Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting
6:00 PM Monday, November 09, 2026
Train Depot, 614 Broad Street

Call to Order/Pledge of Allegiance

Roll Call

Agenda Approval

Volunteer Board Recognitions

1. Ron Dupuis, *Parks and Recreation Advisory Board*
2. Doug Williams, *Parks and Recreation Advisory Board*

Items of Consent

1. Meeting Minutes: October 12 & 26, 2026
2. Resolution of Support for RCCP Phase 3 Grant- Shoreline Management Plan
3. Resolution of Support for NCDOT Integrated Mobility Division (IMD) Feasibility Studies Grant
4. Beau Coast Phase 4 Construction Access Agreement

Public Hearing

1. Case #26-25: Chapter 151 Flood Damage Prevention Ordinance Amendments — J. Ganey

Public Comment

New Business

1. Special Event Permit Application- Beaufort Wine & Food Spring Festival 2027 — J. Welborn

Manager Report

1. November 23 & December 21, Work Sessions — M. Zapp

Mayor/Commissioner Comments

Closed Session

1. Pursuant to NCGS 143-318.11 (a) (3)

Adjourn

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Board of Commissioners
Regular Meeting
6:00 PM – Monday, November 9, 2026
Train Depot, 614 Broad Street
Beaufort, NC 28516

AGENDA CATEGORY: Items of Consent

SUBJECT: Meeting Minutes: October 12 & 26, 2026

REQUESTED ACTION:

Review and approve the attached draft minutes for the following BOC meetings:

- October 12, Regular Meeting
- October 26, Work Session

SUBMITTED BY:

Elizabeth Lewis, Assistant Town Manager/Town Clerk

Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting- DRAFT Minutes
6:00 PM Monday, October 12, 2026
Train Depot, 614 Broad Street

Call to Order/Pledge of Allegiance

Mayor Harker called the meeting to order at 6:00 p.m. and welcomed those attending in person and virtually. The Board and attendees then recited the Pledge of Allegiance.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

Mayor Sharon Harker
Mayor Pro Tem Gillikin
Commissioner Spiegler
Commissioner Matthews
Commissioner Cooper
Commissioner LoPiccolo

ABSENT: None

Agenda Approval

Commissioner Gillikin made a motion to approve the agenda as presented.

The motion carried unanimously with a (5-0) vote.

Items of Consent

1. Meeting Minutes: September 14, 2026
2. SUP Order: Case #26-22 Special Use Permit, 1323 Front Street ADU
3. Board of Commissioners 2027 Meeting Schedule
4. Special Event Permit Application- Rolling on Middle
5. Special Event Permit Application- Wobble Down Front
6. Special Event Permit Application- Pirate Invasion 2026
7. Special Event Permit Application- Race to the North Pole 2026
8. Authorization to Terminate Debris Agreement: Garner Debris Disposal Site

9. Daily and Disaster Debris Disposal Site Agreements: Adam Willis
10. Resolution: Speed Limit Reduction on Carraway Drive

Commissioner Gillikin made a motion to approve the Items of Consent as presented.

The motion carried unanimously with a (5-0) vote.

Public Hearing

1. Case #26-24: LDO Amendment– State Law Compliance for Off-Street Parking Minimums

Commissioner Gillikin made a motion to open the public hearing for Case #26-24.

The motion carried unanimously (5-0).

Town Planner Eitner explained that recent changes to state law required the Town to adopt amendments to its off-street parking minimums by January 1, 2027. The statutory changes applied to Beaufort's historic areas, including the National Register District and study-list areas. Staff and the Town Attorney had drafted amendments that closely tracked the statutory language. Town Planner Eitner emphasized that the amendments would eliminate minimum parking requirements in the applicable areas but would not prohibit property owners from providing parking.

Commissioner LoPiccolo asked whether driveways would be considered off-street parking under the proposed amendments and whether the Town could clarify that all forms of off-street parking would be exempt from minimum parking requirements.

Town Planner Eitner explained that the Town's ordinance defines a parking lot as an area or plot of land used for the storage or parking of vehicles, which she interpreted to include driveways. She further clarified that the statutory requirements apply to both residential and commercial uses.

Commissioner LoPiccolo also inquired about the Town's existing $10,000 fee associated with parking deficiencies in mixed-use developments and whether funds collected through this provision would be restricted for specific purposes, such as property acquisition.

Town Attorney Grady explained that while he was not certain of the ordinance's specific restrictions, the funds could be separately accounted for and designated for a particular purpose, similar to the Town's parks and recreation fees.

Town Planner Eitner indicated that staff could determine the appropriate accounting procedures should the need arise.

Mayor Harker questioned how the existing parking fee would be assessed and enforced.

Town Planner Eitner clarified that the fee was not part of the proposed amendments and that staff would address its application as necessary.

Following the discussion, Mayor Harker invited public comments on the proposed amendments.

No public comments were received.

Commissioner Cooper made a motion to close the public hearing for Case #26-24.

The motion carried unanimously (5-0).

Commissioner Gillikin made a motion to approve Case #26-24, the minimum parking standard amendment.

The motion carried unanimously (5-0).

2. Voluntary Annexation Request: 374, 388, 404, and 550 Highway 101

Commissioner Cooper made a motion to open the public hearing for the voluntary annexation request involving properties located at 374, 388, 404, and 550 Highway 101.
The motion carried unanimously (5-0).

Prior to presenting the proposed development associated with the annexation request, developer Jeff Baran requested that consideration of the annexation be tabled to allow additional time for meaningful public input. He explained that the development team intended to hold a public meeting within approximately three to five weeks to present the Beaufort Crossing project, answer questions, address concerns, and gather feedback from the community.

Mr. Baran then presented an overview of the proposed development and its long-term vision. He described the approximately 82.57-acre project site, located near the intersection of Highway 101 and the Highway 70 Bypass, as a regionally accessible location suitable for commercial and mixed-use development. He explained that the property had been assembled over several years and that the project was anticipated to develop in phases over approximately five to ten years.

The conceptual plan included multiple access points along existing Highway 101 and a proposed collector street connecting to the future relocation of Highway 101. Mr. Baran acknowledged that the roadway relocation remained dependent upon future airport planning and coordination.

The proposed development concept included retail and professional services, medical and wellness facilities, childcare, entertainment and community spaces, recreational amenities, open space, and visitor-oriented services such as lodging and dining. Mr. Baran emphasized a vision centered on walkability, coordinated architecture and landscaping, open space, and community engagement. He noted that residential uses would not be permitted under B-1 zoning and would require additional Board consideration and approval.

Mr. Baran further emphasized the development team's desire to establish a long-term partnership with the Town. He explained that the requested annexation and associated rezoning would represent an initial step in the development process and that future site plans would remain subject to Town review and approval.

Josh Edmondson, a representative of Tidewater Associates, provided additional information regarding the annexation request. He explained that of the approximately 82.57-acre overall project area, the current request involved the annexation of approximately 17 acres. Approximately 24.35 acres within the proposed Phase C area would remain outside the Town limits at this time, partially due to ongoing discussions involving the airport and future land acquisition.

In response to questions from Commissioner Cooper, Mr. Edmondson clarified that approximately 41.76 acres of the overall project were already located within the Town limits, of which approximately 29.61 acres were currently zoned B-1. Commissioner LoPiccolo also requested clarification regarding how the proposed annexation related to the development phases. Mr. Edmondson explained that the annexation would bring the earlier phases of the project further within the Town limits, while the remaining acreage associated with Phase C could be considered for annexation at a later date.

Following the presentation and Board questions, Mayor Harker opened the floor for public comment on the annexation request.

Ally Kristan, 444 Meeting Street, expressed concerns about the long-term implications of large-scale development and cautioned that such decisions could be difficult to reverse. She questioned whether the proposed project aligned with the Town's future land-use planning and emphasized the importance of preserving Beaufort's character and prioritizing the interests of existing residents. She also questioned statements suggesting the project had not yet been marketed, referencing real estate advertisements she had observed promoting potential commercial opportunities associated with the development.

Daphne Littiken, 102 Stanton Road, a resident of Beaufort for approximately 23 years, expressed support for additional public engagement but urged the Town to consider a moratorium on development until additional affordable housing could be provided for

essential workers, including emergency personnel and teachers. She raised concerns regarding habitat loss, tree removal, increased impervious surfaces, flooding, water and sewer capacity, and traffic impacts. She also expressed concern that future development could extend beyond what was initially proposed and cautioned against changes that could diminish Beaufort's distinctive character.

Jay Bumpus, 110 Locust Lane, discussed his experience with local businesses and previous development projects in Beaufort. He expressed skepticism regarding whether proposed landscaping, amenities, and other development commitments would ultimately be implemented as presented. He also raised concerns about existing infrastructure, roadway conditions, utility capacity, and traffic. Mr. Bumpus encouraged the Board to carefully evaluate the potential long-term impacts of the development and consider whether the Town's infrastructure could adequately support a project of this scale.

Harriet Altman, 103 Leonda Drive, emphasized the Town's responsibility as a coastal community to protect its natural resources and marine environment. She encouraged the Board to consider an environmental impact assessment before proceeding with the project. She raised concerns regarding tree loss, flooding, wildlife habitat, stormwater runoff, wastewater treatment capacity, and the project's estimated water and sewer demand of approximately 24,750 gallons per day. She also questioned whether a traffic impact study had been conducted. Ms. Altman advocated for a more comprehensive, community-driven planning process and encouraged the Town to establish clear, enforceable development expectations, including preservation of natural areas and the use of permeable surfaces.

Robert Harper, 111 Fulford Street, expressed concerns regarding groundwater recharge and the potential impacts of increased impervious surfaces on the Town's freshwater resources. He also commented on the importance of meaningful public participation, noting that the timing of public comment opportunities can make it difficult for some residents to participate in Board meetings. Mr. Harper encouraged the Board to consider the Town's existing plans and planning documents when evaluating development proposals. He also acknowledged the developer's willingness to engage with the community and encouraged the Board to use the opportunity to work collaboratively with the development team while establishing clear expectations and priorities that would benefit the Town.

Suzanne Lea, 206 Ocean Street, questioned how the proposed development would be coordinated with the planned airport runway extension and the future relocation of Highway 101. She expressed concerns regarding the timing and coordination of these projects among the Town, County, and State, as well as potential safety considerations associated with commercial development near an expanded runway. Ms. Lea also raised concerns regarding additional water demand, wastewater treatment capacity, and the potential impacts of increased impervious surfaces on groundwater recharge.

Vic Fasolino, 138 Gallants Point Road, asked whether the Board would conduct an additional public hearing on the annexation request following the developer's proposed community meeting. He expressed appreciation for the developer's willingness to seek additional public input and requested clarification regarding future opportunities for public participation.

Town Attorney Grady explained that the statutory requirement for a public hearing had been satisfied; however, the Board could elect to conduct additional public hearings as it deemed appropriate. He clarified that the decision to schedule additional hearings rested with the Board, which could direct staff to provide the required public notice.

Commissioner Cooper made a motion to close the public hearing for the Voluntary Annexation Requests of 374, 388, 404, and 550 Highway 101.

The motion carried unanimously with a (5-0) vote.

Following the close of the public hearing, the Board discussed the annexation request a the developer's request to table consideration of the matter.

Commissioner Cooper expressed concerns regarding the proposed development and questioned whether Beaufort was prepared for additional grocery stores, retail establishments, restaurants, and other commercial uses. He emphasized the need for a traffic impact study, particularly given the proximity to the intersection of Highways 70 and 101 and concerns regarding safe access to the development. He also questioned how residents who regularly travel by golf cart would safely access the property, noting restrictions on golf cart travel along state highways.

Commissioner Cooper further expressed concerns about the potential impacts of new commercial development on existing small businesses, particularly locally owned grocery stores and childcare facilities. While acknowledging that the project could create employment opportunities, he emphasized the importance of protecting established businesses and ensuring that new development would benefit the broader community. He also questioned the proposed B-1 zoning designation and the Planning Board's recommendation against the associated rezoning requests.

Mayor Harker clarified that the Board was considering the annexation request separately from the rezoning cases and indicated that those questions could be addressed during the subsequent public hearings.

Commissioner Matthews thanked Mr. Baran for his willingness to work collaboratively with the Town and expressed appreciation for the comments provided by residents. He supported the developer's request for additional time to gather public input and suggested that the feedback received should help inform a potential development agreement between the Town and the developer.

Commissioner Matthews emphasized that while the developer had presented a conceptual vision for the property, the specific uses and ultimate development could change depending on market conditions. He suggested that a development agreement could provide greater certainty regarding the types of uses permitted, anticipated water and sewer demand, traffic access, development density, project phasing, and other considerations important to the Town and its residents. He expressed support for establishing clearer expectations before moving forward with annexation and rezoning decisions.

Commissioner Matthews further suggested that the developer work with Town staff and the Town Attorney during the requested postponement to explore a development agreement that would reflect community input and provide a clearer understanding of the project's future direction.

Commissioner Matthews made a motion to table consideration of the voluntary annexation request until the Board's first regular meeting in December 2026, with the understanding that the matter could be tabled further if additional time was necessary.

During discussion of the motion, Town Attorney Grady clarified that the required public hearing had been conducted and closed, and that the Board could table its decision without conducting another public hearing. He noted that the Board could elect to schedule an additional public hearing if desired.

In response to questions from the Board, Town Attorney Grady also explained the distinction between the pre-annexation agreements previously used by the Town and development agreements authorized under Chapter 160D of the North Carolina General Statutes. He explained that state law now establishes a formal process for development agreements, including requirements regarding their contents and adoption.

Commissioner Spiegler questioned whether the Town could establish additional development conditions after approving B-1 zoning, including requirements related to impervious surfaces and lot coverage.

Town Attorney Grady explained that such conditions would need to be addressed through a development agreement adopted prior to the rezoning decision.

Town Attorney Grady further emphasized that annexation, rezoning, and development approval are separate actions. He clarified that annexation would bring the property within the Town's corporate limits but would not constitute approval of the proposed development concept or any particular land use. He also explained that annexation could establish eligibility for municipal services, including water, sewer, police, and fire protection, subject to applicable requirements.

Commissioner LoPiccolo asked for clarification regarding downzoning and whether the concept would apply when a property owner voluntarily agreed to development restrictions.

Town Attorney Grady confirmed that the property owner's consent was an important distinction.

Mayor Harker requested clarification regarding the proposed date for reconsideration, noting that the developer's public engagement process could require additional time.

Commissioner Matthews explained that the December meeting would establish a timeframe for the matter to return to the Board, at which time consideration could be postponed further if necessary.

Town Attorney Grady confirmed that the Board could take such action.

Following discussion, the motion made by Commissioner Matthews to table consideration of all voluntary annexation request until the December 14, 2026, Regular Meeting carried unanimously with a (5-0) vote.

3. Case #26-10: Rezoning Request, 374 Highway 101, from R-20 to B-1

Commissioner Gillikin made a motion to open the public hearing for Case #26-10.

The motion carried unanimously with a (5-0) vote.

Applicant representative Josh Edmondson requested that all three rezoning requests associated with the proposed Beaufort Crossing development be tabled to allow additional time for public engagement and further discussions with Town staff and the Town Attorney. He expressed the development team's desire to pursue a comprehensive development agreement that would incorporate community feedback and address matters such as environmental considerations, traffic impact analysis, development standards, setbacks, buffering, landscaping, and permitted uses.

Mr. Edmondson emphasized the applicant's willingness to work collaboratively with the Town to develop an agreement that reflected both the developer's vision and the community's expectations.

Mr. Edmondson also addressed questions raised during the annexation discussion regarding the approximately 29.61 acres of the project already zoned B-1. He explained that much of the existing commercial zoning was located within the interior of the property, while several proposed access points were located on residentially zoned parcels. He stated that the requested rezonings would allow commercial access to the proposed development without routing commercial traffic through residentially zoned property.

In response to questions from Commissioner Matthews, Mr. Edmondson clarified the existing zoning classifications and proposed development phases. He explained that portions of the property were split-zoned between B-1 and residential classifications and that the requested rezonings would establish more consistent commercial zoning for the earlier phases of development. He further clarified that Phase C was not anticipated to be developed immediately.

Commissioner Cooper expressed interest in having input into the development agreement process.

Town Attorney Grady explained that adoption of a development agreement would be a legislative decision of the Board of Commissioners and would require a public hearing. He anticipated that the Board would have multiple opportunities to review and provide input during the drafting process.

Mr. Edmondson confirmed that the applicant expected the agreement to undergo several rounds of review and revision before any final consideration.

Commissioner Spiegler questioned whether the rezoning requests would return to the Planning Board before coming back to the Board of Commissioners, particularly given the Planning Board's recommendation against approval.

Town Attorney Grady explained that the Planning Board had fulfilled its required advisory role and that the existing applications would not automatically return for further review. However, the Board of Commissioners could refer the matters back to the Planning Board, preferably with specific direction regarding the information or issues to be reconsidered. He also explained that if the rezoning requests were denied, the applicant could submit new applications in accordance with applicable reapplication requirements.

Commissioner Spiegler expressed a preference for continued Planning Board involvement as the project moved forward.

Mr. Edmondson indicated that the development team would welcome additional Planning Board review and participation in the development agreement process.

Town Attorney Grady further explained that the Board could establish a review process for a potential development agreement that included Planning Board input, workshops, or other opportunities for consideration. He emphasized the importance of careful review, noting that development agreements can establish long-term commitments extending many years into the future.

Commissioner LoPiccolo requested clarification regarding the differences between a development agreement and conditional zoning. He questioned whether specific requirements involving buffering, access points, landscaping, site appearance, and other development conditions would be more appropriately addressed through conditional zoning rather than conventional B-1 zoning.

Town Attorney Grady explained that the appropriate mechanism would depend on the specific development proposal and the Board's objectives. He noted that several approaches could be considered under Chapter 160D, including conditional zoning, a development agreement, or potentially other zoning mechanisms. He indicated that a development agreement could provide more specific and enforceable contractual obligations, although conditional zoning was not necessarily excluded from consideration.

Commissioner LoPiccolo also asked whether a combination of development agreement provisions and conditional zoning might be appropriate.

Town Attorney Grady indicated that the possibility could be explored as additional project details became available.

Mr. Edmondson explained that the applicant preferred a development agreement because the project was not yet sufficiently developed to provide a detailed site plan for the entire property. He stated that a development agreement could establish specific standards and expectations that future site plans would be required to follow.

Commissioner Cooper questioned the procedural significance of the Planning Board's recommendation against the rezoning requests.

Town Attorney Grady clarified that the Planning Board's recommendation was advisory and that the Board of Commissioners retained final authority to approve or deny rezoning requests, regardless of the Planning Board's recommendation.

Commissioner Cooper reiterated his preference for the proposal to return to the Planning Board for additional consideratio

Commissioner Matthews observed that the proposed development agreement would necessarily involve issues related to both annexation and rezoning. He noted that many of the concerns raised during the Planning Board's review were similar to those expressed by residents and Commissioners during the meeting. He suggested that providing the Planning Board with a more comprehensive development agreement could help address those concerns and allow its members to provide a more informed recommendation. He also asked whether the Board could require that any proposed development agreement be reviewed by the Planning Board before returning to the Board of Commissioners.

Town Attorney Grady confirmed that such a process could be established.

The Board then discussed the appropriate procedure for considering the three rezoning applications.

