
28 the V-Zone Certification required under *Section 16-4 B, (3)(f)*.

29
30 (14) A deck or patio that is located below the Regulatory Flood Protection Elevation
31 shall be structurally independent from buildings or structures and their foundation
32 systems, and shall be designed and constructed either to remain intact and in place
33 during design flood conditions or to break apart into small pieces to minimize debris
34 during flooding that is capable of causing structural damage to the building or
35 structure or to adjacent buildings and structures.

36
37 (15) In coastal high hazard areas, development activities other than buildings and
38 structures shall be permitted only if also authorized by the appropriate state or local
39 authority; if located outside the footprint of, and not structurally attached to,
40 buildings and structures; and if analyses prepared by qualified registered design
41 professionals demonstrate no harmful diversion of floodwaters or wave run-up and
42 wave reflection that would increase damage to adjacent buildings and
43 structures. Such other development activities include but are not limited to:

44
45 a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control
46 structures;

47
48 b. Solid fences and privacy walls, and fences prone to trapping debris, unless
49 designed and constructed to fail under flood conditions less than the design
50 flood or otherwise function to avoid obstruction of floodwaters.
51

1
2 (g) *Standards for areas of shallow flooding (Zone AO)* Located within the Special Flood
3 Hazard Areas established in *Section 16-3 (b)*, are areas designated as shallow flooding
4 areas. These areas have special flood hazards associated with base flood depths of one
5 (1) to three (3) feet where a clearly defined channel does not exist and where the path of
6 flooding is unpredictable and indeterminate. In addition to *Sections 16-5 (a) and (b)*, all
7 new construction and substantial improvements shall meet the following requirements:
8

9 1. The reference level shall be elevated at least as high as the depth number
10 specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of 3 feet,
11 above the highest adjacent grade; to or above or at 8 feet NAVD 1988, whichever is
12 greater above the highest adjacent grade if no depth number is specified.
13

14 2. Non-residential structures may, in lieu of elevation, be floodproofed to the same
15 level as required in *Section 16-5(h)(1)* so that the structure, together with attendant
16 utility and sanitary facilities, below that level shall be watertight with walls
17 substantially impermeable to the passage of water and with structural components
18 having the capability of resisting hydrostatic and hydrodynamic loads and effects of
19 buoyancy. Certification is required in accordance with *Section 16-4 (b)3* and
20 *Section 16-5 (b)2*.
21

22 3. Adequate drainage paths shall be provided around structures on slopes, to
23 guide floodwaters around and away from proposed structures.
24

25 (h). *Standards for areas of shallow flooding (Zone AH)* Located within the Special Flood
26 Hazard Areas established in *Section 16-3 (b)*, are areas designated as shallow flooding
27 areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding
28 (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood
29 Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition
30 to *Section 16-5 (a) and (b)*, all new construction and substantial improvements shall meet
31 the following requirements:
32

33 1. Adequate drainage paths shall be provided around structures on slopes, to guide
34 floodwaters around and away from proposed structures.
35

36
37 **Section 16-6. Legal status provisions.**
38

39 (a) *Effect on rights and liabilities under the existing flood damage prevention ordinance*
40

41 This ordinance in part comes forward by re-enactment of some of the provisions of the
42 Flood Damage Prevention Ordinance enacted November 27, 1979 as amended, and it is not
43 the intention to repeal but rather to re-enact and continue to enforce without interruption
44 of such existing provisions, so that all rights and liabilities that have accrued thereunder
45 are reserved and may be enforced. The enactment of this ordinance shall not affect any
46 action, suit or proceeding instituted or pending. All provisions of the Flood Damage
47 Prevention Ordinance of the Town of Southern Shores enacted on November 27, 1979, as
48 amended, which are not reenacted herein are repealed.
49

50 The date of the initial Flood Damage Prevention Ordinance for Dare County is October 6,
51 1978.
52

53 (b) *Effect upon outstanding floodplain development permits*
54

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

8
9 (c) Severability.

10
11 If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or
12 unconstitutional by any court of competent jurisdiction, then said holding shall in no way
13 effect the validity of the remaining portions of this Ordinance.

14
15
16 (d) Effective date.

17
18 This ordinance shall become effective **June 1, 2020**.

