

## **CHAPTER 151: FLOOD DAMAGE PREVENTION**

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## **GENERAL PROVISIONS**

### **§ 151.01 STATUTORY AUTHORIZATION.**

(A) The Legislature of the State of North Carolina has in G.S. §§ 143-215.51 et seq., 160A-174 et seq., 160A-381 et seq., 160A-411 et seq., and 160A-456 et seq. delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(B) Therefore, the City Council of the City of Goldsboro, North Carolina, does ordain this chapter as follows.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.02 FINDINGS OF FACT.**

(A) The flood prone areas within the jurisdiction of the city 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.

(B) 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 flood prone areas of uses vulnerable to floods or other hazards.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.03 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 flood prone areas by provisions designed to:

(A) 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;

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

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

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

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

(Ord. 2005-94, passed 10-24-05)

### **§ 151.04 OBJECTIVES.**

The objectives of this chapter are:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

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

(D) To minimize prolonged business losses and interruptions;

(E) To minimize damage to public facilities and utilities (such as water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

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

(G) To ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

(Ord. 2005-94, passed 10-24-05)

## **§ 151.05 DEFINITIONS.**

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

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

***ADDITION (TO AN EXISTING BUILDING).*** An extension or increase in the floor area or height of a building or structure.

***APEAL.*** A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

***AREA OF SHALLOW FLOODING.*** A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one to three feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

***AREA OF SPECIAL FLOOD HAZARD.*** See "Special Flood Hazard Area (SFHA)".

***BASE FLOOD.*** The flood having a 1% chance of being equaled or exceeded in any given year.

***BASE FLOOD ELEVATION (BFE).*** A determination as published in the Flood Insurance Study of the water surface elevations of the base flood. This elevation, when combined with the "Freeboard", establishes the "Regulatory Flood Protection Elevation".

***BASEMENT.*** Any area of the building having its floor subgrade (below ground level) on all sides.

***BUILDING.*** See "Structure".

**CHEMICAL STORAGE FACILITY.** A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

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

**DISPOSAL.** Defined as in G.S. § 130A-290(a)(6).

**ELEVATED BUILDING.** A non-basement building which has its reference level raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ENCROACHMENT.** The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**EXISTING MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM).** An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

**FLOOD HAZARD BOUNDARY MAP (FHBM).** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

**FLOOD INSURANCE.** The insurance coverage provided under the National Flood Insurance Program.

***FLOOD INSURANCE RATE MAP (FIRM).*** An official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

***FLOOD INSURANCE STUDY (FIS).*** An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The ***FLOOD INSURANCE STUDY*** report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

***FLOOD PRONE AREA.*** See "Floodplain".

***FLOOD ZONE.*** A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

***FLOODPLAIN or FLOOD PRONE AREA.*** Any land area susceptible to being inundated by water from any source.

***FLOODPLAIN ADMINISTRATOR.*** The individual appointed to administer and enforce the floodplain management regulations.

***FLOODPLAIN DEVELOPMENT PERMIT.*** Any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

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

***FLOODPLAIN REGULATIONS.*** This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

***FLOODPROOFING.*** Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

***FLOODWAY.*** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

***FREEBOARD.*** The height added to the Base Flood Elevation (BFE) to account for watershed development as well as limitations of the engineering methodologies for the determination of flood elevations. The freeboard plus the Base Flood Elevation establishes the "Regulatory Flood Protection Elevation".

***FUNCTIONALLY DEPENDENT FACILITY.*** A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

***HAZARDOUS WASTE MANAGEMENT FACILITY.*** A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in G.S. §§ 130A-290 et seq.

***HIGHEST ADJACENT GRADE (HAG).*** The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

***HISTORIC STRUCTURE.*** Any structure that is:

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

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

***LOWEST ADJACENT GRADE (LAG).*** The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building. For Zones A and AO, use the natural grade elevation prior to construction.