Town Attorney Grady recommended concluding the public hearing for Case #26-10 after public comment, then conducting a consolidated public hearing for Cases #26-11 and #26-20 and subsequently taking a single action on all three rezoning requests.

Mayor Harker opened the floor for public comments on Case #26-10.

Deborah Gillikin, 134 Bunch Road, expressed concerns regarding the proposed development's proximity to her residence and questioned how annexation and rezoning might affect neighboring properties. She specifically raised concerns about increased traffic along Bunch Road and existing difficulties making left turns onto Highway 101. She also asked whether the proposed rezoning would affect the zoning classification of her residential property.

Ally Kristan, 444 Meeting Street, referenced the Planning Board's recommendation against the proposed rezonings and expressed concern that the project was not sufficiently developed for approval. She questioned the timing of the developer's proposed community engagement efforts, noting that the project had already been advertised and promoted. She expressed a preference for the Board to deny the rezoning requests rather than table them, stating that residents had already communicated significant concerns about the proposal. She also questioned whether the eventual development would reflect community priorities or primarily the financial interests of the developer.

With no additional public comments, Commissioner Cooper made a motion to close the public hearing for Case #26-10.

The motion carried unanimously with a (5-0) vote.

4. Case #26-11: Rezoning Request, 404 Highway 101, from R-20 to B-1
5. Case #26-20: Rezoning Request, the RC-5 portion of 125 Bunch Road and 472 Highway 101, (R-20) to B-1

Mayor Harker opened the floor for a public hearing related to Case #26-11 and Case #26-20.

The Board unanimously supported the action and conducted a consolidated public hearing for both cases.

Mayor Harker invited additional public comments and questions regarding the two rezoning requests.

No additional public comments were received.

Commissioner Gillikin made a motion to close the consolidated public hearing for Case #26-11 and Case #26-20.

The motion carried unanimously with a (5-0) vote.

Following the public hearings, Commissioner Matthews made a motion to table Cases #26-10, #26-11, and #26-20 until the December 14, 2026, Regular Meeting, and proposed that the draft development agreement associated with the project be referred to the

Planning Board for review before returning to the Board of Commissioners for consideration.

Commissioner Gillikin expressed concern that including a development agreement in the motion could be interpreted as the Board expressing support for or authorizing an agreement before its terms had been developed and considered.

Commissioner Spiegler also expressed concern about combining the rezoning requests with direction regarding a development agreement in the same motion.

Commissioner Matthews clarified that his intent was to ensure Planning Board review of any agreement that might result from the process, rather than to authorize or endorse an agreement.

Commissioner Gillikin suggested she did not want too much work to be put into a development agreement that she may not support at this point.

Commissioner Spiegler suggested that the Board limit the motion to tabling the rezoning requests, allowing further discussion of a potential development agreement separately.

Commissioner Matthews suggested the only thing he was adding to the motion was that if any development agreement was drafted, that it be reviewed by the Planning Board before coming to the Board of Commissioners.

Commissioner Gillikin confirmed her concern was the appearance that the Board was approving or officially in favor of a development agreement.

Commissioner Cooper suggested leaving the development agreement out of the motion made more sense.

Commissioner LoPiccolo observed that the applicant had already expressed an interest in pursuing an agreement and suggested that the Board could proceed with just the tabling the requests.

To clarify the Board's intent, Town Attorney Grady recommended separating the matters into two motions: one to table the three rezoning requests and a second to provide direction regarding potential development agreement negotiations and the process for future review.

Commissioner Matthew revised his motion to table Cases #26-10, #26-11, and #26-20 until the December 14, 2026, Regular Meeting, without additional provisions regarding a development agreement.

The motion carried unanimously with a (5-0) vote.

The Board then considered separate direction regarding a potential development agreement.

As suggested by Commissioner Matthews and with the help of Town Attorney Grady, the direction was for Town staff and the Town Attorney to pursue discussions with the applicant and return to the Board with a proposed process for evaluating and considering a development agreement for Beaufort Crossing.

Commissioner LoPiccolo emphasized that any proposed agreement should include Planning Board review and reiterated his interest in exploring conditional zoning or other mechanisms to address development conditions such as buffering, access points, and site design.

Mayor Harker questioned how the proposed community engagement process would be incorporated into development agreement discussions.

Town Attorney Grady explained that an agreement of this magnitude would require considerable time to develop and anticipated that the Board would first discuss the appropriate review process before considering any draft agreement, which would include community input.

During discussion, Commissioner Spiegler expressed concern that the Board might be moving ahead of the public engagement process. She suggested that the Board first receive the results of the developer's community meeting before determining how to proceed with a development agreement, particularly given the limited time before the December meeting.

Commissioner LoPiccolo suggested that the Board's January retreat could provide an opportunity for further discussion.

Commissioner Matthews acknowledged that additional time would likely be necessary and noted that the Board could table the annexation and rezoning matters again in December if the development agreement process remained incomplete.

Town Attorney Grady confirmed that the Board could postpone consideration of all four matters further if needed.

Commissioner Matthews made a motion to direct Town staff and the Town Attorney to enter into negotiations with the developer regarding a potential development agreement for Beaufort Crossing and to develop a process for the Board's future consideration of the agreement.

The motion carried with a (3-2) vote.

Voting Yea: Commissioner Matthews, Commissioners Cooper, Commissioner LoPiccolo

Voting Nay: Commissioner Spiegler, Commissioner Gillikin

Public Comment

Suzanne Lea: 206 Ocean Street, said she had not received a standalone notice about the hearing through the Sunshine List and had learned of it by attending an earlier Board meeting. The Mayor asked staff about the notices. Staff said the hearing information had been published in the county newspaper and posted on the Town's website and social media. The Town Attorney added that rezoning notices included additional notice to adjoining property owners and that posting requirements applied. The discussion distinguished the agenda's inclusion on the Sunshine List from a separate event-specific email.

Michelle Powers, 105 White Ash Dr, Pine Knoll Shores, president of the Carteret County Historical Society, requested that the Town permanently convey three items previously donated to the Society: a 1975 aerial photograph of Beaufort Elementary School, a portrait of Coach McQuaid, and a photograph of astronaut Michael Smith and the Space Shuttle crew. She said the items had been incorporated into exhibits and educational programs, and that the Society needed a deed of gift to clarify its ownership and recordkeeping.

Kevin McHugh, 124 Queen Street, urged residents to become informed and vote on proposed North Carolina constitutional amendments. He discussed proposed changes concerning limits on local property-tax levies and the state income-tax rate, describing possible implications for local revenue flexibility, public services, infrastructure, emergency response, and disaster recovery. He noted that the effects would depend on implementing legislation and encouraged voters to assess the proposals' potential long-term consequences. His remarks were presented as public comment, not as a Board position.

New Business

1. Parks and Recreation Advisory Board Appointments

   The Mayor explained there were two three-year terms available and shared the Town had received six applications.

   Commissioner LoPiccolo made a motion to open the floor for Parks and Recreation Advisory Board Appointments.

   The motion carried unanimously with a (5-0) vote.

Commissioner LoPiccolo nominated Barry Evans.

Commissioner Cooper nominated Taylor Grigg.

Commissioner LoPiccolo nominated Isabel Hernandez.

Commissioner Cooper made a motion to close the floor for nominations.

The motion carried unanimously with a (5-0) vote.

Mayor Harker called for a vote.

Barry Evans received 5 votes.

Taylor Grigg received 4 votes.

Isabel Hernandez received 1 vote.

Mayor Harker announced that Evans and Griggs had the highest votes. She thanked all applicants for their interest.

Recorded outcome: Barry Evans and Taylor Griggs were appointed to the two available three-year terms.

2. Carteret County Museum Donation Pieces

The Board considered the proposed permanent conveyance of three historical items to the Carteret County Historical Society. The items included an aerial view of Beaufort Elementary School, circa 1975; a portrait of Coach McQuaid, circa 1964; and a photograph of NASA Astronaut Michael J. Smith and the Space Shuttle crew, circa 1986.

Michelle Powers, who had addressed the Board during public comment, provided information regarding the items and their current use in the Society's exhibits and educational programs.

Town staff reported having visited the museum and observed that the items had been properly maintained and cared for. Staff expressed support for the proposed conveyance as a means of ensuring the continued preservation of the items and their historical significance.

During discussion, Commissioner Gillikin clarified that the space shuttle photograph was from 1986, rather than 1976.

Town Attorney Grady explained that state law required the Town to provide public notice of its intent to adopt a resolution authorizing the conveyance of personal property at least five days prior to adoption. Accordingly, the Board was asked to authorize staff to publish the required notice, with formal consideration of the resolution and accompanying Deed of Gift anticipated at the October 26, 2026, Work Session.

Commissioner Gillikin made a motion to direct Town staff to publish the required notice of intent to adopt a resolution authorizing the conveyance of personal property to the Carteret County Historical Society.

The motion carried unanimously with a (5-0) vote.

Manager Report

The Town Manager provided updates on ongoing infrastructure projects and anticipated traffic and utility disruptions. He reported upcoming road closures and paving activities associated with the USDA project, including work on Circle Drive, Crescent Drive, and Campen Road. He also noted the continued closure of the 100 block of Craven Street for water and sewer improvements and an anticipated overnight water-service interruption near Pollock and Ann streets. The Town would continue notifying affected residents and businesses through its various communication channels.

In response to questions regarding Campen Road, the Town Manager discussed recent traffic-calming and safety improvements, including the installation of speed humps, roadway widening from 20 to 23

feet, new pavement markings, flashing speed-limit signs, and illuminated stop signs. He noted that the speed humps were installed at residents' request following coordination among Town departments.

The Town Manager also discussed ongoing efforts to improve traffic safety near Beaufort Elementary and Middle Schools. He reported that the Town had requested NCDOT reduce the speed limit on Carraway Drive from 35 mph to 25 mph and had applied for a state safety review of the school areas.

Mayor/Commissioner Comments

Commissioner Cooper recognized October as Breast Cancer Awareness Month and encouraged everyone to wear pink in support of breast cancer awareness.

Commissioner LoPiccolo thanked residents for attending the meeting and sharing their perspectives on the proposed Beaufort Crossing development. He noted that the proposal raised important considerations regarding the Town's needs, opportunities for small businesses, economic development, coordination with the airport, buffering, and access. He emphasized the importance of thoughtful discussion and thoroughly evaluating the proposal before reaching a decision.

Commissioner Gillikin thanked the Beaufort Business Association and Beaufort by the Sea Community Church for their support of a recent performance by the 2nd Marine Aircraft Wing Band, which was relocated due to inclement weather. She highlighted the event's connection to the America 250 celebration and Beaufort's history.

Commissioner Spiegler thanked residents for their participation in the Beaufort Crossing discussions and expressed appreciation for the Town's volunteer board members and applicants to the Parks and Recreation Advisory Board. She also recognized Breast Cancer Awareness Month and encouraged participation in the October 18 breast cancer awareness walk/run in Morehead City.

Commissioner Matthews shared additional thoughts regarding the proposed Beaufort Crossing development and expressed support for continued public engagement. He indicated his hope that the Town and applicant could work collaboratively to determine whether an agreement could be reached that would support appropriate commercial development while addressing the community's concerns.

Mayor Harker thanked Town staff and the Board of Commissioners for their continued work. She recognized Breast Cancer Awareness Month and emphasized the importance of early detection. She also expressed appreciation for the upcoming paving improvements and highlighted several fall activities. Regarding Beaufort Crossing, she thanked the applicant for agreeing to allow additional time for public engagement and encouraged residents to remain open-minded as discussions continued and the proposal was further evaluated.

Adjourn

Commissioner Gillikin made a motion to adjourn the meeting at 8:14 p.m.

The motion carried unanimously with a (5-0) vote.

_____

Sharon E. Harker, Mayor

_____

Elizabeth Lewis, Town Clerk

Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Work Session- Draft Minutes
4:00 PM Monday, October 26, 2026
Train Depot, 614 Broad Street

Call To Order

Mayor Harker called the Board of Commissioners Work Session to order at 4:00 p.m. and welcomed everyone in attendance and those watching online.

Roll Call

Elizabeth Lewis, Town Clerk, called the roll.

PRESENT:

Mayor Sharon Harker
Commissioner Spiegler
Commissioner Matthews
Commissioner Cooper
Commissioner LoPiccolo

ABSENT: Commissioner Gillikin

Commissioner Cooper made a motion to excuse Commissioner Gillikin from the meeting.

The motion carried unanimously with a (4-0) vote.

Agenda Approval

Commissioner Cooper made a motion to approve the agenda as presented.

The motion carried unanimously with a (4-0) vote.

Presentations

1. F3 Marina Financial Report

   Sara Bell, Administrative Manager for F3 Marina, presented a financial and operational update for the Town Docks, including September financial results, October activity, and year-to-date performance.

   Ms. Bell reported September revenues of approximately $403,000 and expenses of $330,000, resulting in net operating income of approximately $73,000. Fuel sales accounted for approximately $302,000 in revenue, while slip rentals generated

approximately $76,000. Fiscal-year-to-date net operating income was approximately $151,000, with total net operating income since January approaching $800,000.

Ms. Bell reviewed marina occupancy rates, which were below the established 60% target, averaging 51% in July and 48% in August and September. She noted that transient traffic remained strong, with approximately 75 reservations anticipated during the current week. October fuel sales had reached approximately $360,000, representing roughly 56,000 gallons sold. Staff planned to focus on increasing monthly slip rentals during the upcoming season.

Commissioner LoPiccolo inquired about planned fuel infrastructure improvements and whether any operational concerns existed. Ms. Bell confirmed that additional fuel equipment was being installed and that no operational interruptions were anticipated.

Commissioner Cooper questioned budget variances, particularly the relationship between increased fuel revenues and associated expenses. Ms. Bell explained that higher fuel costs contributed to increased expenses and that initial budget projections were estimates based on the Town's first year of operations. She confirmed that fuel sales volumes were exceeding expectations.

Commissioner Spiegler sought clarification regarding the reporting period for the nearly $800,000 in net operating income, confirming that the figure represented January through September 2026. She expressed appreciation for the positive financial results and optimism regarding continued improvements in 2027. Commissioner Spiegler also emphasized the importance of providing a welcoming experience for visiting boaters to encourage repeat visits and strengthen the marina's reputation. She commended F3 Marina staff, including Ms. Bell and Jacob, for their customer service and contributions to the marina's success.

Commissioner Matthews expressed appreciation for the financial dashboard format and inquired about the level of financial reporting provided to Town staff. Town Manager Matt Zapp explained that Town staff receive and review comprehensive monthly financial reports and had identified no significant concerns. He also noted that the Beaufort Waterfront Operations and Finance Committee receives financial and operational updates at its regularly scheduled meetings.

Mr. Zapp further discussed the marina's financial performance, emphasizing that revenues were exceeding initial projections and expenses were generally favorable. He noted that the nearly $800,000 generated through September represented a significant improvement compared to the previous marina lease arrangement, which provided the Town approximately $165,000 annually. He anticipated continued improvements in 2027 as operations became more established.

Commissioner LoPiccolo requested that the Board continue to receive the full, detailed line-item financial reports in addition to the summarized dashboard presentations to ensure appropriate financial oversight and public transparency.

Ms. Bell also reviewed customer feedback from the marina's online reservation platform, reporting an overall rating of 4.64 out of 5. Positive feedback highlighted the marina's staff, customer service, location, and amenities. She identified bathhouse improvements and restoration of pump-out services as ongoing priorities.

Mayor Harker and members of the Board expressed appreciation for the Town Docks financial progress and commended F3 Marina staff for their efforts and customer service.

No action was taken.

2. Ann Street Closure- Halloween (Oct. 31, 2026)

Police Chief Paul Burdette provided an overview of the planned Ann Street closure for Halloween on Saturday, October 31, 2026. He shared a Beaufort Minute video featuring Lieutenant Halsey of the Beaufort Police Department outlining the closure and associated safety measures.

Chief Burdette explained that Ann Street would be closed to vehicle and golf cart traffic from 4:00 to 9:00 p.m., utilizing the same general closure area as the previous year. He shared that barricade placement would begin between 3:30 and 4:00 p.m., and the reopening time would depend on pedestrian activity. He noted that informational door hangers would be distributed to affected residents and that officers would be stationed throughout the closure area to assist with traffic control and safety. Motorized wheelchairs and mobility scooters would be permitted.

Commissioner LoPiccolo expressed appreciation for the event and the Police Department's efforts the previous year. He inquired about procedures for residents who might need to leave the closure area during the event, particularly in emergency situations. Chief Burdette explained that residents could contact the 911 Communications Center for assistance and that an on-duty supervisor would coordinate access as necessary. He emphasized that vehicle access would be limited due to pedestrian safety concerns. Commissioner LoPiccolo also commended staff for the planned distribution of informational door hangers.

Commissioner Spiegler thanked the Police Department for its efforts and expressed concerns regarding vehicles entering the closure area during the previous year's event. Chief Burdette emphasized the importance of maintaining pedestrian awareness despite the road closure. Commissioner Spiegler also inquired about the possibility of extending the closure farther west along Ann Street. Chief Burdette explained that pedestrian activity was generally lighter in that area but indicated that the department would remain open to considering an expanded closure in future years based on community feedback.

Commissioner Cooper expressed appreciation to Chief Burdette and the officers who would be working during the event, particularly those serving outside their regular schedules.

Mayor Harker and members of the Board expressed appreciation for the Beaufort Minute video and the Police Department's efforts to provide a safe Halloween experience for the community.

No action was taken.

Items for Discussion and Consideration

1. Resolution Authorizing Donation of Personal Property to the Carteret County History Museum and Execution of Deed of Gift

   Town Clerk Elizabeth Lewis presented the resolution authorizing the donation of personal property to the Carteret County History Museum and the execution of the associated Deed of Gift. She reminded the Board that the item had been discussed at the previous meeting and that the required public notice had been published at least five days prior to consideration, in accordance with N.C.G.S. § 160A-280.

   Mayor Harker acknowledged the previous discussion and completion of the required public notice period.

   Commissioner Cooper made a motion to adopt the resolution authorizing the donation of personal property to the Carteret County History Museum and execution of the associated Deed of Gift.

   The motion carried unanimously with a (4-0) vote.

2. FY 2027 Budget Amendment #3

   Finance Director Julie Anderson presented FY 2027 Budget Amendment #3, which included amendments to the General Fund and Utility Fund budgets.

   Ms. Anderson explained that the General Fund amendment recognized funding associated with the North Carolina Law Enforcement Officer Bonus Program. These funds are distributed by the State through the County to eligible local law enforcement officers,

and the amendment accounts for the receipt and disbursement of funds to qualifying Beaufort Police Department personnel.

She noted the Utility Fund amendment appropriated $200,000, allocated between water and sewer operations, for infrastructure maintenance and capital improvements. Funding would be transferred from the System Development Fee Fund to support eligible utility system expenditures.

Commissioner LoPiccolo made a motion to approve FY 2027 Budget Amendment #3 as presented.

The motion carried unanimously with a (4-0) vote.

3. PIVOT Parking Contract- Recommended Next Steps

Town Manager Matt Zapp discussed the Town's existing parking management agreement with Pivot Parking, which was scheduled to expire in spring 2027. He explained that while Pivot had provided satisfactory service, staff recommended exercising the contract's termination provision effective December 31, 2026, to allow the Town to pursue a competitive procurement process for the 2027 parking season.