19
20
21 (e) Adoption certification

22
23 I hereby certify that this is a true and correct copy of the Flood Damage Prevention
24 Ordinance as adopted by the **Town Council of The Town of Southern Shores, North**
25 **Carolina, on the Day (number or text) day of Month, Year.**

26
27 **WITNESS** my hand and the official seal of insert Name, Title, this the Day (number or text)
28 day of Month, Year.

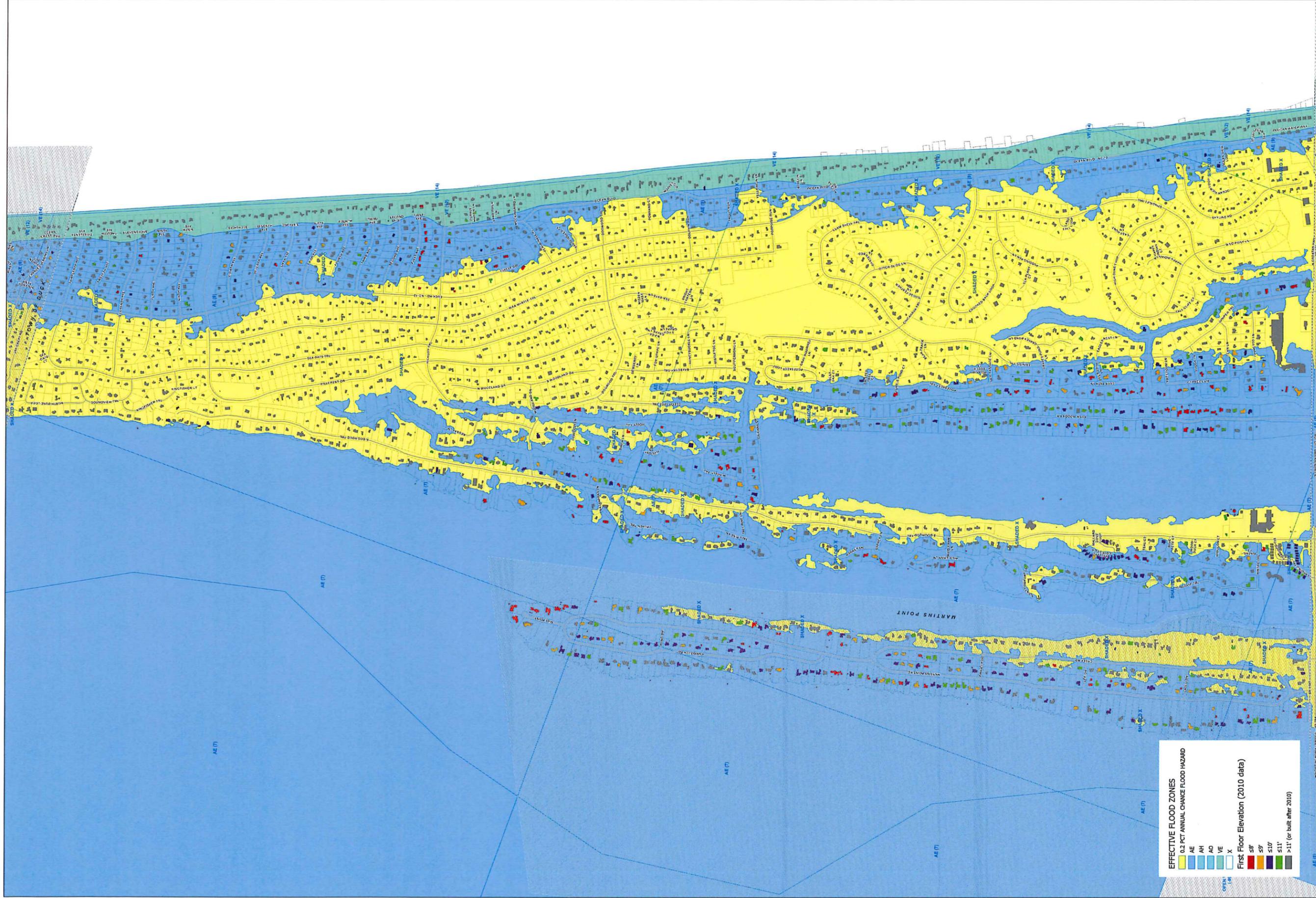
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33 Mayor