**LOWEST FLOOR.** The subfloor, top of slab or grade of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's **LOWEST FLOOR**, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

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

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE.** The building value, excluding the land value and that of any accessory structures or other improvements on the lot, established by independent certified appraisal, replacement cost depreciated by age of building and quality of construction (Actual Cash Value), or adjusted tax assessed values.

**MEAN SEA LEVEL.** For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

**NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of the original version of this chapter and includes any subsequent improvements to such structures.

**NONCONFORMING BUILDING OR DEVELOPMENT.** Any legally existing building or development which fails to comply with the current provisions of this chapter.

**NON-ENCROACHMENT AREA.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated in the Flood Insurance Study report.

**POST-FIRM.** Construction or other development which started on or after the effective date of the initial Flood Insurance Rate Map for the area.

**PRE-FIRM.** Construction or other development which started before the effective date of the initial Flood Insurance Rate Map for the area.

***PRINCIPALLY ABOVE GROUND.*** At least 51% of the actual cash value of the structure is above ground.

***PUBLIC SAFETY AND/OR NUISANCE.*** Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

***RECREATIONAL VEHICLE (RV).*** A vehicle, which is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck;  
and
- (4) Not designed for use as a permanent primary dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

***REFERENCE LEVEL.*** The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance. For structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO, the ***REFERENCE LEVEL*** is the top of the lowest floor or bottom of lowest attendant utility including ductwork, whichever is lower.

***REGULATORY FLOOD PROTECTIONS ELEVATION.*** The elevation, in relation to mean sea level, to which the reference level of all structures and other development located within Special Flood Hazard Areas must be protected. Where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. Where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

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

***RIVERINE.*** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

***SOLID WASTE DISPOSAL FACILITY.*** Any facility involved in the disposal of solid waste, as defined in G.S. § 130A-290(a)(35).

***SOLID WASTE DISPOSAL SITE.*** Defined as in G.S. § 130A-290(a)(36).

***SPECIAL FLOOD HAZARD AREA (SFHA).*** The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in § 151.07 of this chapter.

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

***STRUCTURE.*** A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground. For floodplain management purposes, principally above ground means that at least 51% of the actual cash value of the structure is above ground.

***SUBSTANTIAL DAMAGE.*** Damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of "substantial improvement".

***SUBSTANTIAL IMPROVEMENT.*** Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

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

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

**VARIANCE.** A grant of relief from the requirements of this chapter.

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §§ 151.20 through 151.24 and §§ 151.30 through 151.36 is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION (WSE).** The height, in relation to mean sea level (existing grade in case of Zone AO), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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

(Ord. 2005-94, passed 10-24-05)

## **§ 151.06 LANDS TO WHICH THIS CHAPTER APPLIES.**

This chapter shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ) if applicable, of the city and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

(Ord. 2005-94, passed 10-24-05)

## **§ 151.07 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

(A) The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Wayne County, dated December 2, 2005, with accompanying supporting

data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this chapter. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to:

- (1) Detailed flood data generated as a requirement of § 151.22(K) and § 151.22(L) of this chapter;
- (2) Preliminary FIRMs where more stringent than the effective FIRM; or
- (3) Post-disaster Flood Recovery Maps.

(B) In addition, upon annexation to the city or inclusion in the Extra-Territorial Jurisdiction (ETJ), the Special Flood Hazard Areas identified by the Federal Emergency Management Agency (FEMA) and/or produced under the Cooperating Technical State agreement between the State of North Carolina and FEMA as stated above, for the Unincorporated Areas of Wayne County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.08 ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within Special Flood Hazard Areas as determined in § 151.07.