Mr. Zapp reported that staff had recently met with Pivot Parking representatives to review the 2026 season. The meeting was positive, and parking revenues had increased compared to 2025 despite the implementation of a complimentary residential parking pass and stabilization of the hourly rate at $3.00. He explained that a competitive process would allow the Town to evaluate alternative management approaches, potential cost savings, and opportunities to retain a greater portion of parking revenues. Pivot Parking would be eligible to participate in the process, and staff had discussed the recommendation directly with its representatives.

Commissioner Cooper inquired whether the Town was required to solicit proposals or could continue its existing relationship with Pivot. Mr. Zapp explained that renewal or negotiation may be possible under the existing agreement; however, staff believed a competitive process would be in the Town's best financial interest.

Commissioner Cooper also referenced parking operations in Emerald Isle, particularly the use of license plate recognition cameras. Mr. Zapp explained that Emerald Isle's parking program primarily involved designated parking lots, whereas Beaufort's program included substantial on-street parking throughout the downtown area. He noted that camera-based enforcement may be more practical in individual parking lots but was not currently considered an effective replacement for Beaufort's parking ambassadors.

Commissioner Spiegler sought additional clarification regarding the feasibility of utilizing camera technology for on-street parking enforcement. Mr. Zapp explained that the Town's current enforcement model relies on ambassadors using handheld devices to verify parking payments by license plate. He noted that the competitive procurement process could identify newer technologies or alternative approaches that may improve operational efficiency.

Commissioner Cooper also asked about the potential impact of terminating the agreement on outstanding parking ticket collections and off-season staffing. Mr. Zapp explained that collections were generally current by the end of October and that termination was not expected to negatively impact the Town's ability to collect outstanding payments. He further noted that maintaining full-time parking management personnel during the off-season was not considered necessary and that reducing these expenses was another benefit of the proposed approach. The Town's paid parking season would remain May 1 through October 1.

Regarding the procurement timeline, Mr. Zapp explained that, upon Board approval, staff would provide Pivot Parking with formal notice exceeding the required 60-day notification period. Staff would then prepare and advertise a request for proposals or qualifications, with the goal of presenting a recommendation to the Board by the January 2027 retreat or

no later than the end of January. This timeline would allow sufficient time for any necessary transition before the 2027 parking season. Mayor Harker expressed support for the proposed timeline.

Commissioner Matthews expressed support for staff's recommendation, noting that pursuing a competitive process was a sound approach from a financial management perspective.

Commissioner Matthews made a motion to authorize the Town Manager to provide the required 60-day notice terminating the existing agreement with Pivot Parking effective December 31, 2026, and to direct staff to initiate a competitive request for proposals process for parking management services for the 2027 season.

The motion carried unanimously with a (4-0) vote.

4. Marsh Street and Queen Street Traffic Patterns

Town Manager Matt Zapp introduced the item and invited the Police Chief and Fire Chief to provide an overview of the proposed traffic modifications to Marsh and Queen Streets.

Fire Chief Pendergraph reviewed the existing street configurations, parking arrangements, and challenges associated with emergency vehicle access. He explained that both streets are approximately 24 feet wide, with designated on-street parking reducing the available travel lane to approximately 16 feet. Given the width of fire apparatus, sanitation trucks, and other large vehicles, two-way traffic presents safety and accessibility concerns, particularly during emergency responses.

Fire Chief Pendergraph presented two options for consideration, both of which would establish one-way traffic on Marsh Street and extend the existing one-way designation on Queen Street from Broad Street to Front Street. Option 1 proposed southbound traffic on both streets, while Option 2 proposed northbound traffic on Marsh Street and southbound traffic on Queen Street.

Town Manager Zapp explained that staff recommended Option 2 based on input from the Police, Fire, and Public Works Departments, as well as the Town's sanitation provider. The proposed northbound direction on Marsh Street would improve sanitation collection by allowing trucks to utilize their automated collection arms without interference from parked vehicles. He noted that the change would require public education regarding appropriate placement of trash containers.

Commissioner Spiegler raised questions regarding parking arrangements under the proposed northbound traffic pattern on Marsh Street.

Town Manager Zapp clarified that motorists would continue utilizing the existing parking spaces, although they would be located on the left side of the travel lane. Additional discussion addressed sanitation collection, parking configurations, and potential adjustments following upcoming roadway improvements on Queen Street.

Commissioner Matthews expressed strong support for Option 2, citing public safety concerns and the operational benefits for emergency and sanitation vehicles. He also referenced a petition submitted by Marsh Street residents requesting one-way traffic due to ongoing safety concerns.

Commissioner Spiegler expressed support for the proposed change on Marsh Street but noted some hesitation regarding Queen Street, suggesting that additional input from residents could be beneficial.

Town Manager Zapp explained that while the primary requests had originated from Marsh Street residents, the recommendation to extend one-way traffic on Queen Street was based on safety concerns identified by Police, Fire, and Public Works staff.

Commissioner Cooper asked about the placement of trash containers and the challenges associated with sanitation collection near parked vehicles. He expressed support for the

proposed configuration on Marsh Street, noting that it would provide a safer arrangemer for collection operations.

Commissioner LoPiccolo expressed agreement with the proposed changes, citing the importance of addressing safety concerns associated with downtown traffic. He also asked whether the proposed changes required an ordinance, and the Town Manager and Town Attorney clarified that Board action was sufficient because the streets are Town-maintained.

Mayor Harker raised the possibility of evaluating downtown traffic patterns more comprehensively to establish greater consistency in street directions.

Police Chief Burdette and Town Manager Zapp discussed existing traffic patterns and acknowledged that a broader review could be considered in the future.

The Commissioners generally agreed that a comprehensive evaluation may be beneficial but emphasized the importance of addressing the immediate safety concerns on Marsh and Queen Streets.

Commissioner Matthews made a motion to approve Option 2, establishing one-way northbound traffic on Marsh Street from Front Street to Broad Street and extending the existing one-way southbound designation on Queen Street from Broad Street to Front Street.

The motion carried unanimously with a (4-0) vote.

5. RCCP Phase 3 Grant Opportunity

Town Planner Michelle Eitner provided an overview of the Resilient Coastal Communities Program (RCCP), administered by the North Carolina Division of Coastal Management (DCM). She explained that the program assists coastal communities with identifying vulnerabilities, developing resilience strategies, and advancing projects through design and implementation. The Town completed Phases 1 and 2 in 2022, resulting in the Resilient Beaufort Plan and associated project portfolio. Phase 3 focuses on engineering, design, and analysis of nature-based solutions, while Phase 4 supports construction.

Ms. Eitner explained that the current funding opportunity provides an 18-month project period with no local match requirement. Applications are due November 10, 2026. She reviewed several projects staff had evaluated for potential submission, including the downtown boardwalk and bulkhead, permeable paving, park improvements, and stormwater projects. However, based on feedback from DCM and the program's emphasis on nature-based solutions, staff determined that these projects were either not competitive or insufficiently developed for the current funding cycle.

Following additional discussions with the North Carolina Coastal Federation, staff identified an opportunity to pursue an estuarine shoreline management plan modeled after a similar initiative underway in Morehead City. Ms. Eitner noted that the project aligns with recommendations already identified in the Resilient Beaufort Plan and the Town's Comprehensive and CAMA Land Use Plan.

The proposed project would involve a comprehensive assessment of Beaufort's shoreline conditions, identification of priority areas for restoration and protection, and development of preliminary engineering and design plans for future projects. The estimated project cost is $275,000, with no required local match and an anticipated 18-month completion period.

Ms. Eitner explained that the Coastal Federation would coordinate the technical work, consultants, community engagement, and project development, while Town staff would provide local knowledge, review deliverables, and manage grant reporting and reimbursement requests. She emphasized that the partnership would significantly reduce the administrative burden on Town staff while creating a pipeline of projects positioned for future grant opportunities.

Commissioner Matthews asked about the anticipated staffing requirements and whether the Coastal Federation's involvement would adequately address staff capacity concerns.

Ms. Eitner explained that staff workload had been a primary consideration and that the Federation's role would make the project manageable without placing significant additional responsibilities on the Planning or Public Works Departments.

Commissioner Matthews expressed support for pursuing worthwhile grant opportunities but suggested that the Board consider discussing grant priorities and associated staffing needs during its upcoming planning sessions.

Commissioner Spiegler agreed with the importance of establishing priorities before pursuing grant opportunities. She noted that the proposed project was consistent with previously adopted plans and priorities established by the community and Board. She commended Ms. Eitner for identifying a partnership opportunity and asked about Morehead City's experience, including staff involvement and consultant responsibilities.

Ms. Eitner explained that Morehead City's project was larger in scope and that Beaufort's proposed effort would be more manageable given its smaller shoreline area.

Commissioner Cooper shared that he had contacted representatives from Morehead City regarding their experience with the project and received positive feedback, particularly concerning the limited impact on staff resources. He expressed support for pursuing the grant and partnering with the Coastal Federation.

Commissioner LoPiccolo asked about the preparation of the grant application and the extent of staff involvement.

Ms. Eitner explained that she would coordinate with the Coastal Federation to prepare the application, with assistance from other Town staff as needed.

Commissioner LoPiccolo also raised questions regarding the significant amount of privately owned shoreline in Beaufort, the inclusion of the Rachel Carson Reserve, and potential long-term maintenance obligations associated with future projects.

Representatives Sarah Bodin and Jacob Boyd of the North Carolina Coastal Federation provided additional information regarding the proposed partnership and their experience with Morehead City's shoreline restoration planning efforts.

Ms. Bodin explained that Morehead City's staff involvement had been minimal, consisting primarily of initial project coordination and periodic updates. She noted that Beaufort's plan could be tailored to the Town's specific needs and priorities.

Mr. Boyd explained that the proposed assessment would encompass the Town and its extraterritorial jurisdiction, including the Rachel Carson Reserve. The project would identify approximately five priority sites, with three advancing to at least 60 percent design and at least one advancing to approximately 90 to 100 percent design. He noted that projects could involve public or private shoreline areas, although private property participation would require appropriate agreements. The representatives further explained that the estimated $275,000 budget was based on Morehead City's larger project and could potentially allow Beaufort to advance additional sites further into the design process.

In response to Commissioner LoPiccolo's questions regarding long-term obligations, the Coastal Federation representatives indicated that they were not aware of any grant provisions requiring perpetual maintenance or repayment if the Town elected not to pursue construction. Ms. Eitner emphasized the importance of identifying practical, low-maintenance projects that could ultimately be implemented rather than developing a plan without actionable outcomes.

Mayor Harker thanked the Coastal Federation representatives for their willingness to partner with the Town.

Following discussion, Commissioner Spiegler made a motion to move forward with the proposed RCCP Phase 3 shoreline management plan concept and direct Town staff to

work with the North Carolina Coastal Federation to prepare and submit an application to the Division of Coastal Management's Resilient Coastal Communities Program.

The motion carried unanimously with a (4-0) vote.

6. Beaufort Crossing Development Agreement Process- Working Group

Senior Planner Charlie Rocci presented a request to establish a working group to assist with the development agreement process for the proposed Beaufort Crossing project. He reminded the Board that, during its October 12, 2026, Regular Meeting, the Board considered and subsequently tabled the proposed rezonings and annexations associated with the approximately 82-acre Beaufort Crossing development proposed by developer Jeff Baran. During that meeting, the Board also directed staff and the Town Attorney to engage with the developer regarding a potential development agreement process for future consideration.

Mr. Rocci explained that staff recommended establishing a working group consisting of two Board of Commissioners members and two Planning Board members to assist in reviewing the proposed development agreement and providing recommendations. The working group would serve in an advisory capacity and would dissolve following review of the development agreement by the Planning Board and Board of Commissioners.

Mayor Harker asked whether the Board should proceed with nominations. The Town Attorney advised that the Board should first consider formally establishing the working group before selecting its members.

Commissioner Matthews expressed support for the proposed process, thanked staff for their work, and made a motion to establish the working group as presented.

Commissioner LoPiccolo suggested including an alternate Planning Board member, noting that Planning Board members had not yet been contacted regarding their interest or availability. Commissioner Spiegler expressed similar concerns, stating that while she had potential members in mind, she was hesitant to make nominations without first confirming their availability. Commissioner Cooper agreed with these concerns. Commissioner Matthews indicated that he was agreeable to amending his motion to include an alternate Planning Board member.

Commissioner Matthews made a motion to establish the Beaufort Crossing Development Agreement Working Group as presented by staff, with the addition of an alternate Planning Board member.

The motion carried unanimously with a (4-0) vote.

Following approval of the working group, Mayor Harker opened the nomination process for its membership.

Commissioner Cooper expressed interest in serving on the working group, noting that he had previously communicated his willingness to participate by email. He explained that concerns raised by the developer during the previous Board meeting had increased his interest in being involved in the development agreement process.

Commissioner LoPiccolo nominated Commissioner Gillikin, and Commissioner Matthews nominated Commissioner LoPiccolo. Commissioner Cooper was also considered based on his expressed interest.

The Board proceeded with voting by a show of hands, with the following results:

Commissioner Cooper: Received two votes, from Commissioners Cooper and Spiegler.

Commissioner Gillikin: Received three votes, from Commissioners Matthews, Cooper, and LoPiccolo.

Commissioner LoPiccolo: Received three votes, from Commissioners LoPiccolo, Matthews, and Spiegler.

Based on the voting results, Commissioners Gillikin and LoPiccolo were selected to serve as the Board of Commissioners representatives on the working group.

The Board then proceeded with nominations for the Planning Board representatives. Commissioner LoPiccolo nominated Ryan Neve, Commissioner Matthews nominated George Stanziale, and Commissioner Spiegler nominated Vic Fasolino.

Voting was conducted by a show of hands, with the following results:

Ryan Neve: Received four votes, representing all Commissioners present.

George Stanziale: Received two votes, from Commissioners Matthews and LoPiccolo.

Vic Fasolino: Received two votes, from Commissioners Spiegler and Cooper.

Mr. Neve was selected based on receiving four votes. With Mr. Stanziale and Mr. Fasolino each receiving two votes, Mayor Harker cast the deciding vote in favor of Mr. Stanziale. Mr. Fasolino was subsequently designated as the alternate Planning Board representative.

In addition to Town Staff and development representatives, the final composition of the Beaufort Crossing Development Agreement Working Group was established as follows:

Board of Commissioners Representatives: Commissioners Paula Gillikin and LoPiccolo

Planning Board Representatives: Ryan Neve and George Stanziale

Planning Board Alternate: Vic Fasolino

It was noted that staff will follow up with the selected Planning Board members to confirm their availability and willingness to serve.

Adjourn

Commissioner Cooper made a motion to adjourn the meeting at 5:28 p.m.

The motion carried unanimously with a (4-0) vote.

_____

Sharon E. Harker, Mayor

_____

Elizabeth Lewis, Town Clerk

Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting
6:00 PM Monday, November 9, 2026

AGENDA CATEGORY: Items of Consent

SUBJECT: Resolution of Support for RCCP Phase 3 Grant- Shoreline Management Plan

BRIEF SUMMARY:

At its October 26, 2026, Work Session, the Board of Commissioners reviewed the current Resilient Coastal Communities Program (RCCP) Phase 3 funding opportunity and potential project concepts. Staff recommended pursuing funding for a Beaufort Shoreline Management Plan in partnership with the North Carolina Coastal Federation. The proposed project would assess shoreline conditions and suitability for natural, living, hybrid, and hardened shoreline approaches; identify and prioritize future resilience projects; and advance selected priority sites into engineering and design.

The Board provided consensus for staff to move forward with the application. The attached resolution formally documents the Board's support for the application, as required by the RCCP, and authorizes staff to submit the application and associated materials to the North Carolina Division of Coastal Management. The anticipated grant request is approximately $275,000, with no local match required.

REQUESTED ACTION:
Adopt the Resolution of the Town of Beaufort Board of Commissioners supporting an application to the North Carolina Resilient Coastal Communities Program for the Beaufort Shoreline Management Plan

SUBMITTED BY: Michelle Eitner, Town Planner

RESOLUTION OF THE TOWN OF BEAUFORT BOARD OF COMMISSIONERS SUPPORTING AN APPLICATION TO THE NORTH CAROLINA RESILIENT COASTAL COMMUNITIES PROGRAM FOR THE BEAUFORT SHORELINE MANAGEMENT PLAN
RESOLUTION NO. 26-_____

WHEREAS, the North Carolina Division of Coastal Management administers the Resilient Coastal Communities Program (RCCP) to assist coastal communities with planning, engineering, design, and implementation of projects that improve resilience to coastal hazards; and

WHEREAS, the Town of Beaufort completed Phases 1 and 2 of the RCCP through development of the *Resilient Beaufort* strategy and project portfolio; and

WHEREAS, development of an Estuarine Shoreline Management Plan is identified as a resilience priority in *Resilient Beaufort* and is supported by the Town's Comprehensive and CAMA Land Use Plan; and

WHEREAS, the Town proposes to apply for RCCP Phase 3 funding for the Beaufort Shoreline Management Plan, which would evaluate shoreline conditions and suitability for natural, living, hybrid, and hardened shoreline approaches; identify and prioritize future resilience projects; and advance selected priority sites into engineering and design; and

WHEREAS, the proposed project will be undertaken in partnership with the North Carolina Coastal Federation and is anticipated to request approximately $275,000 in RCCP funding with no local match required;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Beaufort that the Board supports the Town's application to the North Carolina Resilient Coastal Communities Program for the Beaufort Shoreline Management Plan and authorizes Town staff to prepare and submit the application and associated materials.

Adopted this ____ day of _____, 2026.

_____ _____

Elizabeth Lewis, Town Clerk Sharon E. Harker, Mayor

Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting
6:00 PM - Monday, November 9, 2026
614 Broad Street, Beaufort NC

AGENDA CATEGORY: Items of Consent

SUBJECT: Resolution of Support for NCDOT's Integrated Mobility Division (IMD) Feasibility Studies Grant

BACKGROUND:

Town staff is seeking Board approval of a resolution supporting the Town's application to the North Carolina Department of Transportation's (NCDOT) 2026 Integrated Mobility Division (IMD) Paved Trails and Sidewalks Feasibility Studies Program. Due to the grant's application timeline, Town staff will be submitting an application prior to the November 6, 2026, deadline under the small-scale study category, which provides $60,000 to $80,000 for feasibility studies. The proposed study would evaluate the feasibility of the Town Creek Trail, commonly referred to as the "Trestle Walk."

The development of a Beaufort Greenways system and the Trestle Walk project have been longstanding priorities for the Town, with both initiatives supported by the Parks and Recreation Advisory Board's 10-Year Plan and 2024 Comprehensive Plan.

If awarded, the grant would allow the Town to evaluate potential trail alignments, connectivity, environmental considerations, preliminary costs, and implementation and funding opportunities. The study would provide valuable information to guide future planning and development of the Town's Greenways network.

A draft resolution of support was included with the Town's grant application. Formal approval by the Board of Commissioners would strengthen the application by demonstrating the Board's commitment to advancing this longstanding community initiative.

The grant requires a 20% local match, estimated at up to $16,000. Existing funds within the FY2027 Future Parks Projects account are available to cover this expense if the grant is awarded.

REQUESTED ACTION: Approve the draft resolution supporting the Town's grant application.

