

OXFORD, NORTH CAROLINA
October 21, 2019

The Members of the Honorable Board of Commissioners of Granville County, North Carolina met in a regular meeting on Monday, October 21, 2019 at 7:00 p.m. in the Meeting Room, Granville Expo and Convention Center, 4185 US Highway 15 South, Oxford. The meeting was held in conjunction with a Special Meeting of the Planning Board for joint public hearings.

Present were:

Chairman: Zelodis Jay

Commissioners: Tony W. Cozart Sue Hinman
 Timothy Karan David T. Smith
 Edgar Smoak

Owen T. Roberts, Jr. was absent.

County Manager: Michael S. Felts

County Attorney: James C. Wrenn, Jr.

Assistant County Attorney: Gerald T. Koinis

News Reporters: Chris Harris – *Butner-Creedmoor News*
 David Murray – *Oxford Public Ledger*

MEETING CALLED TO ORDER

At 7:00 p.m., Michael Turner, Chairman of the Granville County Planning Board called the Planning Board meeting to order. A quorum of the Planning Board was present. Then Chairman Zelodis Jay called the Board of Commissioners meeting to order and recognized Commissioner Timothy Karan for the invocation and the Pledge of Allegiance.

AFTER HOLDING JOINT PUBLIC HEARING, THE BOARD APPROVED FLOODPLAIN MAP AMENDMENT BY ADOPTING THE PLAN CONSISTENCY STATEMENT, SPOT ZONING ANALYSIS AND THE FEMA FLOOD INSURANCE STUDY (FIS) AND ACCOMPANYING FLOOD INSURANCE RATE MAPS FOR GRANVILLE COUNTY DATED DECEMBER 6, 2019

Chairman Turner declared the joint public hearing open and stated the purpose of the public hearing.

Chairman Jay declared the joint public hearing open and stated the purpose of the public hearing was to hear public comments on the following:

Granville County Planning Board, Applicant, Adoption of FEMA Flood Insurance Study (FIS) and Accompanying Flood Insurance Rate Maps for Granville County Dated 12-6-2019

The Granville County Planning Board has petitioned to adopt the FEMA Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps for Granville County dated 12-6-2019. The change to the FIS and Flood Insurance Rate Maps for Granville County dated 12-6-2019 will replace the FIS and Flood Insurance Rate Maps for Granville County

dated 10-19-2018. The floodplain map rezoning is being done to be consistent with FEMA and state flood damage prevention regulations so that Granville County will be eligible to receive state and federal disaster funding and for property owners to be able to maintain their flood insurance policies.

Chairman Turner recognized Barry Baker, Planning Director, for a brief overview.

Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC, stated that all public notices as required by local and state law had been accomplished. He then explained that the flood maps, as they are, have been in existence since 2007. He referred to flood maps projected on the wall that showed existing and new flood plains. He then reviewed areas around Lake Rogers, Highway 96 and Tar River Road. He explained that in some instances flood plain is being reduced, others times there are changes and reductions, and in other areas there are increased areas. He noted that FEMA and the State used satellite imagery in 2007 to establish base flood elevations. Prior to 2007 not all base flood elevations existed which required extensive surveying if they were shown on a map.

Chairman Turner asked for anyone signed up to come forward. There were none.

Chairman Jay asked for anyone wishing to speak to come forward. With no one wishing to speak, he closed the public hearing.

Chairman Turner closed the public hearing and called for follow-up questions. There were none.

Chairman Jay asked if there were any questions or comments by the Board of Commissioners.

Commissioner Hinman asked for clarification regarding decreasing flood plain and flood insurance.

Mr. Baker stated that flood insurance could be purchased anywhere in the county and noted that the rates are lower if you are not in a flood plain.

At this point, the Planning Board took action on the matter and presented the signed documents to Chairman Jay.

Chairman Jay called for a motion to accept the Planning Board's recommendation, written consistency and spot zoning analysis.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the floodplain map amendment by adopting the plan consistency statement, spot zoning analysis and the FEMA Flood Insurance Study (FIS)

and accompanying Flood Insurance Rate Maps for Granville County dated December 6, 2019 as follows:

AN ORDINANCE THAT AMENDS THE GRANVILLE COUNTY FLOODPLAIN ZONING MAP BY ADOPTING THE FEMA FLOOD INSURANCE STUDY (FIS) AND ACCOMPANYING FLOOD INSURANCE RATE MAPS FOR GRANVILLE COUNTY DATED 12-6-2019 AND SERVES AS THE BOARD OF COUNTY COMMISSIONERS' WRITTEN PLAN CONSISTENCY STATEMENT AND SMALL-SCALE REZONING ANALYSIS

Whereas, a floodplain zoning map amendment petition has been filed for a change to the Granville County Floodplain Zoning Map by the Granville County Planning Board as follows:

Z-3-2019 Granville County Planning Board, Applicant, Adoption of FEMA Flood Insurance Study (FIS) and Accompanying Flood Insurance Rate Maps for Granville County Dated 12-6-2019

The Granville County Planning Board has petitioned to adopt the FEMA Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps for Granville County dated 12-6-2019. The floodplain map rezoning is being done to be consistent with FEMA and state flood damage prevention regulations so that Granville County will be eligible to receive state and federal disaster funding and for property owners to be able to maintain their flood insurance policies.

Whereas, the Granville County Planning Board held a joint public hearing with the Granville County Board of Commissioners on the floodplain zoning map amendment petition on October 21, 2019, and after a study of evidence presented, made a favorable recommendation on the adoption of the floodplain zoning map amendment petition; and,

Whereas, a notice of public hearing was given as provided in North Carolina General Statute 153A-323 and the Granville County Land Development Code for a floodplain zoning map amendment petition and a joint public hearing with the Granville County Planning Board was held by the Board of Commissioners on October 21, 2019, at which, evidence was presented at the public hearing.