34 ATTEST:
35
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37 Town Clerk

38 Date: _____

39 Vote: Ayes Nayes

40 APPROVED AS TO FORM:
41
42 _____ Town Attorney
43



SOUTHERN SHORES

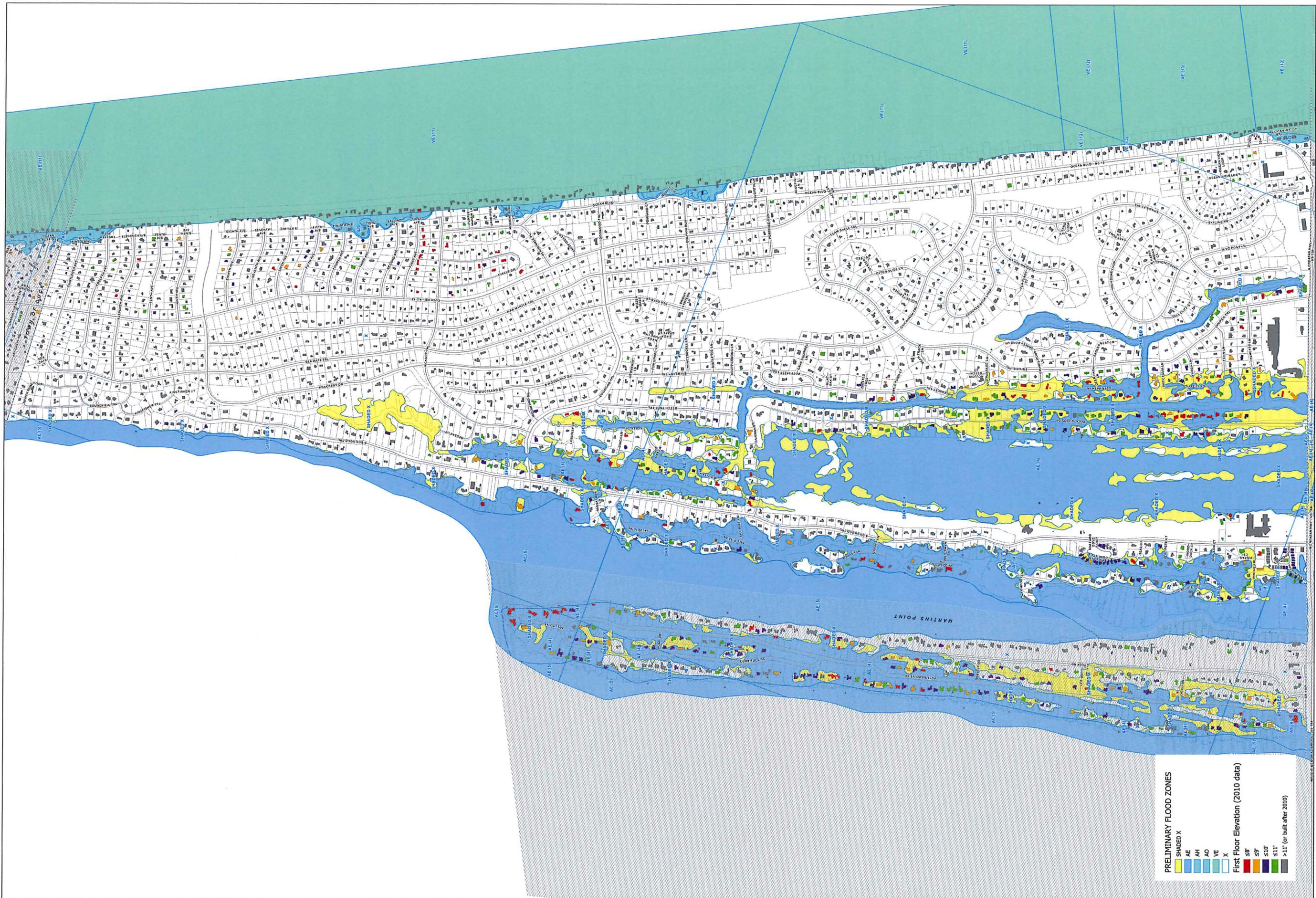


EFFECTIVE FLOOD ZONES

- 0.2 PCT ANNUAL CHANGE FLOOD HAZARD
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- AE (3)
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- AE (96)
- AE (97)
- AE (98)
- AE (99)
- AE (100)