SUBMITTED BY: Jennifer Welborn, Community Engagement Director
Lawrence Tormey, Town Engineer

BUDGET AMENDMENT REQUIRED:

No

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Connecting people, products and places safely and efficiently across North Carolina.

IMD FEASIBILITY STUDIES PROGRAM

2026 GRANT CALL

Supporting locally driven transportation solutions for North Carolina's communities.



GRANT CALL OPEN

OCTOBER 1ST – NOVEMBER 6TH, 2026

APPLY ONLINE
Use the Smartsheet Application Form:

CLICK HERE TO APPLY
Smartsheet Application Form

ABOUT THE PROGRAM

The IMD Paved Trails and Sidewalks Feasibility Studies Program provides funding to municipalities, counties, metropolitan planning organizations and rural planning organizations for feasibility studies that support mobility, accessibility, and connectivity across North Carolina.

PROGRAM GOALS

- Enhance access to and from intermodal facilities
- Support safe and convenient multimodal connections
- Advance local and regional transportation plans
- Promote better transportation choices and healthier communities

ELIGIBLE APPLICANTS

Municipalities, counties, MPO's and RPO's and local agencies are eligible to apply.

STUDY SCALE

SMALL-SCALE STUDY
- $60,000-$80,000
- 1/4 mile to 3 miles
- Minimal utility impacts
- Moderate topography

LARGE-SCALE STUDY
- $80,000-$120,000
- 3+ miles
- Significant impacts
- Variable topography

LEARN MORE

Visit the IMD Feasibility Studies Program page on the NCDOT website for full details, including eligibility, requirements and the application process.



BETTER CONNECTIONS. STRONGER COMMUNITES.

A RESOLUTION OF SUPPORT FOR AN APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION INTEGRATED MOBILITY DIVISION PAVED TRAILS AND SIDEWALKS FEASIBILITY STUDIES PROGRAM
RESOLUTION NO. 26- _____

WHEREAS, the Town of Beaufort recognizes the importance of providing safe, accessible, and connected pedestrian and bicycle routes that enhance mobility, promote public health, and improve the quality of life for residents and visitors; and

WHEREAS, the Town is interested in advancing a Greenway initiative that would provide opportunities for recreation, alternative transportation, and improved connectivity between neighborhoods, parks, community facilities, and other destinations throughout Beaufort; and

WHEREAS, the North Carolina Department of Transportation (NCDOT), through its Integrated Mobility Division (IMD), administers the Paved Trails and Sidewalks Feasibility Studies Program to assist local governments in evaluating potential multimodal transportation improvements; and

WHEREAS, the Town intends to apply for funding under the program's small-scale study category to evaluate a proposed Greenway trail generally known as the Town Creek Trail or “Trestle Walk”; and

WHEREAS, the proposed feasibility study would evaluate potential trail alignments, connectivity, environmental considerations, infrastructure constraints, preliminary costs, and implementation opportunities; and

WHEREAS, the proposed Greenway initiative supports the Town's efforts to promote safe and convenient multimodal transportation, expand recreational opportunities, and plan for the community's future growth and development; and

WHEREAS, the Board of Commissioners recognizes that a feasibility study would provide valuable information to guide future planning, identify potential funding opportunities, and support informed decisions regarding the development of a Greenway trail within the Town of Beaufort.

NOW, THEREFORE, BE IT RESOLVED by the Town of Beaufort Board of Commissioners that:

1. The Board of Commissioners hereby expresses its support for the Town's application to the 2026 NCDOT Integrated Mobility Division Paved Trails and Sidewalks Feasibility Studies Program under the small-scale study category for the purpose of evaluating the feasibility of a proposed Greenway trail generally known as the Town Creek Trail or “Trestle Walk”;

2. The Board of Commissioners supports the advancement of pedestrian and bicycle connectivity, recreational accessibility, and multimodal transportation opportunities as important components of the Town's long-term planning efforts; and

3. The Town Manager, or designee, is hereby authorized to submit the grant application and execute documents necessary to pursue funding for the proposed feasibility study, subject to applicable Town policies and any required subsequent Board approvals; and

4. This resolution shall become effective immediately upon its adoption.

Adopted this ___ day of _____, 2026.

_____ _____

Elizabeth Lewis, Town Clerk Sharon E. Harker, Mayor

Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting
6:00 PM Monday, November 9, 2026

AGENDA CATEGORY: Items of Consent

SUBJECT: Beau Coast Phase 4 Construction Access Agreement

SUMMARY:

The Beau Coast development team has requested a temporary easement across Town property adjacent to the Beau Coast Phase 4 subdivision to provide construction access for heavy equipment and help prevent damage to existing roadways.

The easement will provide access across the designated Town property for construction-related activities.

A map identifying the requested easement area accompanies this request.

REQUESTED ACTION:

Board approval is requested on November 9, 2026.

EXPECTED LENGTH OF PRESENTATION:
N/A

SUBMITTED BY:

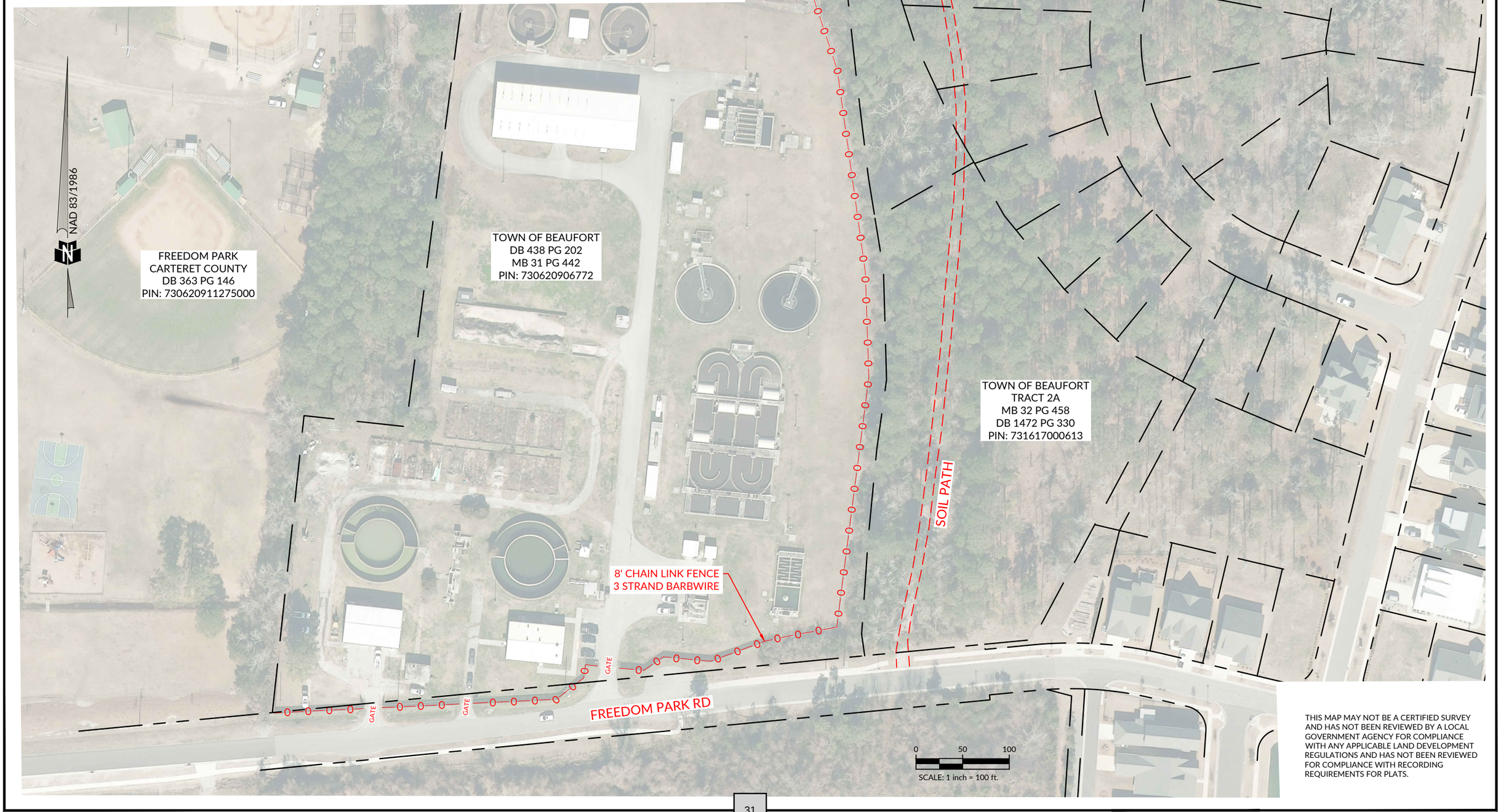
Matt Zapp, Town Manager

BUDGET AMENDMENT REQUIRED:
N/A

WithersRavenel
115 MacKenan Drive | Cary, NC 27511
License #: F-1479 | t: 919.469.3340 | www.withersravenel.com

FREEDOM PARK RD
BEAUFORT TOWNSHIP | CARTERET COUNTY | NORTH CAROLINA

EXHIBIT OF
CONSTRUCTION ACCESS & WATER TREATMENT PLANT FENCE



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

K:\08\08-097\0080976-Beaufort East Village Ph 1\SurveyCAD_Drawings\Construction Road and Water Treatment Fence.dwg- Friday, September 18, 2026 3:47:29 PM - VANDERVELDE, RUDY

Prepared by: Longleaf Law Partners (DEM) (without title examination or tax advice)
4509 Creedmoor Road, Suite 302
Raleigh, NC 27612
After Recording Mail To: Grantee
Brief Description for Index: Temporary Access Easement – Beau Coast Phase 4

Revenue Stamps: $0.00

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

TEMPORARY ACCESS EASEMENT

This TEMPORARY ACCESS EASEMENT ("Easement") is made this ____ day of _____, 2026, by and between the TOWN OF BEAUFORT, a municipal corporation of the State of North Carolina, whose mailing address is 701 Front Street, Beaufort, NC 28516 ("Grantor" or "Town"), and BLUE TREASURE LLC, a North Carolina limited liability company, whose mailing address is 105 Weston Estates Way, Cary, North Carolina 27513 ("Grantee"). Each of the foregoing also may be referred to individually as a "party" and together they may be referred to herein as the "parties".

RECITALS:

A. Grantor is the owner of that certain tract of real property located in the Town of Beaufort in Carteret County, North Carolina, said tract being all of that certain Tract 2A as more particularly described in Map Book 32 at Page 458 (the "Map") of the Register of Deeds of Carteret County, North Carolina (the "Grantor Property").

B. Grantee is the owner and developer of the residential subdivision development known as Beau Coast located in the Town of Beaufort in Carteret County, North Carolina (the "Subdivision"). The Subdivision consists in part of Phase 4, said phase being a portion of Tract 2 as more particularly described in Map Book 32 at Page 458 of the Register of Deeds of Carteret County, North Carolina ("Phase 4" or "Beau Coast Phase 4"), less and except lots conveyed to third party purchasers within Phase 4 via deeds recorded in the Carteret County Register of Deeds (the "Grantee Property").

C. Grantee intends to complete certain horizontal development and related construction activities on certain lots within Phase 4 (the "Work"). In connection with the Work, Grantee desires to utilize the Easement Area (as defined herein) as an alternative construction access route to and from Phase 4, thereby minimizing construction traffic and associated wear and tear on certain completed public rights-of-way within Phase 4, which rights-of-way are maintained by Grantor.

D. In recognition of the foregoing benefits to Grantor and the public rights-of-way maintained by Grantor, Grantor is willing to permit Grantee to utilize the Easement Area for temporary access in connection with the Work and has agreed to grant Grantee a temporary easement over the Grantor Property upon the terms set forth herein.

NOW, THEREFORE, in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Recitals. The above recitals are true and correct and form a material part of this Easement.

2. Easement Area. The "Easement Area" over the Grantor Property shall consist of (i) the "Soil Path" as more particularly depicted on Exhibit A attached hereto and (ii) the area over the Grantor Property situated within ten feet of each side of said "Soil Path".

3. Grant of Easement. Grantor does hereby grant, bargain, sell, transfer and convey unto the Grantee, its successors and assigns, a non-exclusive and temporary easement in, on, over, under, through, and across the Easement Area to permit Grantee and Grantee Parties access from Freedom Park Road, a public right of way, to the Grantee Property. For purposes of this Easement, "Grantee Parties" means Grantee and Grantee's employees, agents, representatives, consultants, contractors and subcontractors that use the Easement Area.

4. Term. Unless earlier terminated by written agreement of the parties hereto, this Easement shall automatically terminate upon the completion of the Work and the restoration of the Easement Area as provided herein.

5. Restoration. If entry onto the Grantor Property by Grantee, or the exercise by Grantee of any of its rights or obligations under this Easement, results in physical damage to the Grantor Property other than ordinary wear and tear, Grantee shall promptly repair and restore as needed the portions of the Property damaged to substantially the same condition as existed prior to the damage or exercise of such right or obligation. Grantee shall also be responsible to promptly repair (and reimburse Grantor or any third party within 30 days of written notice) for any damage to personal property or bodily injury to any person resulting directly from the exercise by Grantee of any of its rights or obligations under this Easement. However, Grantee is not assuming any responsibility for the subsurface condition of the Property, including any pre-existing environmental conditions, not caused to exist at the Property by Grantee Parties.

6. Indemnification.

a. Grantee shall indemnify, defend and hold harmless Grantor and its officers, employees and agents (each a "Grantor Party" and, collectively, the "Grantor Parties") from and against any third-party claims, demands, actions and proceedings for bodily injury, death or physical damage to the Grantor Property, together with any actual, reasonable and documented out-of-pocket damages, losses, costs and expenses (including reasonable attorneys' fees) incurred by Grantor in connection therewith, but only to the extent arising out of or resulting from the negligent acts or omissions or willful misconduct of Grantee or Grantee Parties in connection with their use of the Easement Area. Notwithstanding the foregoing, Grantee shall have no obligation to indemnify, defend or hold harmless Grantor to the extent any such claim, damage, loss, cost or expense arises from (i) the negligent acts or willful misconduct of Grantor Parties or any third party other than Grantee Parties; (ii) any pre-existing condition on, under or affecting the Grantor Property, including environmental or subsurface conditions, except to the extent caused by Grantee or Grantee Parties; or (iii) the ownership, operation or maintenance of the Grantor Property unrelated to Grantee's use of the Easement Area. In no event shall Grantee be liable for any consequential, incidental, special, exemplary or punitive damages, except to the extent actually awarded to an unaffiliated third party in connection with a claim otherwise subject to indemnification hereunder. Grantor shall promptly notify Grantee of any claim subject to indemnification hereunder and reasonably cooperate with Grantee in the defense thereof.

b. Grantor shall indemnify, defend and hold harmless Grantee Parties from and against any third-party claim, demands, actions and proceedings for bodily injury or death, together with any actual, reasonable and documented out-of-pocket damages, losses, costs and expenses (including reasonable attorneys' fees) incurred by Grantee in connection therewith, but only to the extent arising out of or resulting from the negligent acts or omissions or willful misconduct of Grantor Parties in connection with their use of the Grantor Property. Notwithstanding the foregoing, Grantor shall have no obligation to indemnify, defend or hold harmless Grantee Parties to the extent any such claim, damage, loss, cost or expense arises from (i) the negligent acts or willful misconduct of any Grantee Parties or (ii) use of the Easement Area by any Grantee Parties. In no event shall Grantor be liable for any consequential, incidental, special, exemplary or punitive damages, except to the extent actually awarded to an unaffiliated third party in connection with a claim otherwise subject to indemnification hereunder. Grantee shall promptly notify Grantor of any claim subject to indemnification hereunder and reasonably cooperate with Grantor in the defense thereof.

c. The obligations under this Section 6 shall survive termination of this Easement solely with respect to claims arising from acts or omissions occurring during the term hereof.

7. Miscellaneous.

a. Entire Agreement. This Easement contains the entire agreement between the parties with respect to the subject matter hereof, and supersedes and merges any and all prior understandings and agreements, whether oral or written.

b. No Joint Venture. Nothing in this Easement shall be construed to make the parties hereto, or their successors or assigns, partners of one another, or joint venturers with one another, or agents of one another, or in any way to render any of said parties liable for the debts or obligations of the other.

c. Running with the Land. During the term of this Easement, all of the easements, restrictions, covenants and agreements set forth herein are intended to be and shall be construed as covenants running with the land encumbered by the easements described herein, binding upon, inuring to the benefit of, and enforceable by the parties hereto and their respective successors and assigns.

d. Headings; Interpretation. The headings appearing in this Easement are for convenience and reference only, and in no way define or limit the scope and content of this Easement or in any way affect its provisions. Whenever the context of this Easement requires, the singular number shall include the plural, the plural shall include the singular, and one gender shall include all genders.

e. Exhibits. All exhibits referenced herein are attached hereto and incorporated by reference.

f. Governing Law. This Easement shall be governed by and construed in accordance with the laws of the State of North Carolina, disregarding its conflict of laws principles which may otherwise require application of the laws of another jurisdiction.

g. Severability. If any provision, or portion thereof, of this Easement, or the application thereof to any person (or legal entity) or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Easement, or the application of such provision, or portion thereof, to any other persons or circumstances shall not be affected thereby and each provision of this Easement shall be valid and enforceable to the fullest extent permitted by law.

h. Amendment to be in Writing. No amendment shall be effective to add to, change, modify, waive or discharge this Easement, in whole or in part, unless such amendment is in writing and signed by both the Town and Grantee. No course of conduct or failure on the part of the Town or Grantee to enforce any right hereunder shall limit, impair, or waive the Town's or Grantee's rights and remedies as provided hereunder or under the laws of the State of North Carolina.

IN TESTIMONY WHEREOF, Grantor has executed this Easement in such form as to be legally binding, this the day and year first above written.

TOWN OF BEAUFORT,
a municipal corporation

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

The undersigned Notary Public does hereby certify that _____ personally appeared before such Notary Public this day in the State of North Carolina and County of _____ and acknowledged (i) that he/she is the _____ of Town of Beaufort, a North Carolina municipal corporation, and (ii) that by authority duly given and as the act of such municipal corporation, he/she signed the foregoing instrument in the name of such municipal corporation on such municipal corporation behalf as its act and deed.

WITNESS my hand and notarial seal, this _____ day of _____, 2026.

_____
NOTARY PUBLIC

My Commission Expires:

_____

NOTARY SEAL/STAMP MUST APPEAR LEGIBLY IN BOX TO RIGHT

IN TESTIMONY WHEREOF, Grantee has executed this Easement in such form as to be legally binding, this the day and year first above written.

BLUE TREASURE LLC,
a North Carolina limited liability company

By: _____

Name: _____

Title: _____

ACKNOWLEDGEMENT

The undersigned Notary Public does hereby certify that _____ personally appeared before such Notary Public this day in the State of North Carolina and County of _____ and acknowledged (i) that he/she is the _____ of Blue Treasure LLC, a North Carolina limited liability company, and (ii) that by authority duly given and as the act of such limited liability company, he/she signed the foregoing instrument in the name of such limited liability company on such limited liability company's behalf as its act and deed.

WITNESS my hand and notarial seal, this _____ day of _____, 2026.