Whereas, the Granville County Board of Commissioners hereby adopts the following Plan Consistency Statement and Small-Scale Rezoning Analysis:

GRANVILLE COUNTY BOARD OF COMMISSIONERS' PLAN CONSISTENCY STATEMENT:

The Granville County Comprehensive Plan identified that growth should be located away from environmental resources. The Plan included a Land Use Suitability analysis that took into account lands located in close proximity to environmental constraints, such as areas prone to flood. The Plan in Strategy LU 6.1 encourages protection of environmentally sensitive areas. Further, adoption of floodplain regulations helps protect building construction along areas shown on FEMA flood maps to be prone to flooding which also help protect citizens from the effects of flooding. Finally, adoption of floodplain regulations allows Granville County to be eligible to receive Federal and State emergency disaster funding and our residents to maintain flood insurance. Protection of the built environment and its corollary protection of citizens who use the built environment, as well as the ability to receive Federal and State disaster relief funding after disasters and for residents to maintain flood insurance is found by Granville County to be in the public interest through adoption of the floodplain zoning map amendment.

GRANVILLE COUNTY BOARD OF COMMISSIONERS' SMALL-SCALE REZONING ANALYSIS:

The floodplain zoning map amendment for properties in the County's zoning jurisdiction is the implementation of the FEMA Flood Insurance Study (FIS) and Accompanying Flood Insurance Rate Maps for Granville County Dated 12-6-2019. The Granville County Comprehensive Plan identified that growth should be located away from environmental resources. The Plan included a Land Use Suitability analysis that took into account lands located in close proximity to environmental constraints, such as areas prone to flood. The Plan in Strategy LU 6.1 encourages protection of environmentally sensitive areas. Further, adoption of floodplain regulations helps protect building construction along areas shown on FEMA flood maps to be prone to flooding which also help protect citizens from the effects of flooding. Finally, adoption of floodplain regulations allows Granville County to be eligible to receive Federal and State emergency disaster funding and our residents to maintain flood insurance. Protection of the built environment and its corollary protection of citizens who use the built environment, as well as the ability to receive Federal and State disaster relief funding after disasters and for residents to maintain flood insurance is found by Granville County to be in the public interest through adoption of the floodplain zoning map amendment and therefore does not constitute spot-zoning.

NOW THEREFORE, BE IT ORDAINED BY THE GRANVILLE COUNTY BOARD OF COMMISSIONERS THAT:

The floodplain zoning map is hereby changed and amended by adopting the FEMA Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps for Granville County dated 12-6-2019.

IN WITNESS WHEREOF, the Board of Commissioners of Granville County, North Carolina has caused this Plan Consistency Statement and Small-Scale Rezoning Analysis and floodplain zoning map amendment petition to be approved and adopted to become effective December 6, 2019.

This ordinance duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 21st day of October, 2019.

AFTER HOLDING JOINT PUBLIC HEARING, THE BOARD APPROVED THE PLAN CONSISTENCY STATEMENT AND TEXT AMENDMENT REGARDING FLOOD DAMAGE PREVENTION SECTION OF THE LAND DEVELOPMENT CODE (LDC)

Chairman Turner declared the joint public hearing open and stated the purpose of the public hearing.

Chairman Jay declared the joint public hearing open and stated the purpose of the public hearing was to hear public comments on the following:

Granville County Land Development Code Text Amendment Petition

AMENDMENT TO THE LAND DEVELOPMENT CODE (LDC) THAT WOULD AMEND THE FLOOD DAMAGE PREVENTION SECTION OF THE LAND DEVELOPMENT CODE. THE FLOOD DAMAGE PREVENTION AMENDMENT IS BEING DONE TO BE CONSISTENT WITH FEMA AND STATE FLOOD DAMAGE PREVENTION REGULATIONS SO THAT GRANVILLE COUNTY WILL BE ELIGIBLE TO RECEIVE STATE AND FEDERAL DISASTER FUNDING AND FOR PROPERTY OWNERS TO BE ABLE TO MAINTAIN THEIR FLOOD INSURANCE POLICIES.

Chairman Turner recognized Barry Baker, Planning Director, for a brief overview.

Barry Baker, Planning Director, 122 Williamsboro Street, Oxford, NC, stated that all public notices as required by local and state law had been accomplished. He said this was a public hearing for an amendment to the Land Development Code (LDC) that would amend the flood damage prevention section of the Land Development Code. He noted that the flood damage prevention amendment was being done to be consistent with FEMA and state flood damage prevention regulations so that Granville County would be eligible to receive state and federal disaster funding and for property owners to be able to maintain their flood insurance policies. He said the amendments have been reviewed by the state and recommended based on the model state ordinance for non-coastal communities.

Chairman Turner asked for anyone signed up to come forward. There were none. He asked if there was anyone else wishing to speak and there were none.

Chairman Jay asked for anyone wishing to speak to come forward. With no one wishing to speak, he closed the public hearing.

Chairman Turner closed the public hearing and called for follow-up questions. There were none.

Chairman Jay asked if there were any questions or comments by the Board of Commissioners. There were none.

At this point, the Planning Board took action on the matter and presented the signed documents to Chairman Jay.

Chairman Jay called for a motion to accept the Planning Board's recommendation and written consistency statement.

Upon a motion by Commissioner Tony W. Cozart, seconded by Commissioner Timothy Karan, and unanimously carried, the Board approved the amendment by adopting the plan consistency statement and the Land Development Code (LDC) that amends the flood damage prevention section of the Land Development Code. The flood damage prevention amendment is being done to be consistent with FEMA and state flood damage prevention regulations so that Granville County will be eligible to receive state and federal disaster funding and for property owners to be able to maintain their flood insurance policies as follows:

AMENDMENT TO FLOOD DAMAGE PREVENTION CODE

Whereas, the Granville County Board of Commissioners found it necessary to adopt the Granville County Land Development Code on July 12, 1999, to provide for the orderly, planned, and efficient growth of Granville County; and,

Whereas, the need to amend and/or change this same code from time to time exist to provide for its efficient administration and enforcement or to address changing conditions of the growth and development of the County; and,

Whereas, the Granville County Planning Board held a joint public hearing with the Granville County Board of Commissioners on the proposed amendment on October 21, 2019, and after a study of evidence presented, made a favorable recommendation on the adoption of the proposed amendment; and,

Whereas, a notice of public hearing was given as provided in North Carolina General Statute 153A-323 and the Granville County Land Development Code for a Text Amendment and a joint public hearing with the Granville County Planning Board was held by the Board of Commissioners on October 21, 2019, at which, evidence was presented at the public hearing.