First Floor Elevation (2010 data)

- 5'8"
- 5'9"
- 5'10"
- 5'11"
- >11' (or built after 2010)



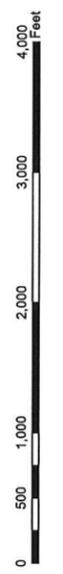
PRELIMINARY FLOOD ZONES

- SHADED X
- AE
- AH
- AO
- VE
- X

First Floor Elevation (2010 data)

- ≤8'
- ≤9'
- ≤10'
- ≤11'
- >11' (or built after 2010)

SOUTHERN SHORES





APRIL 21, 2020 BUDGET WORKSHOP

MOTION: After discussion, Councilman Neal moved to add “No Left Turn” as a June agenda item to see if Council would want to do it in July, but not to be include in the budget. The motion was seconded by Councilman Conners. The motion passed unanimously (5-0).

**Town of Southern Shores
Budget Amendment Number # 13**

COPY
2018

**Police and
Streets**

Increases

Decreases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>				
40-39909	Unassigned Fund Balance	\$ 6,200			
	<u>Expenditures</u>				
59-50120	PW Contracted Services	\$ 3,400			
51-50010	Police Salaries	\$ 2,800			

Explanation: The cost associated with No Left Turn on South Dogwood

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Tom Bennett, Mayor

Date

QUOTE

P.D BROOKS TRAFFIC CONTROL

DATE: 3/4/2020
COMPANY: Town of Southern Shores
CONTACT: Patrick Rascoe/ David Bradley
252-216-7524

LOCATION: US 158
DURATION: Summer 2020

<u>QTY</u>	<u>ITEM</u>	<u>PRICE EACH</u>	<u>EXTENSION</u>
6	48x48 Signs 2/RWA, 2/LTLCA, 2/NLT		
6	Compact Windstands		
60	Traffic Barrels		
1	set-up, pick up and maintain		

PRICE IS FOR SETTING UP (1)
LEFT TURN LANES FROM 8AM TO
8PM ON SATURDAY AND SUNDAY DURING
THE SUMMER ON 2020

Price per weekend , overtime rates apply
if lane closure exceeds 12 hours per day

\$ 3,700.00

THIS QUOTE IS VALID FOR 30 DAYS. THANK YOU FOR THE OPPORTUNITY TO PROVIDE YOU WITH THIS QUOTE.

Frank S. Payne
Vice-President
804/746-5291



Town of Southern Shores Police Department

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-3331 / Fax 252-261-4851
infopd@southernshores-nc.gov
www.southernshores-nc.gov



David M. Kole
Chief of Police

February 21, 2018

Subject: No Left Turn NC Rt. 158 (southbound) @ South Dogwood Trail

I have been requested to provide a proposal to include manpower and associated costs to monitor, respond and investigate motor vehicle accidents and enforce traffic violations regarding "No Left Turn" at the above intersection for Memorial Weekend (5/26-Sat) (5/27-Sun) 2018 from 0800 (8am) until 1800 (6pm) each day. This proposal is for a minimum of two police officers, specifically assigned to monitor, and enforce any violations, and respond to and investigate motor vehicle accidents within this intersection during this time frame. It is also understood that a MOU agreement with the Town of Kitty Hawk will also be required.

1-Police Officers @ \$70.00 per hr. x 10hrs =700.00 x 2days = \$1400.00
1-Police Officers @ \$70.00 per hr. x 10hrs =700.00 x 2days = \$1400.00

Total = \$2800.00 (2 Officers)

David M. Kole
Chief of Police

Wes Haskett

From: Wes Haskett
Sent: Wednesday, May 27, 2020 4:19 PM
To: Tom Bennett; Elizabeth Morey; Leo Holland; Jim Conners; Matt Neal
Cc: Sheila Kane
Subject: RFQ For Town Engineer

Good afternoon, Council members. Copies of the Town's RFQ for Town Engineer and the submitted qualifications have been placed in your boxes at Town Hall. Copies of an evaluation sheet that was recommended for Council's use when the previous RFQ for Town Engineer was released in 2016 are also included. Please let me know if you would like to meet with Town Staff to discuss the submitted qualifications or if you have any questions prior to the June 1st Council meeting.