_____
NOTARY PUBLIC

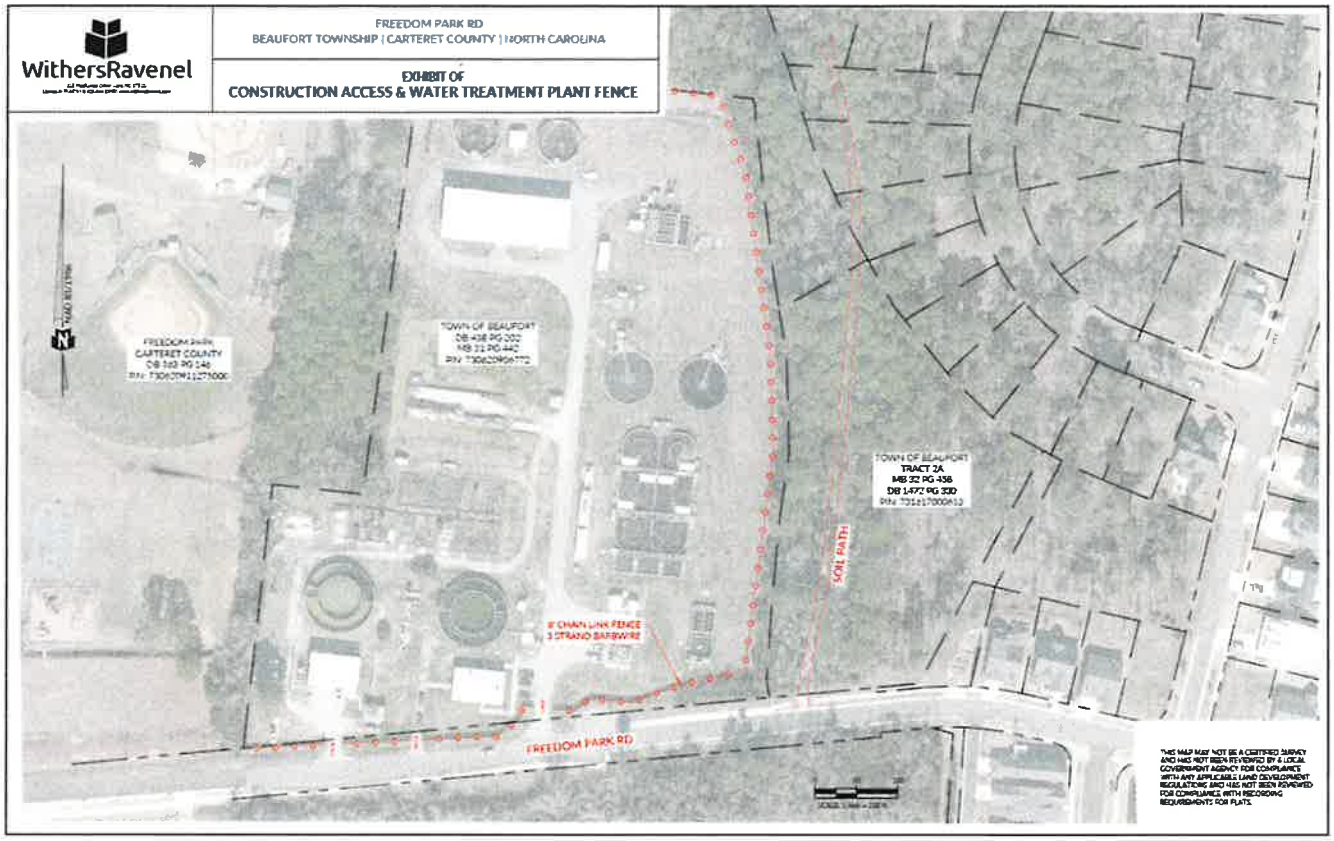
My Commission Expires:

_____

NOTARY SEAL/STAMP MUST APPEAR LEGIBLY IN BOX TO RIGHT

Exhibit A

Description of Easement Area



Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting
6:00 PM Monday, November 9, 2026

AGENDA CATEGORY: Public Hearing

SUBJECT: Case #26-25: Chapter 151 Flood Damage Prevention Ordinance Amendments

BRIEF SUMMARY:

To review proposed amendments to Chapter 151, Flood Damage Prevention, using the current 2026 Coastal North Carolina Model Flood Damage Prevention Ordinance as the primary guide. The amendments are intended to maintain National Flood Insurance Program (NFIP) compliance and eligibility when the Town's updated Flood Insurance Study and Flood Insurance Rate Maps become effective February 5, 2027. The draft also includes selected optional higher standards and local provisions for review and adoption. At their October 19th meeting, Planning Board unanimously recommended the draft for adoption as presented.

REQUESTED ACTION:

Conduct the public hearing and consider adoption of Ordinance to Amend the Flood Damage Prevention Ordinance (Attachment H), incorporating the proposed amendments in the Board Review Draft (Attachment C) and the corrections and clarifications in the errata sheet (Attachment G).

EXPECTED LENGTH OF PRESENTATION: 30 Minutes

SUBMITTED BY:

Jeremy Ganey, Chief Building Inspector/Floodplain Administrator

STAFF REPORT

To: Mayor and Commissioners

From: Jeremy Ganey, Chief Building Inspector/Floodplain Administrator

Date: November 9, 2026

Case No. 26-25 – Chapter 151 Flood Damage Prevention Ordinance Amendments

THE REQUEST: To review proposed amendments to Chapter 151, Flood Damage Prevention, and to consider adoption of Ordinance to Amend the Flood Damage Prevention Ordinance with adjustments in the Errata Sheet.

INFORMATION:

Existing Regulation: Town of Beaufort Code of Ordinances Chapter 151 – Flood Damage Prevention Ordinance (FDPO), as amended March 10, 2025

Primary Reference: The 2026 Coastal North Carolina Model Flood Damage Prevention Ordinance prepared by North Carolina Emergency Management

Purpose of Update: Maintain National Flood Insurance Program (NFIP) compliance and eligibility and administer the updated flood maps

New Flood Insurance Rate Map (FIRM) Effective Date: February 5, 2027

OPTIONS:

1. Adopt Ordinance to Amend the Flood Damage Prevention Ordinance with adjustments in the Errata Sheet as presented.
2. Adopt Ordinance to Amend the Flood Damage Prevention Ordinance with adjustments in the Errata Sheet with specified modifications.
3. Deny adoption of Ordinance to Amend the Flood Damage Prevention Ordinance.
4. Table consideration of the Ordinance to Amend the Flood Damage Prevention Ordinance pending additional information necessary to make a decision.

ATTACHMENTS:

- Attachment A – Staff Report
- Attachment B – Optional/Higher Standards & Community Rating System (CRS) Credit Crosswalk
- Attachment C – Proposed Chapter 151 Flood Damage Prevention Ordinance – Board Review Draft (Full Redline with red deletions, blue required updates, and green optional additions)
- Attachment D – The 2026 Coastal North Carolina Model Flood Damage Prevention Ordinance prepared by North Carolina Emergency Management
- Attachment E – Letter of Final Determination / February 5, 2027 Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) Effective-Date Documentation
- Attachment F – Planning Board's Resolution of Recommendation
- Attachment G – Errata Sheet of Corrections and Clarifications
- Attachment H – Ordinance to Amend the Flood Damage Prevention Ordinance

STAFF COMMENTS:

The proposed amendments update Chapter 151 using the 2026 Coastal North Carolina Model Flood Damage Prevention Ordinance as the primary guide. Updated flood maps become effective February 5, 2027, and the Town must have compliant floodplain management regulations in effect at that time to maintain NFIP compliance and eligibility.

Floodplain Regulation, NFIP and CRS Background

The Town of Beaufort has participated in the National Flood Insurance Program (NFIP) and administered local floodplain-management regulations for more than 50 years (more information on our website linked here). The Town's floodplain-management framework dates to the 1970s, and its currently effective Flood Insurance Rate Maps (FIRMs) date to 2003. The mapping update scheduled to become effective February 5, 2027 has been underway for more than a decade and continues this longstanding program using updated flood-hazard information. Effective and preliminary flood maps can be viewed through North Carolina's Flood Risk Information System (FRIS) at **https://fris.nc.gov/**.

The NFIP establishes minimum floodplain-management standards in federal regulation. To participate, communities must adopt and enforce local floodplain-management regulations that meet or exceed those minimum requirements. North Carolina Emergency Management (NCEM) coordinates the NFIP at the State level and provides technical assistance and the model flood damage prevention ordinance used by North Carolina communities. Beaufort implements the applicable federal and State requirements through its locally adopted Flood Damage Prevention Ordinance (FDPO), Chapter 151 of the Town Code. The FDPO is therefore the Town's local mechanism for administering and enforcing the floodplain-management standards necessary to maintain NFIP compliance and eligibility, together with any higher standards the Town elects to adopt.

What Floodplain Regulation Does

The FDPO regulates development in flood-hazard areas to reduce risk to people, buildings, utilities, infrastructure, and surrounding property. Depending on the flood zone and type of development, requirements may address building elevation or floodproofing, foundations and enclosures, mechanical and utility equipment, fill and grading, drainage, accessory structures, and required engineering or elevation certifications. The ordinance also establishes when substantial improvements or repairs to substantially damaged buildings must comply with current floodplain standards.

The Town is subject to these requirements in the same manner as private development. Floodplain standards are considered when the Town constructs, renovates, or maintains public buildings, water and wastewater facilities, pump stations, utilities, streets, drainage facilities, and other infrastructure in regulated flood-hazard areas. For example, generators serving pump stations may need to be elevated to the applicable Base Flood Elevation (BFE) plus required freeboard, while substantial-improvement requirements must be considered when significant work is proposed to Town Hall at 701 Front Street in the AE flood zone. These requirements protect public investment as well as maintain regulatory compliance.

Floodplain compliance is also integrated into the Town's normal development-review and inspection process. The Town currently employs three Certified Floodplain Managers (CFMs): the Chief Building Inspector/Floodplain Administrator, Senior Planner, and Town Planner. Because the Chief Building Inspector also serves as the Town's Floodplain Administrator (FPA), floodplain requirements are incorporated into routine permit review and field inspections as construction and renovations occur. The Floodplain Administrator also holds Level III certification in all five State building-inspection disciplines, allowing floodplain requirements and applicable building-code requirements to be reviewed together throughout the construction process.

Floodplain regulations reduce risk; they do not eliminate it, and flood risk does not stop at the boundary of a mapped Special Flood Hazard Area. The Federal Emergency Management Agency (FEMA) reports that, nationwide, between 2015 and 2019, policyholders outside high-risk flood areas filed more than 40% of all NFIP flood-insurance claims. The FIRMs and FDPO provide a regulatory framework based on the best available mapped flood-hazard information, while recognizing that larger events and flooding outside mapped high-risk areas can and do occur.

Why NFIP Participation Matters

NFIP participation makes federal flood insurance available within the community and is connected to federal lending and disaster-assistance requirements. For improved real property within a Special Flood Hazard Area (SFHA), federally

regulated lenders generally require flood insurance when making, increasing, extending, or renewing a loan secured by the property.

The Town must have compliant floodplain-management regulations in effect when the new FIRMs become effective February 5, 2027. Failure to do so would result in suspension from the NFIP. During suspension, new NFIP policies cannot be issued and existing policies cannot be renewed. Federal insurance or guarantees for certain loans involving buildings in SFHAs would also be unavailable, and the community and its property owners may become ineligible for certain forms of federal financial assistance and FEMA disaster assistance involving insurable buildings in flood-hazard areas. The February 5 deadline therefore affects not only local development regulation, but continued access to federal flood insurance, financing, and disaster-recovery resources.

Community Rating System

The Community Rating System (CRS) is a voluntary component of the NFIP that recognizes communities for floodplain-management activities that exceed minimum NFIP requirements. Approximately 100 North Carolina communities participate in CRS. Beaufort is currently a CRS Class 7 community, which provides an up to 15% discount on eligible NFIP flood-insurance premiums. A Class 6 rating provides an up to 20% discount, or an additional five percentage points. See excerpt table from CRS Manual:

Table 110-1: Classes, Credit Points, and Premium Discounts

Class	Credit Points (cT)	Premium Reduction
1	4,500+	45%
2	4,000–4,499	40%
3	3,500–3,999	35%
4	3,000–3,499	30%
5	2,500–2,999	25%
6	2,000–2,499	20%
7	1,500–1,999	15%
8	1,000–1,499	10%
9	500–999	5%
10	0–499	0
Some minus-rated policies may not be eligible for premium discounts.		

Optional Higher Standards and Existing Town Procedures

The optional/local provisions in the proposed FDPO should be distinguished from the updates necessary to maintain NFIP compliance and eligibility. Many of these higher-standard provisions were previously reviewed and recommended by the Unified Development Ordinance (UDO) Steering Committee when Flood Damage Prevention was presented as proposed Article 6, and those recommendations are largely carried forward into the Chapter 151 update. Other provisions reflect the current NCEM model ordinance and CRS review.

Some proposed ordinance language would establish additional higher-standard procedures; other language would simply codify procedures the Town already performs, allowing those existing practices to be recognized for CRS credit. The Elevation Certificate (EC) process is a good example. During floodplain permitting, Town staff already requires ECs at the pre-construction, under-construction/reference-level, and finished-construction stages. The proposed amendments to §151.15(C)(1) add ordinance language for the pre-construction EC, update the intermediate EC procedure, and update the finished-construction EC requirements to better reflect the process already administered by staff. Codifying qualifying practices can allow the Town to receive CRS credit for work it is already performing rather than creating an entirely new administrative process.

The proposed higher standards and codification of existing procedures may provide additional CRS credit and help position Beaufort for a future Class 6 rating. Actual CRS credit and classification remain subject to documentation, implementation, and program verification.

Support from Adopted Plans

The proposed amendments are also supported by adopted Town and regional planning documents:

- Beaufort Comprehensive & CAMA Land Use Plan Action 2.3.1.3 recommends higher standards than presented in the draft FDPO, as follows:
  "Increase the floodproofing and freeboard requirement in 100- and 500-year floodplain (aka 1% annual chance and 0.2% annual chance, respectively).
    - Extend structure elevation requirements outside of the special flood hazard area (aka 1% annual flood chance area).

- Residential structures, 1- and 2-family structures:
  - One option would be to require single family and duplex structures within the 1% and 0.2% annual chance floodplains to be elevated at least 4 feet above the elevation of the 100-year floodplain.
  - Properties elsewhere in the town could also be required to be elevated to this level or at least 1 foot above adjacent grade at the time of construction or reconstruction.
- Nonresidential and multifamily structures
  - Nonresidential structures would be required to either elevate or floodproof the ground floor. New structures should be graded at least 1 foot above adjacent grade.
  - Existing nonresidential structures within the 0.2% annual chance floodplain should be required to floodproof their ground floors within 10 years of adoption of the comprehensive plan.
  - Extend these types of enhanced building standards to docks and marine infrastructure, which are often damaged in storms and can end up littering the coastline. This will also help protect the RCR from marine debris." (RCR refers to the Rachel Carson Reserve.)

- 2025 Pamlico Sound Regional Hazard Mitigation Plan Action CA13 calls for participating jurisdictions to: "Review and update respective Flood Damage Prevention Ordinances as deemed necessary. Once annually, all jurisdictions will conduct a review to ensure that the current FDPO is compliant with all FEMA and NCEM mandates." The proposed update also supports the plan's broader continuation of floodplain-management activities that meet or exceed minimum requirements.

Draft Amendments

Attachment C is a full redline of the proposed ordinance. Its first page provides the color legend for Board review and identifies the key policy decisions reflected in the draft. Attachment B provides a crosswalk of the optional/higher-standard provisions and potential Community Rating System (CRS) credit.

Attachment G identifies corrections and clarifications to Attachment C, including typographical errors, cross-references, flood-zone terminology, and internal inconsistencies. These revisions are presented separately to preserve the draft reviewed by the Planning Board while clearly identifying the additional corrections proposed for Board of Commissioners approval. Attachment H is the adopting ordinance and incorporates Attachment C with the corrections specified in Attachment G.

Staff recommends adoption of the ordinance in Attachment H, approving the proposed Chapter 151 amendments in Attachment C with the corrections and clarifications in Attachment G. The Planning Board unanimously recommended approval of the draft as presented on October 19, 2026; its signed recommendation is included as Attachment F.

TOWN OF BEAUFORT – FLOOD DAMAGE PREVENTION ORDINANCE UPDATE

Optional Text & CRS Credit Crosswalk 10/07/2026

Sources: 2026 Coastal NC NFIP Model; CRS Coordinator's Manual 2017; staff email 5/22/2026.