Whereas, the Granville County Board of Commissioners hereby adopts the following Plan Consistency Statement:

GRANVILLE COUNTY BOARD OF COMMISSIONERS' PLAN CONSISTENCY STATEMENT:

The Granville County Comprehensive Plan identified that growth should be located away from environmental resources. The Plan included a Land Use Suitability analysis that took into account lands located in close proximity to environmental constraints, such as areas prone to flood. The Plan in Strategy LU 6.1 encourages protection of environmentally sensitive areas. Further, adoption of floodplain regulations helps protect building construction along areas shown on FEMA flood maps to be prone to flooding which also help protect citizens from the effects of flooding. Finally, adoption of floodplain regulations allows Granville County to be eligible to receive Federal and State emergency disaster funding and our residents to maintain flood insurance. Protection of the built environment and its corollary protection of citizens who use the built environment, as well as the ability to receive Federal and State disaster relief funding after disasters and for residents to maintain flood insurance is found by Granville County to be in the public interest through adoption of these amendments.

NOW THEREFORE, BE IT ORDAINED BY THE GRANVILLE COUNTY BOARD OF COMMISSIONERS THAT:

SECTION 1. Amend Article V, Division 2 of the Granville County Land Development Code by amending the following language (**bold** denotes new language and ~~strike through~~ denotes deleted language):

DIVISION 2. - FLOOD DAMAGE PREVENTION

Sec. 32-311. - Statutory authorization.

The legislature of the ~~state~~ **State of North Carolina** has in ~~G.S. ch. 143, art. 21, pt. 6; ch. 153A, art. 18, pts. 3 and 4; and ch. 153A, art. 6, pt. 121~~ **Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes**, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the county board of commissioners of Granville County, North Carolina, does ordain as follows.

Sec. 32-312. - Findings of fact.

- (a) The flood prone areas within the jurisdiction of the county 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.

Sec. 32-313. - Statement of purpose.

It is the purpose of this division 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:

- (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;
- (4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 32-314. - Objectives.

The objectives of this division are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business losses and interruptions;
- (5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) To ensure that potential buyers are aware that property is in a special flood hazard area.
- (8) To minimize damage to private and public property due to flooding.**
- (9) To make flood insurance available to the community through the National Flood Insurance Program.**
- (10) To maintain the natural and beneficial functions of floodplains.**

Sec. 32-315. - Flood damage prevention definitions.

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

Accessory structure (appurtenant structure) means a structure 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) means an extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this division.

Area of shallow flooding means a designated zone AO or AH 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)*.

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

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

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

Building. See *Structure*.

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

Design Flood See Regulatory Flood Protection Elevation.

Development means 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.

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

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

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

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

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

***Existing building and existing structure* means any building and/or structure for which the “start of construction” commenced before date the community’s entered into the NFIP, dated 2/20/1997.**

Existing manufactured home park or manufactured home subdivision means 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~~ **the community entered the NFIP, dated 2/20/1997.**

Flood or flooding means 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) means 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) means an official map of the 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 means the insurance coverage provided under the National Flood Insurance Program.

Flood insurance rate map (FIRM) means 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) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard 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*.

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

Floodplain administrator is the individual appointed to administer and enforce the floodplain management regulations.

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

Floodplain management means 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 management regulations means this division 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 means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

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

Floodway means the channel of a river or other watercourse, **including the area above a bridge or culvert when applicable**, 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.

***Floodway encroachment analysis* means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.**

Flood zone means 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.

Freeboard means the height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The base flood elevation plus the freeboard establishes the "regulatory flood protection elevation."

Functionally dependent facility means 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 and

passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous waste facility means, as defined in G.S. 130A, art. 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

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

Historic structure means 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.

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

- (1) Letter of Map Amendment (LOMA):** An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) Letter of Map Revision (LOMR):** A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) Letter of Map Revision Based on Fill (LOMR-F):** A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) Conditional Letter of Map Revision (CLOMR):** A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study;

upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

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

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

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

Lowest floor means lowest floor 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 division.

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

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

Market value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.

~~*Mean sea level* means, for purposes of this division, 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 means structures for which the "start of construction" commenced on or after the effective date of the original version of the

community's flood damage prevention ordinance and includes any subsequent improvements to such structures.

Non-encroachment area means 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 means construction or other development for which the "start of construction" occurred on or after **9-28-90**, the effective date of the initial flood insurance rate map for the area.

Pre-FIRM means construction or other development for which the "start of construction" occurred before **9-28-90**, the effective date of the initial flood insurance rate map for the area.

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

Public safety and/or nuisance means 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) means a vehicle, which is:

- (1) Built on a single chassis;
- (2) Four hundred 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) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; **and**
- (5) Is fully licensed and ready for highway use.**

Reference level is the top of the lowest floor for structures within special flood hazard areas designated as zone A1-A30, AE, A, A99, **AH** or AO.

Regulatory flood protection elevation means the "base flood elevation" plus the "freeboard". In "special flood hazard areas" where base flood elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard. In "special flood hazard areas" where no BFE has been established, this elevation shall be at least two feet above the highest adjacent grade.

Remedy a violation means 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 ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

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

Salvage yard means 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 means, as defined in G.S. 130A-290(a)(35), any facility involved in the disposal of solid waste.

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

Special flood hazard area (SFHA) means the land in the floodplain subject to a one percent or greater chance of being flooded in any given year, as determined in section 32-317.

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 on a site, such as the pouring of slab or footings, the installation of piles, the 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 means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial damage means 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 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. **See definition of "substantial improvement." Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.**

Substantial improvement means 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 percent 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.

***Technical Bulletin and Technical Fact Sheet* means a FEMA publication that provides guidance concerning the building performance standards of**

the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

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

Variance is a grant of relief from the requirements of this division.

Violation means 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 articles IV and V is presumed to be in violation until such time as that documentation is provided.

Water surface elevation (WSE) means the height, in relation to **NAVD 1988 mean sea level**, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Watercourse means 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.

Sec. 32-316. - Lands to which this division applies.

This division shall apply to all special flood hazard areas within the zoning jurisdiction of the county.

Sec. 32-317. - Basis for establishing the special flood hazard areas.