Wes Haskett
Interim Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov





Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.gov

REQUEST FOR QUALIFICATIONS

1. Description of Project:

Pursuant to North Carolina general Statute §143-64.31, the Town Council of the Town of Southern Shores is seeking a qualified North Carolina licensed professional engineer to serve as its contract Town Engineer for the Town of Southern Shores, specifically to provide ongoing general professional engineering, environmental, surveying and related services upon demand and authorization of the Town.

2. Required Qualifications:

In order to be considered for this contract position of Town Engineer, a service provider must be a Professional Engineer licensed and registered in the State of North Carolina. The person or firm must demonstrate that it has significant experience in designing, bidding and contracting, and monitoring and inspecting infrastructure construction projects for local governments.

3. Statement of Qualifications (SOQ):

Any person or firm desiring to be considered for providing the desired services to the Town of Southern Shores, should please submit a SOQ in written format, eight (8) total copies, and in digital format, one (1) copy, to: Town Council, c/o Town Clerk, Town of Southern Shores, 5375 N. Virginia Dare Trail, Southern Shores, NC 27949 and skane@southernshores-nc.gov. All Qualifications Packages must be received by 5:00 PM on May 21, 2020.

4. Contents of SOQ:

The SOQ must be signed by the person expecting to be communicated with during the selection process and must include a direct contact phone number and email address with the signature line. The SOQ should be in letter form and should consist of and describe in concise form the following items:

- a. Biographical information on all professional staff who will provide services, including a list of customary sub-contractors and consultants the person or firm typically uses in providing the described services.
- b. A list of a minimum of six (6) projects performed in the last five (5) years by the person or firm, which indicate experience in designing, bidding and contracting, and monitoring and inspecting infrastructure construction projects for local governments, including examples of any previous collaborations with sub-contractors or consultants listed above in Section 4. a. on any of the listed projects. Note and explain any major legal or technical problems or challenges encountered on those projects.

- c. Provide detailed examples of experience of the specific designer(s), and Engineer-in-Charge of a firm, proposed for this work. Include all certifications, and describe specific examples of local government projects that each designer may have worked on and their role in the project.
- d. Describe in detail the firm or person's current workload, including current projects, and current staffing availability.
- e. Describe in detail the firm or person's experience in utilizing and incorporating into local government infrastructure projects Low Impact Development technology with regard to stormwater management.
- f. Describe in detail the firm's experience in evaluating and mitigating environmental risks associated with their construction designs. Describe further, how they took into account citizens' concerns about environmental and aesthetic impacts of their designs.
- g. Describe in detail the firm or person's experience in designing local government infrastructure any projects permitted, eligible for permitting, or considered alternates to permitting under the National Pollutant Discharge Elimination System (NPDES).
- h. Describe in detail the firm's or person's experience in seeking, applying for, and negotiating permits for local government infrastructure projects under the jurisdiction of the NC Division of Coastal Management under the NC Coastal Area Management Act (CAMA) and/or the US Army Corps of Engineers.
- i. Describe in detail the firm's or person's experience in designing street construction or repair projects utilizing design and construction standards of the North Carolina Department of Transportation.
- j. Describe in detail the firm's or person's experience in designing street construction or repair which maximized the preservation of existing natural resources, while concurrently maximized public safety and the life of the street construction or repair.
- k. Describe in detail the firm's or person's experience in estimating construction materials and costs for proposed local government infrastructure projects in North Carolina. Examples of any budget planning for infrastructure projects (pre-design) for local governments may be included.
- l. Describe in detail the firm's or person's experience in conducting public bidding and contract awarding for local government infrastructure projects in North Carolina. Specific examples are desired, including examples of any projects that have come in over budget and for which the engineer or firm conducted a value engineering and/or re-bid effort to bring the project back in line with the budget.