Updated Ordinance Section (Draft) [Formerly effective § if different]	Optional Language (summary)	CRS Activity & Element	Max CRS Points (before impact adj.)	Notes
Sec. 151.05 Definitions – Regulatory Flood Protection Elevation & Freeboard; Sec. 151.18–151.21 (RFPE references throughout) [Formerly § 151.05 (1-ft freeboard); §§ 151.40–151.47]	RFPE = BFE + two (2) feet freeboard (where BFEs exist); at least two (2) feet above HAG where no BFE. Additional sentence: where no authoritative BFE exists, may use historical or administrator-approved elevations + freeboard. Applies to residential, non-residential, manufactured homes, utilities, duct systems, etc.	Activity 430 – Freeboard (FRB)	Up to ~225–280 pts for 2 ft freeboard (base ~100 pts/ft; higher when paired with fill limits)	Staff Recommends 2 ft. Full FRB credit requires freeboard on lowest floor AND utilities/ductwork/attached garages. Town currently Class 7. Effective is 1 ft freeboard. State strongly recommends 4 foot freeboard.
Sec. 151.05 Definitions – Substantial Damage & Substantial Improvement; Sec. 151.19(F)(5) Additions/improvements – 5-year cumulative [Formerly § 151.05 (1-year period); § 151.41]	Substantial Damage tracked during any five-year period (≥50% market value) + repetitive-loss language (two events in 10 yrs averaging ≥25%) for ICC eligibility. Substantial Improvement also uses five-year period. Standards section mirrors cumulative 5-year tracking. Optional further: lower threshold (e.g. 30%) or longer window.	Activity 430 – Cumulative Substantial Improvements (CSI) / Lower Substantial Improvement (LSI) Also supports ICC claims & 510 planning	Up to ~20 pts each for recommended SD/SI text; CSI historic max ~110 pts depending on tracking period & scope	State recommended to either 5 or 10 year. Draft changes both definitions and standards from effective 1-year to 5-year. Staff recommends expanding ordinance to account for phased projects. CRS requires it to be in ordinance to receive credit.
Sec. 151.19(D)(5) Elevated buildings – Non-conversion agreement; Sec. 151.20(N) Coastal non-conversion [Formerly – none]	Property owners must execute & record non-conversion agreement that area below lowest floor (or detached accessory) will not be improved/finished/converted to habitable space. Town right to inspect; annual inspections. Recorded with Carteret County Register of Deeds; runs with land in perpetuity.	Activity 430 – Enclosure Limits (ENL) / Other Higher Standards (OHS)	Up to 130 pts total: • 30 pts – agreement filed with deed • +30 pts – right to inspect anytime • +30 pts – annual inspections +40 pts - Non-conversion agreement	Staff recommends adoption. Draft includes full package (including annual inspections language). Strong anti-conversion tool. This formalizes our current opperational standard. CRS requires it to be in ordinance to receive credit.
Sec. 151.19(D)(4) Elevated buildings [Formerly § 151.41(D) – no explicit ban]	Enclosed areas below reference level shall not be temperature controlled or conditioned.	Activity 430 – Enclosure Limits / OHS	Supports ENL / OHS credit (~40 pts)	New ordinance. State recommends including this text.
Sec. 151.05 Definitions – Tiny homes / park models; Sec. 151.05 Recreational vehicle definition items (6) & (7) [Formerly § 151.05 RV definition – no Tiny Homes note; no items 6–7]	(a) Tiny Homes/Houses and Park Models that do not meet RV criteria are NOT Recreational Vehicles and must meet residential structure standards/permitting. (b) Extra RV criteria: (6) Has no attached deck, porch, or shed; (7) Has quick-disconnect sewage, water, and electrical connectors.	Supports Activity 430 Higher Regulatory Standards (proper classification & elevation of residential structures)	Indirect – ensures freeboard / foundation / enclosure standards apply to small permanent dwellings	Staff recommended.Tiny Homes note. Extra RV criteria (6)–(7); both prevent under regulation of permanent small dwellings as RVs. This formalizes our current opperational standard.
Sec. 151.15(D) / Sec. 151.19(I) Accessory structures – size thresholds [Formerly § 151.41(G) – less than 150 sq ft exemption]	Accessory structures with footprint less than 200 square feet (A/AO/AH/AE/A99 zones) do not require elevation or floodproofing certificate; wet-floodproofing option up to 600 sq ft in those zones; ≤100 sq ft in VE/Coastal A. (Effective ordinance used 150 sq ft threshold.)	Activity 430 – Enclosure Limits / OHS (size limits support partial ENL credit)	Supports ENL / OHS; partial credit for size-limited enclosures (100 pts max)	Staff recommends adopting square footage increased threshold from effective 150 sq ft to 200 sq ft and adds zone specific limits.
Sec. 151.05 Definitions – Technical Bulletin and Technical Fact Sheet; Sec. 151.18(B) materials language [Formerly § 151.40(B) – no TB reference]	Definition adopting FEMA Technical Bulletins / Fact Sheets as guidance for NFIP performance standards (TB 1–11 series). Explicit reference to TB 2 (Flood Damage-Resistant Materials Requirements).	Supports documentation for multiple 430 elements & Activity 310	Indirect – improves defensibility; no direct point total	Staff recommends adopting the text because it provides clear, official guidance on how to interpret and enforce the building performance standards of the National Flood Insurance Program (NFIP). New definition.
Sec. 151.15(C)(3) V-Zone Certification; Sec. 151.20(O) [Formerly § 151.46(G) – design cert primarily at permit stage]	V-Zone Certification with plans required prior to permit in VE and Coastal A; registered PE/architect must also certify finished construction is compliant with design/specs/plans prior to Certificate of Compliance/Occupancy.	Supports Activity 430 coastal standards & Activity 310	Indirect / documentation credit	Draft includes both pre-construction and finished-construction certification. Strengthens as-built compliance. This formalizes our current opperational standard.
Sec. 151.15(C)(1)(c) Finished Construction Elevation Certificate [Formerly § 151.26 – no photo requirements]	Finished Construction EC certifier shall provide at least 2 color photographs (front & rear) taken within 90 days; additional side views if multi-level; foundation/opening photo when applicable. Min 3"×3"; digital acceptable.	Activity 310 – Elevation Certificates (also supports 430 documentation)	Required for certain CRS credit under 310; enables higher EC scores	This formalizes our current opperational standard. CRS requires it to be in ordinance to receive credit.
Sec. 151.15(C)(1)(a)–(b) Elevation Certificates [Formerly § 151.26 – intermediate EC within 21 calendar days (same practice)]	Pre-construction EC required prior to actual start of new construction. Intermediate EC within twenty-one (21) calendar days of establishment of reference level. Failure to submit/correct can delay permit or project.	Activity 310 – Elevation Certificates	Supports EC process credit; no separate large point total	Retain 21 day timeframe (model suggested 7). Matches current practice. Seven days is not practical for our jurisdiction.
Sec. 151.20(G) Elevators (Coastal High Hazard / Coastal A) [Formerly – no dedicated elevator standards in § 151.46]	Elevator enclosures resist hydrodynamic/hydrostatic forces, erosion, scour, waves; key equipment above RFPE or flood damage resistant.	Activity 430 – Other Higher Standards (OHS) / coastal special hazards	OHS credit (category overall up to ~100 pts; site-specific)	New ordinance. Staff recommends adopting optional comprehensive elevator standards. This formalizes our current opperational standard.
Sec. 151.19(G) Recreational vehicles; Sec. 151.20(M) Coastal; Sec. 151.25 Floodways / NEAs [Formerly § 151.41(E) / § 151.46(K) allowed temporary RVs meeting criteria]	Placement of a Recreational Vehicle in the Regulatory Floodway, Non-Encroachment Area, Coastal A Zone, or Coastal High Hazard Area (VE) is prohibited – temporary or permanent. Also prohibited in regulatory floodway/NEA.	Activity 430 – Development Limitations (Storing RV) / special hazards	Supports DL / SH credit (~50 pts max)	Staff recommends adoptions of optional text to prohibit the placement of recreational vehicles, whether temporary or permanent, within Coastal A or NEA.
Sec. 151.05 Definitions – Flood or Flooding (items 3 & 4) [Formerly § 151.05 – shorter flood definition]	Expanded flood definition adds (3) mudslides/mudflows proximately caused by flooding and (4) collapse/subsidence of land along shore from erosion/undermining by waves/currents or abnormal tidal surge.	Supports complete NFIP definitions; minimal direct CRS points	Indirect / model completeness	Staff recommends adopting this text for definition completeness. Low CRS value. Expansion of existing definition.
Sec. 151.05 Definitions – Expansion to an existing manufactured home park or subdivision [Formerly similar language existed]	Definition of expansion to existing manufactured home park/subdivision (preparation of additional sites, utilities, streets, grading/pads).	Supports consistent application of manufactured home standards	Indirect	Staff recommends adopting this text for definition completeness. Low CRS value. Expansion of existing definition.

SUMMARY – POTENTIAL CRS POINTS	
Freeboard (2 ft)	~225–280 pts (FRB)
5-year Cumulative SI/SD + ICC language	Up to ~40+ pts (CSI/LSI) + ICC benefit
Non-conversion agreement (full package incl. annual inspections)	Up to 90 pts (ENL/OHS)
No temperature-controlled enclosures	Supports ENL (~200pts)
Tiny Homes + extra RV criteria (6)–(7)	Indirect 430 support
Accessory structure size thresholds (200 / 100 / 600 sq ft)	Supports ENL / OHS
Technical Bulletins + TB 1-11	Indirect
V-Zone pre- + finished-construction certification	Indirect / documentation
EC photos + 21-day intermediate EC	310 process / CRS required
Elevator standards	OHS
RV prohibition in floodway/NEA/VE/Coastal A	DL / SH
TOTAL FROM LANGUAGE ACTUALLY IN DRAFT	Substantial 430 + 310 credit available; exact points after impact adjustment & verification

NOTES FOR BOARD:

1. Points are MAXIMUMS before impact adjustment. Actual credit requires documentation, enforcement, and ISO verification.

2. Class 8 CRS prerequisite (≥1 ft freeboard for residential including machinery/equipment) is already exceeded by the 2-ft freeboard in the draft.

3. 2-ft freeboard; 21-day intermediate EC; Tiny Homes/Park Models note; EC photographs.

4. Section numbers are the NEW draft numbers. Former effective-ordinance sections shown in brackets.

TOWN OF BEAUFORT

CHAPTER 151 – FLOOD DAMAGE PREVENTION

(Updated to 2026 Coastal Regular Phase Model Ordinance)

Board Review Draft – Marked for Changes

COLOR LEGEND FOR BOARD REVIEW

BLUE TEXT = Mandatory new or revised language from the March 2026 Coastal NC Model Ordinance that should be adopted to maintain NFIP compliance and eligibility.

GREEN TEXT = Optional language the Town may elect to include (higher standards, CRS credits, or local preferences). Include or delete as the Board decides.

~~**RED STRIKETHROUGH TEXT**~~ = Existing Chapter 151 language that is being replaced or deleted by the model update.

Black text = Unchanged structure, headings, or neutral connecting language.

Key policy decisions reflected in this draft (per staff/Board direction):

- Freeboard increased from 1 foot to 2 feet (Regulatory Flood Protection Elevation).
- Elevation Certificate intermediate deadline set at 21 calendar days (matching prior practice; model suggested 7).
- Tiny Homes / Park Models language included as optional (green).
- Optional language included for: Substantial Damage (repetitive loss / ICC), Substantial Improvement cumulative period, Technical Bulletins, V-Zone certification, non-conversion agreements, fill prohibition option, elevator standards, and other higher standards listed in the request.
- Community name, Floodplain Administrator (Building Inspector), Board of Adjustment, and Carteret County references retained/adapted from existing ordinance.

CHAPTER 151. FLOOD DAMAGE PREVENTION

ARTICLE I. GENERAL PROVISIONS

Sec. 151.01. Statutory authorization.

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

~~(B)~~ ~~*County.*~~ *(The separate county statutory citation paragraph is no longer needed; the unified citation above covers both municipal and county authority under current G.S.)*

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.02. Findings of fact.

(A) The flood prone areas within the jurisdiction of Town of Beaufort 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, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood prone areas by uses vulnerable to floods or other hazards. These obstructions and occupancy by uses vulnerable to floods may be hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.03. Statement of purpose.

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

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

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

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

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

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

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.04. Objectives.

The objectives of this chapter are to:

(A) Protect human life, safety, and health;

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

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

(D) Minimize prolonged business losses and interruptions;

(E) 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;

(F) Minimize damage to private and public property due to flooding;

(G) Make flood insurance available to the community through the National Flood Insurance Program;

(H) Maintain the natural and beneficial functions of floodplains;

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

(J) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.05. Definitions.

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

A Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

AE Zone is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

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.

AH Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.

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.

AO Zone is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

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

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 (1) to three (3) 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.

Base flood means the flood having a 1% 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, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation".

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

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

Building see definition of "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.

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

Coastal A Zone (CAZ) means an area within a Special Flood Hazard Area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see also definition of "Limit of Moderate Wave Action (LiMWA)")

Coastal high hazard area means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Section 151.07 of this chapter, as Zone VE.

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, and 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 NCGS 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 special flood hazard area, 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 the initial Flood Insurance Rate Map (FIRM) for the community, dated December 1, 1972.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

***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;

(2) The unusual and rapid accumulation or runoff of surface waters from any source; and

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(4) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1) of this definition.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the FEMA, 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 FEMA, 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 FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Floodplain administrator means 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 chapter, 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 ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. 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.

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 (1) foot.

Freeboard means the ~~means the additional amount of height added to the Base Flood Elevation (BFE) to account for uncertainties in the determination of flood elevations. See also regulatory flood protection elevation.~~height added to the 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, blockage of bridge or culvert openings, storm surge or precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE 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, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

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 or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the 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."

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.

Limit of moderate wave action (LiMWA) means the boundary line developed by FEMA on coastal map studies marking the approximate landward extent of the 1.5-foot breaking wave of the Coastal A Zones (CAZ).

Lowest adjacent grade (LAG) means the elevation of the ground, sidewalk, patio slab or deck support immediately next to the building after completion of the building. ~~For Zone A and AO, use the natural grade elevation prior to construction~~

Lowest floor means the ~~subfloor, top of slab or grade~~ 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 chapter.

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".

Map repository means the location of the official flood hazard data to be applied for floodplain management. In North Carolina, for effective flood hazard data, the NC FRIS website (https://fris.nc.gov/) is the map repository. Repositories of historical flood hazard data are available on the Flood.NC website (https://flood.nc.gov/ncflood/) and the FEMA Flood Map Service Center website (https://msc.fema.gov/portal/home).

New construction means structures for which the start of construction commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Non-encroachment area (NEA) 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 (1) foot as designated in the Flood Insurance Study report.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Post-FIRM means construction or other development for which the "start of construction" occurred on or after December 1, 1972, the effective date of the initial Flood Insurance Rate Map for the Town of Beaufort.

Pre-FIRM means construction or other development for which the "start of construction" occurred before December 1, 1972, the effective date of the initial Flood Insurance Rate Map for the Town of Beaufort.

Primary frontal dune (PFD) means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational vehicle (RV) means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck;

(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.

(6) Has no attached deck, porch, or shed, and

(7) Has quick-disconnect sewage, water, and electrical connectors.

Reference level ~~means the portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of the building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO or AH, the reference level is the top of the lowest floor.~~

~~Within special flood hazard areas designated as zones VE or V1-V30, the reference level is the bottom of the lowest horizontal structural member.~~ is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE or Coastal A Zone (CAZ).

Regulatory flood protection elevation ~~means the elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus one foot of freeboard. In areas where no BFE has been established, all structures and other development must be elevated or floodproofed, if non-residential, to two feet above the highest adjacent grade. Two feet is minimum but a state standard, greater than two feet is optional.~~ 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 (2) feet** freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least **two (2) feet** above the highest adjacent grade.

In areas where no base flood elevations exist from any authoritative source, the flood protection elevation may be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus the freeboard.

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.

Repetitive loss means flood-related damages 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.

Retrofitting means measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

Salvage yard means property used for the storage, collection and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including, but not limited to, vehicles, appliances and related machinery.

Solid waste disposal facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid waste disposal site means, as defined in NCGS 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 (1%) or greater chance of being flooded in any given year.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation,

such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure 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 five-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. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each 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 five-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.

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

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. Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence.

***Tiny homes / park models*.** For the purpose of this ordinance: "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures under this ordinance.

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

VE Zone is the Special Flood Hazard Areas subject to inundation by the 1% annual chance of flooding and high velocity wave action from storm surges and seismic activity. Base flood elevations have been derived from detailed hydraulic analyses.

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 II and III is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically.

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

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.06. Lands to which ordinance applies.

This chapter shall apply to all special flood hazard areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJ) if applicable, of Town of Beaufort and within the jurisdiction of any other community whose governing body agrees, by resolution, to the applicability.

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.07. 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 of North Carolina and FEMA in its Flood Insurance Study (FIS) dated February 5, 2027 and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this chapter, and all revisions thereto.

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.08. Establishment of floodplain development permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 151.07 of this chapter.

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.09. Compliance.

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

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.10. Abrogation and greater restrictions.

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

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.11. Interpretation.

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

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under State statutes.

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.12. Warning and disclaimer of liability.

(A) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions.

(B) Actual flood heights may be increased by man-made or natural causes.

(C) This chapter does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages.

(D) This chapter shall not create liability on the part of the Town of Beaufort or by any officer or employee thereof for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

(Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.13. Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to North Carolina General Statute § 143-215.58. Any person who violates this chapter or fails to comply with any of its requirements shall be fined not more than **$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 Town of Beaufort from taking such other lawful action as is necessary to prevent or remedy any violation.

(Formerly § 151.99; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

ARTICLE II. ADMINISTRATION

Sec. 151.14. Designation of Floodplain Administrator.

(A) The Building Inspector, hereinafter referred to as the "Floodplain Administrator", or their designee, is hereby appointed to administer and implement the provisions of this chapter. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this chapter, the Floodplain Administrator shall be responsible for the coordination and the Town's overall compliance with the National Flood Insurance Program and the provisions of this chapter.

(B) Duties of the Floodplain Administrator shall include, but not limited to:

(1) Review all floodplain development applications and issue permits for all proposed development with in floodprone areas to assure that the requirements of this chapter have been satisfied;

(2) Advise permittee that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, etc.) may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit;

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

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

(5) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions in 151.15 are met;

(6) Obtain actual elevation (in relation to ~~mean sea level~~ NAVD 1988) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance herewith;

(7) Obtain the actual elevation (in relation to ~~mean sea level~~ NAVD 1988) to which the new or substantially improved structures and all utilities have been floodproofed in accordance herewith;

(8) Obtain actual elevation (in relation to ~~mean sea level~~ NAVD 1988) of all public utilities, in accordance herewith;

(9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance herewith;

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

(11) When Base Flood Elevation (BFE) data has not been provided in accordance herewith, obtain, review and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant hereto, in order to administer the provisions of this chapter;

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

(13) When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Floodplain Administrator in the floodplain development permit file;

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

(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 chapter, 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) Revocation of 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; and

(19) Follow through with corrective procedures hereof.

(Formerly § 151.25; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.15. Floodplain development application, permit and certification requirements.

(A) *Application Requirements.* Application for a Floodplain Development Permit shall be made to the Floodplain Administrator ~~on forms furnished by him or her~~ prior to any development activities located within ~~floodprone area~~ Special Flood Hazard Areas. The following items~~/information~~ 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 development:

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

(b) The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined herein 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 herein;

(d) The boundary of the floodway(s) or non-encroachment area(s) as determined herein;

(e) The Base Flood Elevation (BFE) where provided as set forth herein;

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

(g) The boundary and effective date of CoBRA zone or OPA, if applicable; and ~~(Optional)~~

(h) Preparation of the plot plan by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.~~(Optional)~~

(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 ~~mean sea level~~ NAVD 1988of the proposed reference level (including basement) of all structures;

(b) Elevation in relation to ~~mean sea level~~ NAVD 1988 to which any non-residential structure will be floodproofed;

(c) Elevation in relation to ~~mean sea level~~ NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a floodproofing certificate ~~and back-up plans from a registered professional engineer or architect certifying that the non-residential floodproofed development will meet the floodproofing criteria herein~~. (FEMA Form FF-206-FY-22-153) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are 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 chapter are met. These details include but are not limited to:

(a) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);

~~(b) Should solid foundation perimeter walls be used in floodplain other than coastal high hazard areas, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance herewith;~~ Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 3, Section 151.19 when solid foundation perimeter walls are used.

(5) In Coastal High Hazard Areas and Coastal A Zones, the following must also be submitted prior to floodplain development permit issuance. Specific requirements are detailed herein.

(a) V-zone certification form with accompanying plans and specifications verifying the engineered structure and breakaway wall designs as set forth herein; In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE and Coastal A Zone construction.

(b) Plans for lattice work or decorative screening, if applicable. Plans for any structures that will have lattice work or decorative screening must be submitted to the Floodplain Administrator for approval prior to floodplain development permit issuance;

(c) Plans for non-structural fill, if applicable. ~~Plans for placement of any non-structural fill must be submitted to the Floodplain Administrator for approval prior to floodplain development permit issuance. Requirements are detailed herein; .~~ If non-structural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the BFE or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or adjacent properties.

(d) Usage details of any enclosed space below the regulatory flood protection elevation;

(e) 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;

(f) Copy of all other local, state and federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining and the like);

(g) If floodplain development permit is issued for placement of recreational vehicles and/or temporary structures, documentation to ensure provisions of this code are met.

(h) If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

~~(B)~~ ~~The following information shall be provided at a minimum on the floodplain development permit to ensure compliance with this code.~~ Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

~~(1)~~ ~~A description of the development to be permitted under the floodplain development permit issuance.~~ 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.) including a cost estimate.

(2) The special flood hazard area determination for the proposed development per available data specified herein.

(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) State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.