The special flood hazard areas are those identified under the cooperating technical state (CTS) agreement between the ~~state~~ **State of North Carolina** and FEMA in its flood insurance study (FIS) **dated 12-6-19 for Granville County** and ~~its accompanying flood insurance rate maps (FIRM)~~ **associated DFIRM panels, including any digital data developed as part of the FIS for Granville County dated 10-19-18**, which are adopted by reference and declared to be a part of this division. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Granville County are also adopted by reference and declared a part of this ordinance. Subsequent letter of map revisions (LOMRs) and/or physical map revisions (PMRs) shall be adopted within three months.

Sec. 32-318. - Establishment of floodplain development permit.

A floodplain development permit shall be required in conformance with the provisions of this division prior to the commencement of any development activities within special flood hazard areas determined in accordance with section 32-317.

Sec. 32-319. - 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 division and other applicable regulations.

Sec. 32-320. - Abrogation and greater restrictions.

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

Sec. 32-321. - Interpretation.

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

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

Sec. 32-322. - Warning and disclaimer of liability.

The degree of flood protection required by this division 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 division 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 division shall not create liability on the part of the county or by any officer or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made hereunder. Sec. 32-323. - Penalties for violation.

Violation of the provisions of this division 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 **Class 1** misdemeanor **pursuant to NCGS 143-215.58**. Any person who violates this division or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than ~~\$50.00~~ **\$100.00** 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 county from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 32-324. - Designation of floodplain administrator.

The zoning administrator, hereinafter referred to as the "floodplain administrator," is hereby appointed to administer and implement the provisions of this division. **In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this division, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Programs and the provisions of this division.** ~~The "floodplain administrator" shall also have authority to designate "floodplain deputies" with authority to administer and implement the provisions of this division.~~

Sec. 32-325. - Floodplain development application, permit and certification requirements.

- (a) *Application requirements.* Application for a floodplain development permit shall be made to the floodplain administrator prior to any development activities located within special flood hazard areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:
 - (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- a. 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;
 - b. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in section 32-317, or a statement that the entire lot is within the special flood hazard area;
 - c. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in section 32-317;
 - d. The boundary of the floodway(s) or non-encroachment area(s) as determined in section 32-317;
 - e. The base flood elevation (BFE) where provided as set forth in section 32-317; section 32-326 (11. and 12.); or section 32-331;
 - f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - g. Certification of the plot plan by a registered land surveyor or professional engineer.
- (2) Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
- a. Elevation in relation to **NAVD 1988 mean sea level** of the proposed reference level (including basement) of all structures;
 - b. Elevation in relation to **NAVD 1988 mean sea level** to which any non-residential structure in zone AE, A, **AH** or AO will be flood-proofed; and
 - c. Elevation in relation to **NAVD 1988 mean sea level** to which any proposed utility systems will be elevated or floodproofed.
- (3) If floodproofing, a floodproofing certificate (FEMA form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- (4) A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this division are met. These details include but are not limited to:
- a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - b. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with subsection 32-330(4)c., when solid foundation perimeter walls are used in zones A, AO, AE, **AH**, and **A99 A1-30**;
- (5) Usage details of any enclosed areas below the regulatory flood protection elevation.
- (6) 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;
- (7) **Certification that Copies** of all other local, state and federal permits required prior to floodplain development permit issuance **have been received.** (~~wetlands, endangered species, erosion and sedimentation control, riparian buffers, mining, etc.~~)

- (8) Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure subsections 32-330(6) and (7) are met.
 - (9) 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.
- (b) *Permit requirements.* The floodplain development permit shall include, but not be limited to:
- (1) 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.**).
 - (2) The special flood hazard area determination for the proposed development per available data specified in section 32-317.
 - (3) The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - (4) The regulatory flood protection elevation required for the protection of all public utilities.
 - (5) All certification submittal requirements with timelines.
 - (6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse **unless the requirements of Section 32-333 have been met,**~~as applicable.~~
 - (7) The flood openings requirements, if in zones A, AO, AE, **AH** or ~~A99 A1-30.~~
- (c) *Certification requirements.*
- (1) Elevation certificates.
 - a. An elevation certificate (FEMA form **086-0-33 81-31**) 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 elevation of the reference level, in relation to **NAVD 1988 mean sea level**. 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.
 - b. An elevation certificate (FEMA form **086-0-33 81-31**) 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 **NAVD 1988 mean sea level**. 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.

- c. A final ~~as-built~~ **finished construction** elevation certificate (FEMA form ~~086-0-33 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. 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.

(2) Floodproofing certificate.

(i) If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing certificate (FEMA Form ~~086-0-34 81-65~~), with supporting data and an operational plan, 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 ~~NAVD 1988 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, **the inspection and maintenance plan, and the operational plan**. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. 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.

(ii) A final Finished Construction Floodproofing Certificate (FEMA 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. 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 NAVD 1988. Floodproofing certificate shall be by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. 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 deny a Certificate of Compliance/Occupancy.

- (3) If a manufactured home is placed within zone A, AO, AE, **AH** or **A99** ~~A1-30~~ and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per subsection 32-330(3).

- (4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified 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.
- (5) Certification exemptions. The following structures, if located within zone A, AO, AE, **AH** or **A99** ~~A1-30~~, are exempt from the elevation/floodproofing certification requirements specified in subsections (1) and (2):
 - a. Recreational Vehicles meeting requirements of subsection 32-330(6)a.;
 - b. Temporary structures meeting requirements of subsection 32-330(7); and
 - c. Accessory structures less than 150 square feet or less than **\$3,000** and meeting requirements of subsection 32-330(8).

(d) *Determination for existing buildings and structures.*

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

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;**
- (2) Compare the cost to perform improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;**
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and**
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this division is required.**

Sec. 32-326. - Duties and responsibilities of the floodplain administrator.