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.09 COMPLIANCE.**

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

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.10 ABROGATION AND GREATER RESTRICTIONS.**

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

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.11 INTERPRETATION.**

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

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.12 WARNING AND DISCLAIMER OF LIABILITY.**

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

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.13 PENALTIES FOR VIOLATION.**

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 2005-94, passed 10-24-05)

## **ADMINISTRATION**

### **§ 151.20 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.**

The City Engineer or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this chapter.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.21 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.**

#### **§ 151.21(1) APPLICATION REQUIREMENTS.**

Application for a floodplain development permit and/or building permit shall be made to the Chief Building Inspector prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Chief Building Inspector to apply for a floodplain development permit and/or building permit:

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

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

(2) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in § 151.07, or a statement that the entire lot is within the Special Flood Hazard Area;

(3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in § 151.07;

(4) The boundary of the floodway(s) or non-encroachment area(s) as determined in § 151.07;

(5) The Base Flood Elevation (BFE) where provided as set forth in § 151.07; § 151.22(K); §151.22(L); or § 151.33; and

(6) The old and new location of any watercourse that will be altered or relocated as a result of proposed development.

(B) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

(1) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(2) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

(3) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

(C) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) along with detailed back-up computations and operational plans that specify the location on a FIRM panel of floodproofing measures, the entity responsible for transportation and installation according to the design within the warning time available, and maintenance of floodproofing measures assuring their effectiveness when installed. Floodproofing certificate and back-up computations and operational plans shall be certified by a registered professional engineer or architect to ensure that the non-residential floodproofed development will meet the floodproofing criteria in § 151.31(2).

(D) A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:

(1) The proposed method of elevation, if applicable (such as fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

(2) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with § 151.31(4), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30.

(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, riparian buffers, mining and the like).

(H) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure § 151.31(6) and § 151.31(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.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.21(2) PERMIT REQUIREMENTS.**

The floodplain development permit and/or the building permit shall include, but not be limited to:

(A) A description of the development to be permitted under the floodplain development permit and/or the building permit.

(B) The Special Flood Hazard Area determination for the proposed development per available data specified in § 151.07.

(C) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(D) The regulatory flood protection elevation required for the protection of all public utilities.

(E) All certification submittal requirements with timelines.

(F) A statement that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.21(3) CERTIFICATION REQUIREMENTS.**

(A) Elevation Certificates.

(1) An Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after the reference level is established. Within seven calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of

the reference level, in relation to mean sea level. Elevation certification shall be prepared by, or under the direct supervision of, a professional land surveyor or professional engineer and certified by same. Any work done within the seven-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

(2) A final As-Built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. Elevation certification shall be prepared by, or under the direct supervision of, a professional land surveyor or professional engineer and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(B) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(C) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per § 151.31(3).

(D) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; 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 showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(E) Certification exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in divisions (A) and (B) above:

- (1) Recreational vehicles meeting requirements of § 151.31(6)(A);
- (2) Temporary structures meeting requirements of § 151.31(7); and
- (3) Accessory structures less than 150 square feet meeting requirements of § 151.31(8).

(Ord. 2005-94, passed 10-24-05)

### **§ 151.22 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

The Floodplain Administrator shall perform, but not be limited to, the following duties:

(A) Review all floodplain development applications and/or floodplain building permit applications. The Chief Building Inspector shall issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this chapter have been satisfied.

(B) Advise permittee that additional federal or state permits (wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining and the like) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.

(C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of § 151.34 are met.

(F) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with § 151.21(3).

(G) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with § 151.21(3).

(H) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with § 151.21(3).

(I) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with § 151.21(3) and § 151.31(2).

(J) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this § 151.23(4).

(K) When Base Flood Elevation (BFE) data has not been provided in accordance with § 151.07, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to § 151.33(2)(B), in order to administer the provisions of this chapter.

(L) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with § 151.07, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this chapter.

(M) When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the Floodplain Development Permit file.

(N) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection.

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

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

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

(R) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Floodplain Administrator or Chief Building Inspector and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(S) Follow through with corrective procedures of § 151.23.

(T) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and/or other official flood maps /studies adopted under § 151.07 of this chapter, including any revisions thereto including Letters of Map Change issued by state and/or FEMA. Notify state and FEMA of mapping needs.