(7) If in an A, AO, AE or Al-30 zone, specify the minimum foundation opening requirements. ~~(Optional)~~

(8) State limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only). ~~(Optional)~~

(9) If in a VE ~~or V1-30~~ zone and Coastal A, state that there shall be no alteration of sand dunes which would increase potential flood damage. ~~(Optional)~~

(10) If in a VE ~~or V1-30~~ zone and Coastal A, state that there shall be no fill used as structural support. ~~(Optional)~~

(C) *Certification Requirements.*

(1) ***Elevation Certificates***

(a) ~~An elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after the reference level is completed. Within 21 calendar days of establishment of the reference level elevation, or floodproofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the floodplain Administrator a certification of the elevation of the reference level, or floodproofed elevation, whichever is applicable in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-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 progressive work being permitted to proceed. Failure to submit the certification or failure to make said corrections required shall be cause to issue a stop-work order for the project. (State recommended but optional)~~ An Elevation Certificate (FEMA Form FF-206-FY-22-152) 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. 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 FF-206-FY-22-152) is required after the reference level is established. Within **twenty-one (21)** 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. Any work done within the twenty-one (21) 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 elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) 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 constriction of the elevation or floodproofed elevation of the reference level and all attendant utilities. The certification shall be~~

~~prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder 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 the corrections required shall be cause to withhold the issuance of a certificate of compliance/occupancy. (FEMA forms are optional for floodplain management but recommended. The use of the FEMA elevation certificates is mandatory for CRS communities.)~~ A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-22-152) 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. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

(2) *Floodproofing Certificate*

(a) A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), 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 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 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) ~~A V-Zone/breakaway wall certification is required prior to issuance of a floodplain development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the Floodplain Administrator the certification to ensure the design standards of this chapter are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this chapter. This~~

~~certification is not a substitute for an elevation certificate~~. A V-Zone Certification with accompanying design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas and Coastal A zones. It shall be the duty of the permit applicant to submit to the Floodplain Administrator said certification to ensure the design standards of this ordinance are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an Elevation Certificate. In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE and Coastal A Zone construction.

(4) If a manufactured home is placed within an A, AO, AE or Al-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required herein. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(D) The following structures, if located within A, AO, AE or Al-30 zones, are exempt from the elevation/floodproofing certification requirements specified in subsections (A) and (B) above:

(1) Recreational vehicles meeting requirements hereof;

(2) Temporary structures meeting requirements hereof; and

(3) Accessory structures 200 square feet or less meeting requirements hereof.

(Formerly § 151.26; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.16. Corrective procedures.

~~(A) *Violations to be corrected.* When the Floodplain Administrator funds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law pertaining to their property.~~

~~(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 such order to alter, vacate, or demolish the building; or to remove fill as 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, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 days. Where the Floodplain Administrator finds~~

~~that there is imminent danger to life or other property, he 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 local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the Clerk 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 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 from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.~~

(A) *Stop Work Order:* The community may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations.

(B) *Notice of Violation.* If the community determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

(1) The name and address of the owner or the applicant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;

(6) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety

(C) *Additional Enforcement Actions.* If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Town shall first notify the owner, applicant or other responsible person in writing of its intended action. The Town shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, the Town may take or impose any one or more of the following enforcement actions or penalties:

(1) *Termination of utility service and/or withhold or revoke Certificate of Occupancy:* The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violation or violations described therein.

(2) *Suspension, revocation, or modifications of permit:* The Town may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(3) *Civil penalties:* Violation of the provisions of this ordinance 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 North Carolina General Statute § 143-215.58.

(a) Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $100. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Town from taking such other lawful actions, pursuant to North Carolina General Statute § 153A, 160A, and 160D, as is necessary to prevent or remedy any violation.

(b) Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such cases, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.

(D) *Administrative appeal; judicial review.* Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

(1) Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the local elected governing body. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within thirty (30) days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.

(2) All appeals shall be heard and decided by the community's designated Appeal Board, which shall the Board of Adjustment, or their designees. The Board of Adjustment shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a quasi-judicial decision, the decision of the Appeal Board shall be final.

(3) A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the community, after exhausting his/her administrative remedies.

The petition shall be received by the clerk of superior court within 30 days of the date of the local governing body decision.

(E) *Section 1316 Declaration:* Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.

Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

(Formerly § 151.27; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.17. Variance procedures.

~~(A) The Board of Adjustments (appeal board) as established by Town of Beaufort, hereinafter referred to as the Appeal Board, shall hear and decide requests for variances from the requirements of this chapter.~~

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

~~(C) Variances may be issued for 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 the variance is the minimum necessary to preserve the historic character and design of the structure.~~

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

~~(1) The danger that materials may be swept onto other lands to the injury of others; the danger to life and property due to flooding or erosion damage;~~

~~(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~(3) The importance of the services provided by the proposed facility to the community; the necessity to the facility of a waterfront location, where applicable;~~

~~(4) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;~~

~~(5) The compatibility of the proposed use with existing and anticipated development;~~

~~(6) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~(7) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~(8) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~

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

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

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

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

(H) Conditions for variances:

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

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

(3) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

(5) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(I) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met. A floodplain development permit may be issued for such development only if a variance is granted.

(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 level.

(4) The use complies with all other applicable federal, state and local laws.

(5) The Town of Beaufort (community) has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance.

(A) The Board of Adjustment as established by the Town, hereinafter referred to as the “Board”, shall hear and decide requests for variances from the requirements of this ordinance.

(B) Any person aggrieved by the decision of the Board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

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

(3) Any other type of development provided it meets the requirements of 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 ordinance, 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 Article 2 of this ordinance as a functionally dependent 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 ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE

increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to $25 per $100 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 FEMA and the State of North Carolina 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 or sites, 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 Town has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance, in accordance with North Carolina General Statutes §143-215.54A(b).

(Formerly § 151.28; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 151.18. General standards.

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

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

(B) ~~All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~ 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.

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

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment ~~and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~ duct systems, and other building utility systems, equipment, and service facilities shall be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities ~~These~~ include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures plumbing fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances ~~(i.e., washers, dryers, refrigerator and the like)~~, hot water heaters, fuel tanks, and electric outlets/switches.

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

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

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

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

(I) Non-conforming structures or other development may not be enlarged, replaced or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback, provided that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area or stream setback is not increased and provided that the repair, reconstruction or replacement meets all of the other requirements of this chapter.

(J) New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted, except by variance as specified in Section 151.17 ~~in special~~

~~flood hazard areas~~. 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 hereto.

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

(L) 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.

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

(N) 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.

(O) 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.

(P) When a building or structure is located in more than one flood hazard zone or in a flood hazard zone with multiple base flood elevations, the provisions for the most restrictive flood hazard zone and the highest BFE shall apply.

(Q) Structural fill, only permitted outside the VE and Coastal A zones, shall not be used unless design and construction of the structural fill accounts for the following:

(1) consolidation of the underlying soil under the weight of the fill and the structure,

(2) differential settlement due to variations in fill composition and characteristics, and

(3) slope stability and erosion control during conditions of the base flood.

(Formerly § 151.40; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.19. Specific standards.

In all special flood hazard areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article III, the following provisions are required:

(A) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation. Structures located in A, AO, AE, AH and A99 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth herein.

(C) *Manufactured homes.*

(1) 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.

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

(3) All foundation enclosures or skirting shall be in accordance herewith.

(4) 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 floodprone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.

(D) *Elevated buildings.* Fully enclosed area, of new construction and substantially improved structures, which is below the reference level as defined in Section 151.05. Definitions:

(1) ~~New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation~~ Shall not be designed to be used for human habitation, but shall be designed to be used only 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;

(2) Shall be constructed entirely of flood resistant materials below the Regulatory Flood Protection Level and meet the following design criteria:

~~(1) In A, AO, AE, and A1-30 zones:~~

(3) ~~*Measures.* Measures for complying with this requirement shall be designed~~ Shall include flood openings to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

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

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

(c) If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter and exit;

(d) The bottom of all required openings shall be no higher than one foot above the adjacent grade ~~and~~

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

(4) Shall not be temperature-controlled or conditioned.

(5) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space. The Town will have the right to inspect the enclosed area. The Town will conduct annual inspections. This agreement shall be recorded with the Carteret County Register of Deeds and shall transfer with the property in perpetuity.

(E) *Foundation enclosures.*

(1) Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.

(2) Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this chapter.

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

~~(1) In Coastal High Hazard Areas (VE and V1-30 zones):~~

~~(a) Breakaway walls, lattice work or decorative screening. Breakaway walls, lattice work or decorative screening shall be allowed below the regulatory flood protection elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:~~

~~1. Material shall consist of open wood lattice or mesh insect screening; or~~

~~2. Breakaway walls meeting the following design specifications:~~

~~a. Design safe loading resistance of each wall shall be not less than ten nor more than 20 pounds per square foot; or~~

~~a. If more than 20 pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.~~ **SECTION RELOCATED TO Standards for Coastal High Hazard Areas (Zone VE and V1-30 Zones) Coastal A Zones.**

(F) *Additions/improvements.*

(1) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure

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

(b) 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 must comply with the standards for new construction.

(2) ~~Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.~~ Additions to pre-FIRM or post-FIRM structures, except in VE and Coastal A zones, that are a substantial improvement with no modifications, rehabilitations, and/or 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.

(3) ~~Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:~~ Additions to post-FIRM structures, including any modifications, rehabilitations, and/or improvements to the existing structure are:

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

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

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

(5) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a 5 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 5 year period begins on the date of completion for the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. 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:

(a) 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.

(b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 151.17 of this ordinance.

(G) *Recreational vehicles.* ~~Recreation vehicles placed on sites within a special flood hazard area shall either:~~ Recreational vehicles shall meet the following:

(1) Placement of a Recreational Vehicle in the Regulatory Floodway, Non-Encroachment Area, Coastal A Zone, or Coastal High Hazard Area (VE) is prohibited. This includes both temporary and permanent placement.

(2) *Temporary Placement*

(a) Be on site for fewer than 180 consecutive days and;

(b) 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

(a) ~~Meet all the requirements for new construction, including anchoring and elevation requirements hereof.~~

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

(H) *Temporary Non-Residential structures.* Prior to the issuance of a floodplain development permit for a temporary structure, ~~the following requirements must be met:~~ applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. ~~The plan must include the following information:~~ The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(1) A specified time period for which the temporary use will be permitted; Time specified may not exceed three (3) months, renewable up to one (1) year;

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

(3) 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);

(4) A copy of the contract or other suitable instrument with ~~a trucking company to insure the availability of removal equipment when needed; and~~ the entity responsible for physical removal of the structure; and

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

~~(1) The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.~~

(I) *Accessory structures.* When accessory structures (sheds, detached garages and the like) with a footprint of no more than 600 square feet are ~~to be~~ placed within ~~a Special Flood Hazard Area,~~ A, AO, AH, AE and A99 flood zones, and no more than 100 square feet in VE and Coastal A zones, wet floodproofing may be permitted when the following criteria shall be met:

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

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

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

(4) Accessory structures shall be firmly anchored in accordance herewith;

(5) All service facilities such as electrical and heating equipment shall be installed in accordance herewith;

(6) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance herewith;

(7) An accessory structure with a footprint less than 200 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance herewith.

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

(9) Accessory structures, regardless of the size or cost, shall not be placed below elevated buildings in Coastal A and VE zones;

(10) All other accessory structures exceeding the size restrictions in Section 151.19.9 above must comply with the elevation or floodproofing standards and certification requirements in accordance with 151.15 (C).

(11) An accessory structure with a footprint of 200 square feet or less in A, AO, AH, AE and A99 zones satisfying the criteria outlined above in Section 151.15.4 is not required to meet the elevation or floodproofing certification requirements of Section Section 151.15 All other accessory structures must comply with the elevation or floodproofing certification requirements in accordance with 151.19 (I).

(J) *Tanks.* When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(1) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(2) *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;

(3) *Above-ground tanks, not elevated.* Above-ground fuel tanks that do not meet the elevation requirements of Section 151.19 (B) of this ordinance shall not be permitted in VE or Coastal A Zones. Fuel tanks may be permitted in other flood hazard areas, and septic tanks may be permitted in any flood-hazard area, provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(4) *Tank inlets and vents.* Tank inlets, fill openings, manufactures and vents shall be:

(a) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(K) *Other Development.*

(1) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 151.19

(2) 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 151.19 of this ordinance.

(3) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 151.19 of this ordinance.

(4) Commercial storage facilities are not considered "limited storage" as noted in this ordinance and shall be protected to the Regulatory Flood Protection Elevation as required for non-residential structures.

(Formerly § 151.41; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.20. Standards for Coastal High Hazard Areas (Zone VE and V1-30 Zones) Coastal A Zones.

Coastal High Hazard Areas (Zone VE) and Coastal A zones are Special Flood Hazard Areas established herein, ~~and designated as Zones VE or V1-30~~. These areas have special flood hazards associated with high velocity waters from surges or seismic activity and, therefore, ~~in addition to meeting all provisions in this chapter, the following provisions shall apply to all new construction, substantial improvements and all other development:~~ all new construction and substantial improvements shall meet the following provisions in addition to the provisions

~~(A) All development shall:~~

~~(1) All development shall be located landward of the reach of mean high tide;~~

~~(2) Be located landward of the first line of stable natural vegetation, and~~

~~(3) Comply with all applicable CAMA setback requirements.~~

~~(B) All development shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than the regulatory flood protection elevation. Floodproofing may not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements.~~

~~(C) All space below the regulatory flood protection elevation shall be open so as not to impede the flow of water.~~

~~(D) Open wood lattice work or mesh insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with [CHECK: Reference missing in source text: Section 151.41]. Design plans shall be submitted in accordance with [CHECK: Reference missing in source text: Section 151.26(A)(3)(c)].~~

~~(E) All development shall be securely anchored on pilings or columns.~~

~~(F) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.~~

~~(G) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in [CHECK: Reference missing in source text: Section 151.41] and subsections (D), (E) and (H).~~

~~(H) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, thereby rendering the building free of obstruction prior to generating excessive loading forces, ramping effects, or wave deflection. Design plans shall be submitted in accordance with [CHECK: Reference missing in source text: Section 151.26]. The Floodplain Administrator may approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist which demonstrates that the following factors have been fully considered:~~

~~(1) Particle composition of fill material does not have a tendency for excessive natural compaction;~~

~~(2) Volume and distribution of fill will not cause wave deflection to adjacent properties; and,~~

~~(3) Slope of fill will not cause wave run-up or ramping.~~

~~(I) There shall be no alteration of sand dunes which would increase potential flood damage.~~

~~(J) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards are in compliance with this section of code.~~

~~(K) Recreational vehicles shall be permitted in coastal high hazard areas provided that they meet the recreational vehicle criteria of [CHECK: Reference missing in source text: Section 151.41] and the temporary structure provisions of [CHECK: Reference missing in source text: Section 151.41(F)].~~

(A) All new construction and substantial improvements shall:

(1) Be located landward of the reach of mean high tide; and

(2) Comply with all applicable CAMA setback requirements.

(B) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas or Coastal A zones to satisfy the regulatory flood protection elevation requirements.

(C) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:

(1) Material shall consist of open wood or plastic lattice having at least 40 percent of its area open, or

(2) Insect screening; or

(3) Breakaway walls meeting the following design specifications:

(a) Breakaway walls shall have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads, per Section 151.19 (B); and

(b) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or

(c) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(D) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(1) Water loading values used shall be those associated with the base flood.

(2) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

(E) For concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:

(1) Shall be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris; and

(2) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure. The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x 4 feet maximum segments is acceptable to meet this standard; and

(3) Reinforcing, including welded wire fabric, shall not be used to minimize the potential for concreted pads being a source of debris; and

(4) Pad thickness shall not exceed 4 inches; or

(5) Provide a Design Professional's certification stating the design and method of construction does not adversely affect the structure with which the concrete pad (including patios, decks, parking pads, walkways, driveways, pool decks, etc.) is associated, or nearby structures, by diverting floodwater and waves or creating debris capable of causing significant damage during base flood conditions.

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

(1) Be designed to withstand all flood-related loads and load combinations. Flotation calculations should assume the pools/spas are empty.

(2) Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or

(3) Be located and installed in-ground in compliance with either of the following:

(a) Designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or

(b) Designed and constructed to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.

(4) Registered design professionals must certify to local officials that a pool or spa beneath or near a building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.

(5) Pool equipment shall be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.

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

(1) Elevator enclosures must be designed to resist hydrodynamic and hydrostatic forces as well as erosion, scour, and waves.

(2) Utility equipment must not be mounted on, pass through, or be located along breakaway walls.

(3) The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counterweight and roller guides, hoist cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel are all required to be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using flood damage-resistant components.

(4) If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.

(H) Accessory structures, regardless of size or cost, shall not be permitted below elevated structures.

(I) For Fill/Grading, the following is required:

(1) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

(2) The fill material must be similar and consistent with the natural soils in the area.

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

(K) For decks and patios the following is required:

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the Regulatory Flood Protection Elevation and any supporting members that extend below the Regulatory Flood Protection Elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck. The increased loads must be considered in the design of the primary structure and included in the V-Zone Certification required under Section 151.15.

(2) (A deck or patio that is located below the Regulatory Flood Protection Elevation shall be structurally independent from buildings or structures and their foundation systems and shall be

designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(L) Development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.

(M) Placement of recreational vehicles in the Coastal High Hazard Area or Coastal A zone is prohibited.

(N) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor, or the detached accessory building shall not be improved, or otherwise converted; The Town will have the right to inspect the enclosed area. This agreement shall be recorded with the Carteret County Register of Deeds and shall transfer with the property in perpetuity.

(O) A registered professional engineer or architect shall certify that the design, specifications, plans and construction are compliant with the provisions of Sections 151.15 and 151.20

(Formerly § 151.46; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.21. Standards for areas of shallow flooding (AO zones).

Located within the Special Flood Hazard Areas established herein, 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 Sections 151.18 and 151.19, all new construction and substantial improvements shall meet the following requirements:

~~(A) The following provisions shall apply within such areas:~~

~~(1) All new construction and substantial improvements of all structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least to the regulatory flood protection elevation as defined for the Special Flood Hazard Areas where no BYE has been established.~~

~~(2) All new construction and substantial improvements of non-residential structures shall have the option to, in lieu of elevation, be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is 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 Sections [CHECK: Reference missing in source text: [CHECK: Reference missing in source text: Section 151.26]](C) and 151.41(B).~~

(A) 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 2 feet, above the highest adjacent grade; or at least 2 feet above the highest adjacent grade if no depth number is specified.

(B) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in [CHECK: Reference missing in source text: Article 5, Section I(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 in accordance with Section 151.15

(C) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(Formerly § 151.47; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.22. Standards for areas of shallow flooding (Zone AH).

Located within the Special Flood Hazard Areas established in [CHECK: Reference missing in source text: Article 3, Section B], 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 151.18 and 151.19, all new construction and substantial improvements shall meet the following requirements:

(A) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

(Ord. 26-___, passed ___-___-2026)

Sec. 151.23. Standards for floodplains without established base flood elevations.

Within the special flood hazard areas established herein, where no Base Flood Elevation (BFE) data has been provided, the following provisions shall apply:

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

~~(B) If § 151.42 is satisfied and Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with elevations established in accordance herewith. When Base Flood Elevation (BFE) data is not available from a federal, state or other source, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade. (Two feet is minimum but a state standard, greater than two feet is optional.)~~

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

(a) When 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 ordinance and shall be elevated or floodproofed in accordance with standards in Sections 151.18 and 151.19.