The floodplain administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas to assure that the requirements of this division have been satisfied.
- (2) **Review all proposed development within the special flood hazard areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972 33 U.S.C. 1334. Advise permittee**

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

- (3) Notify adjacent communities and the state 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).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is **maintained not diminished**.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of section 32-332 are met.
- (6) Obtain actual elevation (in relation to ~~NAVD 1988 mean sea level~~) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with subsection 32-325(c).
- (7) Obtain actual elevation (in relation to ~~NAVD 1988 mean sea level~~) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with subsection 32-325(c).
- (8) Obtain actual elevation (in relation to ~~NAVD 1988 mean sea level~~) of all public utilities in accordance with subsection 32-325(c).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with subsections 32-325(c) and 32-330(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, **floodways, or non-encroachment 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 division.
- (11) When base flood elevation (BFE) data has not been provided in accordance with section 32-317, 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 subsection 32-331(2)b., in order to administer the provisions of this division.
- (12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with section 32-317, 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 division.
- (13) When the lowest **floor and the lowest adjacent grade of a structure or the lowest** ground elevation of a parcel or structure in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a letter of map amendment (LOMA) from FEMA. Maintain a copy of the letter of map amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this division and make these records available for public inspection,

recognizing that such information may be subject to the Privacy Act of 1974, as amended.

- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator 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 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.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this division, the floodplain administrator 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.
- (17) Revoke floodplain development permits as required. The floodplain administrator 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.
- (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator 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.
- (19) Follow through with corrective procedures of section 32-327.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS report, **historical and effective** FIRM and other official flood maps and studies adopted in accordance with section 32-317 of this division, including any revisions thereto including letters of map change, issued by FEMA. Notify state and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including letters of map revision based on fill (LOMR-F) and letters of map revision (LOMR).

Sec. 32-327. - Corrective procedures.

- (a) *Violations to be corrected.* When the floodplain administrator 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 cited in such notification.
- (b) *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 shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

- (1) That the building or property is in violation of the flood damage prevention ordinance;
 - (2) That a hearing will be held before the floodplain administrator 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
 - (3) That following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as **applicable** ~~appears appropriate~~.
- (c) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the flood damage prevention ordinance, they 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 calendar days, nor more than 180 calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (d) *Appeal.* Any owner who has received an order to take corrective action may appeal the order to the board of adjustment by giving notice of appeal in writing to the floodplain administrator within ten days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The **board of adjustment** ~~local governing body~~ shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (e) *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 **board of adjustment governing body** following an appeal, the owner shall be guilty of a **Class 1** misdemeanor **pursuant to N.C.G.S. 143-215.58** and shall be punished at the discretion of the court.

Sec. 32-328. - Variance procedures.

- (a) The board of adjustment as established by the county, hereinafter referred to as the "board", shall hear and decide requests for variances from the requirements of this division.
- (b) Any person aggrieved by the decision of the board may appeal such decision to the court, as provided in G.S. ch. 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~~ **dependent** facilities if determined to meet the definition as stated in section 32-315, provided provisions of subsections 32-328(i)(2), (3) and (5) have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (3) Any other type of development, provided it meets the requirements stated in this section.

- (d) In passing upon variances, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this division, 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 section 32-315 as a functionally **dependent** ~~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 division, the board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this division.
- (g) 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 that such construction below the base flood elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to \$25.00 per \$100.00 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (h) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the state upon request.
- (i) 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 not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Variances shall only be issued prior to development permit approval.
 - (5) 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.
- (j) 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 county board of adjustment has notified the secretary of the state department of ~~crime control and~~ public safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

Sec. 32-329. - Provisions for flood hazard reduction—General standards.

In all special flood hazard areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage **in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.**
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) **All new** ~~Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located~~ **at or above the RFPE or designed and installed so as** to prevent water from entering or accumulating within the components during **the occurrence of the base flood 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, etc.), hot water heaters, and electric outlets/switches.~~
 - a. Replacements parts of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.**

b. Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) 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 flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- ~~(8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this division, shall meet the requirements of "new construction" as contained in this division.~~
- (89) Nothing in this division shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this division and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this division.
- (910) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in subsection 32-328(j). 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 subsection 32-325(c).
- ~~(110)~~ All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- ~~(121)~~ All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- ~~(132)~~ All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- ~~(1-4-3)~~ All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.**
- (15) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the BFE shall apply. Sec. 32-330. - Provisions for flood hazard reduction—Specific standards.**

In all special flood hazard areas where base flood elevation (BFE) data has been provided, as set forth in section 32-317, or subsections 32-326(11) and (12), the following provisions, in addition to section 32-329, are required:

- (1) *Residential construction.* New construction and 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 section 32-315.
- (2) *Non-residential construction.* New construction and 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 section 32-315 of this division. Structures located in A, AE, **AH**, **AO** and **A99 A1-30** zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory 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. For AO zones, the floodproofing elevation shall be in accordance with subsection 32-334(2). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in subsection 32-325(c), along with the operational **plan** and **the inspection and maintenance plans**.
- (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 section 32-315.
 - b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by **certified engineered foundation system certification**, or in accordance with the most current edition of the state regulations for manufactured homes adopted by the commissioner of insurance pursuant to G.S. 143-143.15. 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 enclosures or skirting below the lowest floor shall meet the requirements of subsections 32-330(4)a., b., and c.
 - 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.
- (4) *Elevated buildings.* Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
 - 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 finished or partitioned into separate rooms, except to enclose storage areas;

b. Shall not be temperature-controlled or conditioned;

cb. Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation; **and**

de. Shall include, in zones A, AO, AE, **AH** and **A99 A1-30**, flood openings 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 or exceed the following minimum design criteria;

1. A minimum of two flood openings on different sides of each enclosed area subject to flooding;
2. The total net area of all flood 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 enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
4. The bottom of all required flood openings shall be no higher than one foot above the adjacent grade;
5. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
6. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(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, **with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway**, both the existing structure and the addition ~~and/or improvements~~ must comply with the standards for new construction.

b. Additions to **pre-FIRM** or post-FIRM structures **that are a substantial improvement** with no **modifications/rehabilitations/improvements** 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 **consistent with the code and requirements for the original structure.**
2. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

d. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this division. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

1. **Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.**
2. **Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.**

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

a. **Temporary Placement**

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

(ii) ~~be~~ 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. **Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.**

(7) *Temporary non-residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the applicant 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 may not exceed three months, renewable up to 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 (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - d. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - e. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.
- (8) *Accessory structures.* When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:
- a. Accessory structures shall not be used for human habitation (including 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 subsection 32-329(1);
 - f. All service facilities such as electrical shall be installed in accordance with subsection 32-329(4); and
 - g. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with subsection (4)c..