(Ord. 2005-94, passed 10-24-05)

## **§ 151.23 CORRECTIVE PROCEDURES.**

### **§ 151.23(1) VIOLATIONS TO BE CORRECTED.**

When the Floodplain Administrator or Chief Building Inspector finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.

(Ord. 2005-94, passed 10-24-05)

**§ 151.23(2) ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION.**

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator or Chief Building Inspector shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(A) That the building or property is in violation of the Flood Damage Prevention chapter;

(B) That a hearing will be held before the Floodplain Administrator or Chief Building Inspector at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(C) That following the hearing, the Floodplain Administrator or Chief Building Inspector may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(Ord. 2005-94, passed 10-24-05)

**§ 151.23(3) ORDER TO TAKE CORRECTIVE ACTION.**

If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator or Chief Building Inspector shall find that the building or development is in violation of the Flood Damage Prevention chapter, he or she shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days, nor more than 365 days. Where the Floodplain Administrator or Chief Building Inspector finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

(Ord. 2005-94, passed 10-24-05)

**§ 151.23(4) APPEAL.**

Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator or Chief Building Inspector and the clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator or Chief Building Inspector shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.23(5) FAILURE TO COMPLY WITH ORDER.**

If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, he or she shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.24 VARIANCE PROCEDURES.**

(A) The Board of Adjustment as established by the city, hereinafter referred to as the "Appeal Board", shall hear and decide requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in G.S. Chapter 7A.

(C) Variances may be issued for:

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

(2) Functionally dependant facilities if determined to meet the definition as stated in § 151.05 of this chapter.

(3) Any other type of development provided it meets the requirements stated in this section.

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

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

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

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

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

(5) The necessity to the facility of a waterfront location as defined under § 151.05 of this chapter as a functionally dependant facility, where applicable;

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

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

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

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

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

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

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

(F) Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

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

(H) Conditions for variances:

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

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

(3) Variances shall only be issued upon:

- (a) A showing of good and sufficient cause;
  - (b) A determination that failure to grant the variance would result in exceptional hardship; and
  - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.
- (5) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (I) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met:
- (1) The use serves a critical need in the community.
  - (2) No feasible location exists for the use outside the Special Flood Hazard Area.
  - (3) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
  - (4) The use complies with all other applicable federal, state and local laws.
  - (5) The city has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

(Ord. 2005-94, passed 10-24-05)

## **PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **§ 151.30 GENERAL STANDARDS.**

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

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

(B) All new construction and substantial improvements below the regulatory flood protection elevation shall be constructed with materials and utility equipment resistant to flood damage.

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

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers and the like), hot water heaters, and electric outlets/switches.

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

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

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

(H) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this chapter, shall meet the requirements of "new construction" as contained in this chapter.

(I) Nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.

(J) New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas, except by variance as specified in § 151.24(I). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the

regulatory flood protection elevation and certified according to § 151.21(3) of this chapter.

(K) All development proposals shall be consistent with the need to minimize flood damage.

(L) All development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(M) All development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.31 SPECIFIC STANDARDS.**

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in § 151.07, § 151.22(K) or § 151.22(L), the following provisions, in addition to § 151.30, are required.

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.31(1) RESIDENTIAL CONSTRUCTION.**

New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 151.05 of this chapter.

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.31(2) NON-RESIDENTIAL CONSTRUCTION.**

New construction or substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in § 151.05 of this chapter. Structures located in A, AO, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards

of this section are satisfied. Such certification shall be provided to the official as set forth § 151.21(3), along with the operational and maintenance plans.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.31(3) MANUFACTURED HOMES.**

(A) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in § 151.05 of this chapter.

(B) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. § 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.

(C) All foundation enclosures or skirting shall be in accordance with § 151.31(4).