- m. Describe in detail the firm's or person's experience in construction management of local government infrastructure construction projects in North Carolina.
- n. Describe in detail the firm's or person's experience in administration of local government infrastructure construction project contracts in North Carolina.
- o. Describe in detail the firm's or person's experience in dissemination of public information and conducting public relations initiatives for local government infrastructure construction project contracts in North Carolina.
- p. Describe in detail the firm's or person's experience in conducting periodic and final inspections of local government infrastructure construction project contracts in North Carolina.
- q. Describe in detail the firm's or person's experience in specifying and evaluating geotechnical and construction materials testing for local government infrastructure construction projects.
- r. A written statement acknowledging that the Town is the proprietor of all work product developed for or on behalf of the Town by the selected Town Engineer, regardless of location, type, and format of the work product - and acknowledging that all work product will be retained and submitted to the Town, or a specified agent or contract consultant of the Town at the Town's direction, upon request, regardless of whether the work product is considered a "trade secret".
- s. Provide a minimum of three (3) professional references, including name, organization, telephone number, email address (if available), and applicable project name(s). At least one of the references must be from a local government.
- t. Provide a proposed unit price (hourly rate) for design, bidding and contracting, and monitoring and inspecting infrastructure construction projects for the Town of Southern Shores.
- u. Summarize why you or your firm should be selected.

5. Evaluation Determination:

The Southern Shores Town Council will evaluate the submittals and select the person or firm with whom it will negotiate to serve as the Town Engineer. Upon issuance of this RFQ, Town staff and individual Town officials will not be available to discuss any matter of this project or selection process. Please refrain from contacting these persons in regards to this RFQ.

Communications should be submitted to the Town Council, c/o Town Clerk, Town of Southern Shores, 5375 N. Virginia Dare Trail, Southern Shores, NC 27949, email: skane@southernshores-nc.gov .

In the event the Town Council cannot sufficiently evaluate the person or firms based on the SOQs received, the Town Council may require interviews and/or additional detailed submittals from a group of finalists.

6. SOQ Evaluation Criteria:

Pursuant to NCGS §143-64.31, the Town Council will *select a person or firm qualified to provide such services on the basis of demonstrated competence and qualification or the type of professional services required without regard to fee other than unit price information at this stage, and thereafter to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm.* The selected person or firm should have a demonstrated ability and history of designing and/or managing and administering local government infrastructure projects, including but not limited to street design, construction, and repair, waterway preservation and dredging, and bridge construction and repair. The selected person should be able to demonstrate successful implementation of Low Impact Development technology for stormwater management in the design and successful completion of projects. The selected person should also demonstrate successful maximization of preservation of natural resources, while concurrently maximized public safety and the life of the street construction or repair, in street and/or bridge construction projects. Experience in beach stabilization and re-nourishment will be considered a plus.

7. Proposed Schedule:

<u>DATE/DURATION</u>	<u>EVENT</u>
• April 27, 2020 -	Issuance of RFQ
• May 21, 2020 -	Qualification Packages are due by 5:00 P.M. on this date.

8. Public Records:

Upon receipt by the Town, your Qualifications Package is considered a public record except for material that qualifies as "Trade Secret" information under North Carolina General Statute §66-152, et seq. The Town Council, as well as other Town staff will review your Qualifications Package. In addition, members of the general public who submit public record requests will also have access to information not identified as "Trade Secret". To properly designate material as a trade secret under these circumstances, each person or firm must take the following precautions: (a) any trade secret submitted by a person or firm should be submitted in a separate, sealed envelope marked "Trade Secret- Confidential and Proprietary Information-Do Not Disclose Except for the Purpose of Evaluating this Qualifications Package", and (b) the same trade secret/confidentiality designation should be stamped on each page of the trade secret materials contained in the envelope.

In submitting a Qualifications Package, each person or firm agrees that the Town Council may reveal any trade secret materials contained in such response to all Town officials and Town staff who may be requested by the Town Council to be involved in the selection process and to any outside consultant or other third parties who may be hired by the Town Council to assist in the selection process. Furthermore, each person or firm agrees to indemnify and hold harmless the Town and each of its officers, employees, and agents from all costs, damages, and expenses incurred in connection with refusing to disclose any material that the person or firm has

designated as a trade secret. Any person or firm that designates its entire Qualifications Package as a trade secret may be disqualified from the selection process.