An accessory structure with a footprint less than 150 square feet **or that is a minimal investment \$3,000 or less and** satisfies the criteria outlined above ~~is does~~ **not required to meet the an** elevation or floodproofing **standards of Section 32-330 (2) certificate.** Elevation or floodproofing certifications are required for all other accessory structures in accordance with subsection 32-325 (c).

(9) Tanks. When gas and liquid storage tanks are to be placed within a special flood hazard area, the following criteria shall be met:

- a. ***Underground tanks.*** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tanks is empty;
- b. ***Above-ground tanks, elevated.*** Above-ground tanks in flood hazard areas shall be elevated to or above the regulatory flood protection elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
- c. ***Above-ground tanks, not elevated.*** Above-ground tanks that do not meet the elevation requirements of Section 32-330 (2) of this division shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters into the tanks. Tanks shall be designed, constructed,

installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during flood conditions.

- d. ***Tank inlets and vents.*** Tank inlets, fill openings, outlets and vents shall be:
- (i) At or above the regulatory flood protection elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the flood design; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) *Other Development.*

- a. Fences in regulated floodways and NEAs that have potential to block the passage of floodwaters such as stockade fences and wire mesh fences, shall meet the limitations of Section 32-333 of this division.
- b. Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 32-333 of this division.
- c. Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 32-333 of this division.

Sec. 32-331. - Standards for floodplains without established base flood elevations.

Within the special flood hazard areas designated as approximate zone A and established in section 32-317, where no base flood elevation (BFE) data has been provided by FEMA, the following provisions, in addition to section 32-329 and section 32-330, shall apply:

- (1) 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.
- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on ~~one of the following criteria set in priority order:~~
 - a. ~~When~~ **When** 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 division and shall be elevated or floodproofed in accordance with standards in subsections 32-326(11) and (12).
 - b. **When floodway or non-encroachment data is available from a federal, State, or other source, all new construction and substantial improvements within floodway and on-encroachment areas shall also comply with the requirements of Sections 32-330 and 32-333.**
 - ~~bc.~~ **c.** All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than five acres or has more than 50 lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by

reference per section 32-317 to be utilized in implementing this division.

- ed. 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 to or above the regulatory flood protection elevation, as defined in section 32-315. **All other applicable provisions of Section 32-330 shall also apply.**

Sec. 32-332. - Standards for riverine floodplains with BFE 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:

- (1) Standards outlined in sections 32-329 and 32-330, and
- (2) Until a regulatory floodway or non-encroachment area is designated, 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.

Sec. 32-333. - Floodways and non-encroachment areas.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in section 32-317. 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 sections 32-329 and 32-330, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless ~~it has been demonstrated that:~~
 - a. **It is demonstrated that** ~~t~~The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood **discharge**, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 - b. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If subsection (1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this division.
- (3) ~~No Manufactured homes may shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision,~~ provided the following provisions are met:
 - a. The anchoring and the elevation standards of subsection 32-330(3); and
 - b. The ~~no~~ encroachment standard of subsection (1).

Sec. 32-334. - Standards for areas of shallow flooding (zone AO).

Located within the special flood hazard areas established in section 32-317, 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 section 32-329, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated 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 at least two feet above the highest adjacent grade plus a freeboard of two feet if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in subsection (1) so that the structure, together with attendant utility and sanitary facilities, 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 subsection 32-325(c) and subsection 32-330(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

Sec. 32-335. – Standards for Areas of Shallow Flooding (Zone AH).

Located within the Special Flood Hazard Areas established in Section 32-317, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Sections 32-329 and 32-330, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guidance floodwaters around and away from proposed structures.**

Sec. 32-335.6. - Legal status provisions—Effect on rights and liabilities under the existing flood damage prevention ordinance.

This division in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted 9-28-1990 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 division shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the county enacted on September 28, 1990, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for each municipal jurisdiction within the County of Granville, North Carolina is as follows:

Town of Butner	7/10/2012
City of Creedmoor	6/25/1976
Town of Oxford	9/28/1990

Town of Stem
Town of Stovall

3/25/2008
7/11/2012

Sec. 32-3367. - Legal status provisions—Effect upon outstanding floodplain development 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 has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this division; 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 division.

Sec. 32-338. - Severability.

If any section, clause, sentence, or phrase of this Ordinance amendment be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall have no effect to the validity of the Granville County, North Carolina Land Development Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Sec. 32-339. - Effective Date.

This Ordinance amendment shall become effective December 6, 2019.

SECTION 2. Should any provision of this Ordinance amendment be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall have no effect to the validity of the Granville County, North Carolina Land Development Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3. This Ordinance shall become effective on December 6, 2019.

SECTION 4. This Ordinance duly adopted by the Board of Commissioners of the County of Granville, North Carolina, this the 21st day of October, 2019.

With there being no further business, the Planning Board adjourned their meeting.

Chairman Jay announced at 7:20 p.m. that the Board of Commissioners would recess and reconvene in the auditorium.

BOARD RECONVENED

The Board of Commissioners reconvened at 7:30 p.m. in the auditorium.

CONSENT AGENDA APPROVED

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board approved the consent agenda as follows:

(A) Approved the Summary of Contingency and Use of Fund Balance report which showed the following balances:

General Contingency Balance	\$ 180,000
School Contingency	\$ 100,000
Environmental Disaster Contingency	\$ 10,000
General Fund Appropriated Fund Balance	\$ 2,776,090

(B) Approved the Tax Releases and Tax Refunds for July 2019 as follows:

Tax Releases - \$190.82
Tax Refunds - \$4701.42

AFTER HOLDING PUBLIC HEARING, BOARD APPROVED NCDOT 5310 RESOLUTION AND FUNDING MATCH FOR SENIOR SERVICES

Chairman Jay stated that this was a public hearing for the purpose of receiving comments from the public on the NCDOT 5310 Transportation Grant funding for Senior Services.

At this point, Chairman Jay declared the public hearing open and then recognized Kathy May, Senior Services Director, for a brief overview.