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

(Ord. 2005-94, passed 10-24-05)

### **§ 151.31(4) ELEVATED BUILDINGS.**

Enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation:

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

(B) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(C) Shall include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria;

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

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

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

(4) The bottom of all required openings shall be no higher than one foot above the adjacent grade;

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

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

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.31(5) ADDITIONS/IMPROVEMENTS.**

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

(1) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

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

(B) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

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

(1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

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

(D) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.31(6) RECREATIONAL VEHICLES.**

Recreational vehicles placed on sites within a Special Flood Hazard Area shall either:

(A) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

(B) Meet all the requirements for new construction, including anchoring and elevation requirements of § 151.21, § 151.30 and § 151.31(3).

(Ord. 2005-94, passed 10-24-05)

#### **§ 151.31(7) TEMPORARY NON-RESIDENTIAL STRUCTURES.**

Prior to the issuance of a floodplain development permit and/or building permit for a temporary structure, applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(A) A specified time period for which the temporary use will be permitted. Time specified should be minimal with total time on site not to exceed one year;

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

(C) The time frame prior to the event at which a structure will be removed (such as minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(D) A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and

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

(Ord. 2005-94, passed 10-24-05)

### **§ 151.31(8) ACCESSORY STRUCTURES.**

When accessory structures (sheds, detached garages and the like) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(A) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(B) Accessory structures shall not be temperature-controlled;

(C) Accessory structures shall be designed to have low flood damage potential;

(D) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(E) Accessory structures shall be firmly anchored in accordance with § 151.30(A);

(F) All service facilities such as electrical shall be installed in accordance with § 151.30(D);

(G) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with § 151.31(4)(C); and

(H) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with § 151.21(3).

(Ord. 2005-94, passed 10-24-05)

### **§ 151.32 RESERVED.**

### **§ 151.33 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.**

Within the Special Flood Hazard Areas established in § 151.21(3), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to § 151.30, shall apply:

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

(B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

(1) If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with standards in § 151.22(K) and §151.22(L);

(2) All subdivision, manufactured home park and other development proposals located within Special Flood Hazard Areas shall provide Base Flood Elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. The Base Flood Elevation (BFE) data shall be adopted by reference per § 151.07 to be utilized in implementing this chapter; or

(3) When Base Flood Elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated above the highest adjacent grade as required in the regulatory flood protection elevation definition.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.34 STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATION BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.**

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

(A) Standards outlined in § 151.30 and § 151.31; and

(B) No encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.35 FLOODWAYS AND NON-ENCROACHMENT AREAS.**

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in § 151.07. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in § 151.30 and §151.31, shall apply to all development within such areas:

(A) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. The certification and technical data shall be presented to the Floodplain Administrator prior to issuance of floodplain development permit.

(B) If § 151.35(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.

(C) No manufactured homes shall be permitted. Existing manufactured homes shall be permitted to remain unless the manufactured home sustains substantial damage in which case the manufactured home shall not be repaired or replaced. An existing manufactured home shall not be replaced under any circumstances.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.36 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).**

(A) Located within the Special Flood Hazard Areas established in § 151.07, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to § 151.30, all new construction and substantial improvements of all structures shall have the reference level elevated to:

(1) At least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two feet, above the highest adjacent grade; or

(2) At least two feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.

(B) All new construction and substantial improvements of all non-residential structures may, in lieu of elevation, floodproof to the same depths as listed above so that any space below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per § 151.21(3) and § 151.31(2).

(Ord. 2005-94, passed 10-24-05)

## **LEGAL STATUS PROVISIONS**

### **§ 151.40 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION CHAPTER.**

This chapter in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted May 17, 1982, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Goldsboro enacted on May 17, 1982, as amended, which are not reenacted herein are repealed.

(Ord. 2005-94, passed 10-24-05)

### **§ 151.41 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT AND BUILDING PERMITS.**

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

(Ord. 2005-94, passed 10-24-05)