Kathy May, Senior Services Director, 107 Lanier Street, Oxford, NC, stated that nine years ago Granville County Senior Services entered into an agreement with the North Carolina Department of Transportation (NC DOT) to begin a fixed bus route in the city limits of Oxford using funding from the federal 5310 grant program. The application was submitted again this year on October 4, 2019 for the fiscal year 2020-2021 and a public hearing is required as part of the application. A public hearing notice was advertised in English and Spanish in the Oxford Public Ledger on October 10th as required. During fiscal year 2018-2019, 13,341 one-way trips were provided to the public and the paratransit van provided 4,451 one-way trips to the senior population. She noted that the ROAP grant is used for the required 10% local match, so no County funds are required.

Chairman Jay asked those wishing to speak to come to the podium and give their name and address for the record.

With no one wishing to speak, and no questions from the Board, Chairman Jay closed the public hearing.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board approved submitting the application for the NC DOT 5310 Transportation Grant funding for fiscal year 2020-2021 in the amount of

\$161,000 and the 10% match of \$16,100 from ROAP funds and the following associated resolution:

PUBLIC TRANSPORTATION PROGRAM RESOLUTION

FY 2021 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by David T. Smith and seconded by Tony W. Cozart for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for “purchase-of-service” projects under the Capital budget Section 5310 program.

WHEREAS, Granville County hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the Senior Services Director of Granville County is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT’s calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

AFTER HOLDING PUBLIC HEARING, BOARD APPROVED ECONOMIC INCENTIVE AND ASSOCIATED RESOLUTION FOR PROJECT SUNRISE - ONTIC

Chairman Jay stated that the purpose of the public hearing was to hear the views of the public on aiding and encouraging the location or expansion of industrial facilities in Granville

County, specifically as follows: the expansion of a manufacturing company in Granville County to expand its existing facility.

At this point, Chairman Jay declared the public hearing open and recognized Harry Mills, Economic Development Director, to provide an overview.

Harry Mills, Economic Development Director, 310 Williamsboro Street, Oxford, NC, stated that NCGS 158-7.1 requires a public notice that was completed prior to the public hearing. He said that Project Sunrise is an expansion of a manufacturing industrial facility in Granville County to expand in Butner. The company, Ontic Engineering and Manufacturing, Inc., will invest approximately \$2,770,000 and employ potentially 126 new employees and will expand at the former Firstmark building as announced by the Governor's Office on October 4, 2019. He noted that Ontic also received a \$500,000 Building Reuse Grant Award from the North Carolina Department of Commerce. He said an incentive package totaling \$110,000 with \$25,000 of it being the 5% match required for the Building Reuse Grant and the remaining \$85,000 as a local economic development grant was recommended. He also asked the Board to consider adoption of the associated resolution for the Building Reuse Grant. Chairman Jay asked those wishing to speak to come to the podium and give their name and address for the record.

With no one else wishing to speak, Chairman Jay closed the public hearing.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board approved a \$110,000 economic incentive package for Project Sunrise – Ontic Engineering and Manufacturing, Inc., that includes the required match of 5% which is \$25,000 for the \$500,000 Building Reuse Grant and the following associated resolution:

**AUTHORIZING RESOLUTION BY GOVERNING BODY OF THE APPLICANT
North Carolina Department of Commerce Building Reuse Program**

WHEREAS, in June 2004, the North Carolina General Assembly passed House Bill 1352, authorizing funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovation of vacant buildings, and implementation of research and demonstration projects; and,

WHEREAS, in July 2007, the General Assembly passed House Bill 1473 to expand the Economic Infrastructure Fund and to provide funding to facilitate economic transitions in rural communities; and,

WHEREAS, The North Carolina Department of Commerce's Rural Economic Development Division's Building Reuse Program was created to spur economic activity and job creation by assisting in the productive use of buildings in rural areas; and,

WHEREAS, the County of Granville is engaged in activities to assist in the productive use of buildings, specifically the renovation of the building for Ontic Engineering and Manufacturing Inc. located at 1176 Telecom Dr., Creedmoor, NC that will increase the number of jobs in the area; and,

WHEREAS, the County of Granville requested grant assistance from the North Carolina Department of Commerce's Rural Economic Development Division's Building Reuse Program;

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

That the maximum costs of the County funded improvements will be up to \$110,000 in accordance with the County funding policy which includes the County required 5% match which is \$25,000 for the \$500,000 Building Reuse Grant award for this project.

That the County of Granville will provide for efficient administration, implementation, and operation/maintenance of the grant.

That the County Manager is hereby authorized and directed to furnish such information as the North Carolina Department of Commerce may request in connection with the grant application and project; to make assurances as contained above; and to execute such other documents as may be required in connection with the application and grant.

That the County of Granville has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

BOARD APPROVED EMERGENCY MANAGEMENT PERFORMANCE GRANT PROGRAM (EMPG) FOR FISCAL YEAR 2020

Doug Logan, Emergency Services Director, stated that he was requesting permission to apply for the Emergency Management Performance Grant (EMPG) program. He explained that this is an ongoing grant for the provision of an Emergency Management Program and is a pass-through from the Department of Homeland Security FEMA division through the State to local governments and requires a 50% in-kind match. He asked for approval from the Board before turning in the final application.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Timothy Karan, and unanimously carried, the Board approved application and acceptance of fiscal year 2019-2020 Emergency Management Performance Grant Program (EMPG) funds.

BOARD APPROVED CDBG PLANNING DOCUMENTS

Harry Mills, Economic Development Director, stated that the Community Development Block Grant (CDBG) is for Strong Arm Bakery and requires a series of public hearings and other requirements. He then introduced David Hartigan who is working with Granville County and Strong Arm Bakery on the grant.

Mr. Hartigan stated that Granville County is applying for funds from the North Carolina Department of Commerce to assist Strong Arm Bakery in renovating an existing vacant building on Main Street in downtown Oxford. The County is asking the State to award a grant

to the County for \$300,000 which the County will then loan to the business to help with the building renovations. The loan is forgivable if the company meets the job requirement of creating the nineteen jobs with at least 60% going to persons residing in low to moderate income households. He further explained that though the State will be awarding the funds, they are actually federal funds through the Community Development Block Grant program. The funds are administered by the US Department of Housing and Urban Development (HUD). HUD, as indicated by its name, is primarily a housing agency which requires that grantees of their funds have certain planning documents in place throughout the duration of the project. Though this is not a housing project, some of the required planning documents are housing in nature. He asked the Board to consider approving the formal resolution to adopt the plans that were included in the agenda as attachments under the title of CDBG Planning Documents:

- 1) Plan to Further Fair Housing
- 2) Documentation of Analysis of Impediments to Fair Housing
- 3) Residential Anti-displacement and Relocation Assistance Plan
- 4) Section 504 Self-Evaluation Plan
- 5) Section 3 Plan
- 6) Equal Employment and Procurement Plan
- 7) Citizen Participation Plan
- 8) Language Access Plan

Upon a motion by Commissioner Tony W. Cozart, seconded by Commissioner Edgar Smoak, and unanimously carried, the Board approved the following *Resolution for Granville County's Planning Documents for the Community Development Block Grant Program* that adopts the associated CDBG Planning Documents:

**RESOLUTION FOR GRANVILLE COUNTY'S
PLANNING DOCUMENTS FOR THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, Granville County is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974 as administered through the North Carolina Department of Commerce; and,

WHEREAS, a number of plans and planning documents are required for the County's CDBG project;

WHEREAS, the County wishes to maintain these documents in an orderly and up-to-date manner; and,

NOW, THEREFORE BE IT RESOLVED, that to accomplish the above, the Granville County Board of Commissioners hereby adopts the following documents that are to be used throughout the implementation of the County's Community Development Block Grant project:

- 1) Plan to Further Fair Housing
- 2) Documentation of Analysis of Impediments to Fair Housing
- 3) Residential Anti-displacement and Relocation Assistance Plan
- 4) Section 504 Self-Evaluation Plan
- 5) Section 3 Plan
- 6) Equal Employment and Procurement Plan
- 7) Citizen Participation Plan

BOARD APPROVED RADIO FREQUENCY SIGNAL BOOSTER SYSTEM FOR THE GRANVILLE COUNTY LAW ENFORCEMENT CENTER

County Manager Felts stated that the 2018 North Carolina Fire Code requires that all new public buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication system at the exterior of the building. In order to satisfy the signal strength requirement a Radio Frequency Signal Booster is required. The proposed system will amplify 700/800Mhz Public Safety (VIPER) and the Sheriff's VHF band within the building's interior. Two firms provided proposals as follows: Mobile Communications America - \$120,900.13 and WB Moore Company - \$167,835.00. He noted that due to the recent amendment of the 2018 Fire Code a limited number of qualified firms are available to provide the required service and that adequate funding exists in the Fixture, Furnishing and Equipment budget for this purchase.

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Sue Hinman, and unanimously carried, the Board approved awarding the contract to Mobile Communications America for an amount not to exceed \$120,900.13 for the installation of a radio frequency signal booster system at the Law Enforcement Center from the Fixture, Furnishing and Equipment budget.

BOARD REAPPOINTED MALAIKAH SANDHU TO THE GRANVILLE COUNTY TOURISM DEVELOPMENT AUTHORITY

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board reappointed Malaikah Sandhu to the Granville County Tourism Development Authority.

BOARD APPROVED THANK A VET PROGRAM DISCOUNT FOR FACILITY RENTAL AND ASSOCIATED FEE MANUAL CHANGES

County Manager Felts said that during the Granville County Board of Commissioners' regular meeting held on October 7, 2019 Kathy Taylor, Granville County Register of Deeds, provided a presentation on the Thank-A-Vet Program that begins on November 12th. As part of her presentation, Mrs. Taylor requested that the County Board of Commissioners consider offering a discount off county facility rentals for veterans participating in the program. He noted that County Administration staff have discussed the possibility of offering program participants a 10% discount off the rental of facilities at the Granville County Expo and

Convention Center and at the Granville Athletic Park. A copy of the current Fee Manual with the proposed changes was included in the agenda for your reference and he recommended approval. He stated that if approved, that he was entitled to the discount.

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board approved offering a 10% discount off the facility rental rates at the Granville County Expo and Convention Center and the Granville Athletic Park for veterans who participate in the Thank-A-Vet program; and approved authorizing the associated changes to the fee manual to be effective immediately.

UPDATE ON USE OF GRANVILLE COUNTY ID BADGES

County Manager stated that this was an “Information Item Only.” The purpose of this item was to provide an update on the use of County issued identification badges as a form of photo identification in 2020. Session Law 2018-44, as amended by Session Law 2019-22, sets out the criteria for local government employee identification cards to be approved to be used as a valid form of photo identification to vote in 2020. He then explained that the County Manager, Human Resources Director, and Chief Deputy discussed the possibility of filing an application for review by the State Board of Elections. While currently issued County ID Badges meet the criteria for the 2020 election cycle, they do not meet the criteria for 2021 election cycles and beyond. This would require the County to re-issue ID cards and have them approved by the State Board of Elections. As part of staff’s review, it was confirmed that all fulltime employees who are issued a Granville County Identification Card also have valid driver licenses. He stated that unless directed otherwise by the Granville County Board of Commissioners, Granville County will not make application for Granville County issued identification badges to be used as a form of photo identification in elections.

COUNTY ATTORNEY’S REPORT

County Attorney Wrenn stated that he had an attorney-client matter for closed session.

BOARD PRESENTATIONS

Commissioner Smith announced that the Senior Center will sponsor a Veterans Breakfast at the Granville County Senior Center on Thursday, November 8th at 8:30 a.m. at the Granville Expo Center.

BOARD WENT INTO CLOSED SESSION

Upon a motion by Commissioner Edgar Smoak, seconded by Commissioner Sue Hinman, and unanimously carried, the Board went into closed session as allowed by G.S. 143-318.11(a)(3) and (5) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract..

Upon a motion by Commissioner Sue Hinman, seconded by Commissioner Tony W. Cozart, and unanimously carried, the Board returned to regular session.

COMMISSIONERS ADJOURN

Upon a motion by Commissioner David T. Smith, seconded by Commissioner Sue Hinman, and unanimously carried, the Board adjourned at 8:12 p.m.

Respectfully submitted,
Debra A. Weary, NCCCC, CMC
Clerk to the Board