(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 non-encroachment areas shall also comply with the requirements of Sections 151.18, 151.19, and 151.25..

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

(d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Sections 151.18 and 151.19 shall also apply.

(Formerly § 151.43; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.24. Standards for floodplains with BFE but without established floodways or non-encroachment areas.

Along rivers and streams where Base Flood Elevation (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, 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.

(Formerly § 151.44; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

Sec. 151.25. Standards for Floodways and non-encroachment areas.

Located within the special flood hazard areas established herein are areas designated as floodways or non-encroachment areas. 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 shall apply to all development within such areas:

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

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

b. ~~If these provision are satisfied, all development shall comply with all applicable flood hazard reduction provisions of this chapter.~~ A Conditional Letter of Map Revision (CLOMR) has been issued by FEMA for proposed encroachments resulting in increases in the flood levels during

the occurrence of the base flood discharge. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment.

c. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with Article 5, Section F(1)(a), if the encroachment results in changes to the floodway/non-encroachment area widths, and/or changes to the stream location.

(2) ~~No~~ Manufactured homes ~~shall~~ may be permitted~~, except replacement manufactured homes in an existing substa home park or subdivision~~ provided the following provisions are met:

(a) The anchoring and the elevation standards hereof the no encroachment standards hereof are met.

(b) The ~~no~~ encroachment standards of Section 151.25 (1) are met.

(3) Placement of recreational vehicles in the regulatory floodway or non-encroachment area is prohibited.

(Formerly § 151.45; Ord. 03-018, passed 7-7-2003; Ord. 26-___, passed ___-___-2026)

ARTICLE IV. LEGAL STATUS PROVISIONS

Sec. 151.26. Effect on rights and liabilities under the existing flood damage prevention ordinance.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted July 7, 2003 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 ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the Town enacted on July 16, 2003, as amended, which are not reenacted herein are repealed.

(Ord. 26-___, passed ___-___-2026)

Sec. 151.27. 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 ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

(Ord. 26-___, passed ___-___-2026)

Sec. 151.28. Severability.

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

(Ord. 26-___, passed ___-___-2026)

2026 NC Flood Damage Prevention Ordinance, Coastal

Instructions:

1. Where you see sections of text highlighted in grey (i.e., Governing Body), select the entire highlighted text and enter in the information as requested (i.e., City Council, Board of Aldermen, etc.). This should delete the grey highlighted text and replace with your information.

2. Sections, definitions, or text highlighted in BLUE is optional language to include in your jurisdictions flood ordinance.
    a. If you elect to maintain the optional language in your flood ordinance, remove the italics, return the text color to black, and delete "**(OPTIONAL Language…)**" and any other instructions in the parenthesis.
    b. If you elect to delete the optional language, delete in its entirety including the bullet and instructions (i.e., OPTIONAL Language). If the section must be reserved to maintain references throughout the document, these instructions will be included in the parenthesis.

3. Sections, definitions, or text highlighted in GREEN are new or revised language to include in your jurisdictions flood ordinance.
    a. If you elect to maintain the new language or revise your existing language to reflect the updated or revised language, return the text color to black.
    b. If the new or revised language provides instructions such as, *(this amount should be consistent with Article 3, Section H)*, delete the instructions and parenthesis.

4. Contact your North Carolina NFIP Eastern Branch Planner with any questions and to allow for a review of the revisions prior to adoption to ensure accuracy and compliance.

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Eastern Branch NFIP Planner
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NC NFIP Coordinator
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FLOOD DAMAGE PREVENTION ORDINANCE

Coastal Regular Phase

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

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

Therefore, the Governing Body of Community Name, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

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

(2) These flood losses are caused by the cumulative effect of obstructions, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood prone areas by uses vulnerable to floods or other hazards. These obstructions and occupancy by uses vulnerable to floods may be hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance 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.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

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

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

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the

general public;

(4) Minimize prolonged business losses and interruptions;

(5) 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) Minimize damage to private and public property due to flooding;

(7) Make flood insurance available to the community through the National Flood Insurance Program;

(8) Maintain the natural and beneficial functions of floodplains;

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

(10) Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

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

"A Zone" is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

"AE Zone" is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

"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.

"AH Zone" is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.

"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.

"AO Zone" is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"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 (1) to three (3) 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)".

"Area of Future-Conditions Flood Hazard" means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology. (**Italicized Text OPTIONAL**)

"Base Flood" means the flood having a 1% 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, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation".

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

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

"Building" see definition of "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.

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

"Coastal A Zone (CAZ)" means an area within a Special Flood Hazard Area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see also definition of "Limit of Moderate Wave Action (LiMWA))

"Coastal Barrier Resources System (CBRS)" consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

"Coastal High Hazard Area" means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.

"Community" means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Community Flood Hazard Area (CFHA)" is an area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical flood information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams. **(Italicized Text OPTIONAL)**

"Community Floodplain Management Map" means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source. **(Italicized Text OPTIONAL)**

"Community Rating System (CRS)" means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

"Critical facility (also called critical action)" means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste.

"Design Flood" See definition of "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, and 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 NCGS 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.

"Dry Floodproofing" means a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. Please refer to Technical Bulletin 3, *Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings*, and available from the FEMA.

"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 special flood hazard area, 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 the initial Flood Insurance Rate Map (FIRM) for the community, dated _____.

"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) is completed before the effective date of the floodplain management regulations adopted by a community, dated _____.

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
  (1) The overflow of inland or tidal waters.
  (2) The unusual and rapid accumulation or runoff of surface waters from any source.
  (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the FEMA, 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 a community, issued by the FEMA, 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 FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also definition of "DFIRM")

"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 FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see definition of "Floodplain"

"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.

"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 ordinance, 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 ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. 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 floodwaters 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 the 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 (1) 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 hydraulic models meeting the minimum requirement of the National Flood Insurance Program.

"Freeboard" means the height added to the 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, blockage of bridge or

culvert openings, storm surge or precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE 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, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Management Facility" means, as defined in NCGS 130A, Article 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:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
(b) 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;
(c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
(d) 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 US 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:

(a) 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.
(b) 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.
(c) 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.
(d) 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:

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

"Limit of Moderate Wave Action (LiMWA)" means the boundary line developed by FEMA on coastal map studies marking the approximate landward extent of the 1.5-foot breaking wave of the Coastal A Zones (CAZ).

"Lowest Adjacent Grade (LAG)" means the lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means the 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 ordinance.

"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 has 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 (https://fris.nc.gov/) is the map repository. Repositories of historical flood hazard data are available on the Flood.NC website (https://flood.nc.gov/ncflood/) and the FEMA Flood Map Service Center website (https://msc.fema.gov/portal/home).

"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.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"New Manufactured Home Park or 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) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Non-Conversion Agreement" means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk's or recorder's stamps and/or notations that the filing has been completed. **(Italicized Text OPTIONAL)**

"Non-Encroachment Area (NEA)" 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 (1) foot as designated in the Flood Insurance Study report.

"Otherwise Protected Area (OPA)" see definition of "Coastal Barrier Resources System (CBRS)".

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after insert date of community's first FIRM , the effective date of the initial Flood Insurance Rate Map. *(The initial FIRM date can be found in the FEMA Community Status Book.)*

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before insert date of community's first FIRM , the effective date of the initial Flood Insurance Rate Map. *(The initial FIRM date can be found in the FEMA Community Status Book.)*

"Primary Frontal Dune (PFD)" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct

change from a relatively steep slope to a relatively mild slope.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure, less land value, 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:

(a) Built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) Designed to be self-propelled or permanently towable by a light duty truck;
(d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
(e) Is fully licensed and ready for highway use.
(f) Has no attached deck, porch, or shed, and
(g) Has quick-disconnect sewage, water, and electrical connectors.

For the purpose of this ordinance: "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures under this ordinance. **(Italicized Text OPTIONAL)** ***page49 in RV definition***

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE or Coastal A Zone (CAZ).
(OPTIONAL ALTERNATIVE HIGHER STANDARD for "Reference Level" definition) *"Reference Level" is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.*

"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* Insert freeboard [four (4) feet (Four feet is the state recommended freeboard)] feet freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least Insert feet [Four (4) feet is a state-recommended elevation, two (2) feet is a state-recommended minimum] feet above the highest adjacent grade. *In areas where no base flood elevations exist from any authoritative source, the flood protection elevation may be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus the freeboard.* **(Italicized Text OPTIONAL)**

"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.

"Repetitive Loss" means flood-related damages 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.

"Repetitive Loss Property" is any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

"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.

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

"Section 1316" means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood

insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

"Severe Repetitive Loss Structure" means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

1. Four or more separate claim payments of more than $5,000 each (including building and contents payments); or
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

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

"Solid Waste Disposal Facility" means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

"Solid Waste Disposal Site" means, as defined in NCGS 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 (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

"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 (RECOMMENDED HIGHER STANDARD: choose cumulative damage sustained over a period of time exceeding one year (i.e., 5- or 10-year period)) whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (RECOMMENDED HIGHER STANDARD: choose a percent damaged that is less than 50% (i.e. 30%)) of the market value of the structure before the damage occurred. (RECOMMENDED HIGHER STANDARD: By adding the following text for Increased Cost of Compliance (ICC) eligibility). *Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.* [**CRS communities are eligible for up to 20 CRS points for adopting RECOMMENDED Text for Substantial Damage]**

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period (RECOMMENDED HIGHER STANDARD: choose cumulative improvement sustained over a period of time exceeding one year (i.e., 5- or 10-year period)) for which the cost equals or exceeds 50 percent (RECOMMENDED HIGHER STANDARD: choose a percent improvement that is less than 50% (i.e. 30%)) 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:

(a) 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

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued

designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

[CRS communities are eligible for up to 20 CRS points for adopting RECOMMENDED Text for Substantial Improvement]

"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 existing 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.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. **(Italicized Text OPTIONAL)**

"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 ordinance.

"VE Zone" is the Special Flood Hazard Areas subject to inundation by the 1% annual chance of flooding and high velocity wave action from storm surges and seismic activity. Base flood elevations have been derived from detailed hydraulic analyses.

"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 4 and 5 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSEL)" means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or 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.

"X Zones" means areas determined to be low to moderate risk flood zones and are located outside the community's delineated Special Flood Hazard Area (SFHA) and include the following:

(a) Shaded - is the area of moderate flood hazard and can represent:
    (1) 0.2% annual chance flood hazard area (500-year flood zone),
    (2) Areas of 1% annual chance flood with average depth less than one (1) foot, or
    (3) Areas of 1% annual chance flood with drainage areas of less than one (1) square mile
(b) Unshaded - is the area of minimal flood hazard determined to be outside of the 0.2% annual chance flood (500-year flood zone).

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard *Areas and Community Flood Hazard Areas (CFHAs) as defined in Article 2. Definitions* within the jurisdiction*, including Extra-Territorial Jurisdictions (ETJs) and Bona Fide Farms as allowed by law*, of Community Name. **[Italicized Text OPTIONAL for communities only if exercising an extra-territorial jurisdiction** or CFHAs].

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS *AND COMMUNITY FLOOD HAZARD AREAS.* (Italicized Text OPTIONAL for communities only if exercising a CFHA)

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated Insert effective date shown on FIS for County Name County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

(ITALICIZED TEXT IS OPTIONAL LANGUAGE which may be added in whole or by section)

When Preliminary Flood Insurance Studies and Flood Insurance Rate Maps have been provided by FEMA to Community Name*:*

(1) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.

(2) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administrating these regulations.

When Advisory Flood Studies have been provided by the North Carolina Floodplain Mapping Program to the Community Name*:*

(1) The data, which are adopted by reference and declared a part of this ordinance, shall be utilized where no base flood elevations or floodway areas exist, or where the Advisory Flood Studies exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA, or

(2) The applicant shall provide a more detailed analysis of the flood hazards for the site for floodplain management purposes.

The community reserves the right to require further studies for any development within its jurisdiction, if there is evidence that a potential flood hazard exists. Studies can be used to designate Community Flood Hazard Areas (CFHA). Such evidence may include but shall not be limited to:

(1) Eyewitness accounts of historic flooding or other reports of historic flooding deemed credible by the community;

(2) Surveyed high-water marks;

(3) Geologic features observed that resemble floodplains (such as flat areas along streams);

(4) Proximity to manmade or natural constrictions in or along a watercourse (such as road crossings that can cause backwater effects), and;

(5) Drainage basin characteristics (such as drainage area, slope, percent impervious cover, land use, etc.).

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas *and Community Flood Hazard Areas* **(Italicized Text *OPTIONAL* for communities only if exercising a CFHA)** determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. 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 ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION F. INTERPRETATION.

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

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

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of Community Name or by any officer or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance 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 North Carolina General Statute § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall be fined not more than Insert Dollar Amount (recommend minimum of $100.00 or some other reasonable amount that is consistent with similar community ordinances). Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Community Name from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Staff Title, hereinafter referred to as the "Floodplain Administrator", or their designee, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(1) **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 *and Community Flood Hazard Areas* **(Italicized Text OPTIONAL, if applicable)**. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

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

(i) 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;

(ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM, *Community Flood Hazard Area* **(Italicized Text OPTIONAL, if applicable)**, or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;

(iii) Flood zone(s) designation of the proposed development area as determined on the FIRM, *by the community*

(Italicized Text OPTIONAL, if applicable), or other flood map as determined in Article 3, Section B;

(iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;

(v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D*, or by the community* **(Italicized Text OPTIONAL, if applicable)**;

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

(vii) The boundary and designation date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected Areas (OPA), if applicable; and

(viii) The certification of the plot plan by a registered land surveyor or professional engineer. **(Italicized Text OPTIONAL language)**

(b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area *or Community Flood Hazard Area* **(Italicized Text OPTIONAL, if applicable)** including but not limited to:

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

(ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and

(iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

(c) If floodproofing, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

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

(i) 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); and

(ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used.

(iii) The following, in Coastal High Hazard Areas and Coastal A Zones, in accordance with the provisions of Article 5, Section B(4)(e) and Article 5, Section G:

(1) V-Zone Certification with accompanying plans and specifications verifying the engineered structure and any breakaway wall designs; *In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE and Coastal A Zone construction.* **(Italicized Text OPTIONAL)*;***

(2) Plans for open wood latticework or insect screening, if applicable; and

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

(e) Usage details of any enclosed areas below the lowest floor.

(f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water

systems to be located and constructed to minimize flood damage.

(g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

(h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.

(i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

(a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.) including a cost estimate.

(b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.

(c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

(d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.

(e) All certification submittal requirements with timelines.

(f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 5, Section F have been met.

(g) The flood openings requirements.

(h) Limitations of below BFE enclosure uses, if applicable (i.e., parking, building access and limited storage only).

(i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

(j) A statement, if in Zone VE and Coastal A, that there shall be no alteration of sand dunes which would increase potential flood damage.

(k) A statement, if in Zones VE and Coastal A, that there shall be no fill used for structural support.

(3) **Certification Requirements.**

(a) Elevation Certificates **(Page 32 Contains some of the text below: Ask NFIP why the model now states 7 days in place of the previous 21 days,**

(i) *An Elevation Certificate (FEMA Form FF-206-FY-22-152) 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. 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.* **(Italicized Text OPTIONAL but STATE RECOMMENDED)**

(ii) *An Elevation Certificate (FEMA Form FF-206-FY-22-152) is required after the reference level is established. Within seven (7) 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. Any work done within the seven (7) 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. **(Italicized Text OPTIONAL but STATE RECOMMENDED)**

(iii) A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-22-152) 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. *The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.* (**Italicized Text OPTIONAL but this language in its entirety is required for CRS PARTICIPATION.) FEMA Requirementscrs**

(b) Floodproofing Certificate

(i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153), with supporting data, an operational plan, and an inspection and maintenance plan are 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. 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 operational plan, and the inspection and maintenance 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. **(Italicized Text OPTIONAL. The FEMA Floodproofing Certificate Is Optional At The Time Of Initial Permitting But Recommended To Ensure Compliance With This Ordinance And Properly Permit The Structure.)**

(ii) A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), 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 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 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.

(c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).

(d) 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.

(e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:

(i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(c);

(ii) Temporary Structures meeting requirements of Article 5, Section B(7); and

(iii) Accessory Structures that are 150 square feet or less and meeting requirements of Article 5, Section B(8).

(f) A V-Zone Certification with accompanying design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas and Coastal A zones. It shall be the duty of the permit applicant to submit to the Floodplain Administrator said certification to ensure the design standards of this ordinance are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an Elevation Certificate. *In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE and Coastal A Zone construction.* **(Italicized Text OPTIONAL)**

(4) **Substantial Improvement/Damage determinations 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:

(a) 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;

(b) Compare the cost to perform the 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;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(d) 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 ordinance is required.

SECTION C. 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 *or Community Flood Hazard Areas* ***(*Italicized Text OPTIONAL, if applicable*)*** to assure that the requirements of this ordinance have been satisfied.

(2) Review all proposed development within Special Flood Hazard Areas *or Community Flood Hazard Areas* **(Italicized Text OPTIONAL, if applicable)** 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.

(3) Notify adjacent communities and the North Carolina Department of 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.

(5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.

(6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).

(7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).

(8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).

(9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(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 article.

(11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including *Community Flood Hazard Data and* **(Italicized Text OPTIONAL, if applicable)** data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.

(12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, 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 ordinance.

(13) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

(14) 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.

(15) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, 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 or in charge of 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.

(16) 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, and 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.

(17) Make periodic inspections throughout the Special Flood Hazard Areas *or Community Flood Hazard Area* **(Italicized Text OPTIONAL, if applicable)** 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.

(18) Follow through with corrective procedures of Article 4, Section D.

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

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

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

(22) Make substantial improvement and post event damage assessments and determinations:

(a) Conduct damage assessments for damaged structures located within the SFHA *or Community Flood Hazard Area*. (**Italicized Text OPTIONAL,** if applicable)

(b) Complete substantial improvement/damage determinations in accordance with the provisions of Article 4, Section B(4).

(23) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. However, if the property is to be removed from the V Zone it must not be located seaward of the landward toe of the primary frontal dune. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file. ***(Italicized Text OPTIONAL)***

(24) In any lot or lots/areas located outside Coastal High Hazard Areas or Coastal A Zones that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation. ***((*Italicized Text OPTIONAL – *DELETE if the community prohibits fill in the SFHA or for structural support/elevation.)***

SECTION D. CORRECTIVE PROCEDURES.

(1) Stop Work Order: The community may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations.

(2) Notice of Violation. If the community determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

(a) The name and address of the owner or the applicant or the responsible person;

(b) The address or other description of the site upon which the violation is occurring;

(c) A statement specifying the nature of the violation;

(d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit

or this ordinance and the date for the completion of such remedial action;

(e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;

(f) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).

(3) Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Community Name shall first notify the owner, applicant or other responsible person in writing of its intended action. The Community Name shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, the Community Name may take or impose any one or more of the following enforcement actions or penalties:

(a) Termination of utility service and/or withhold or revoke Certificate of Occupancy: The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violation or violations described therein.

(b) Suspension, revocation, or modifications of permit: The community may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(c) Civil penalties: Violation of the provisions of this ordinance 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 North Carolina General Statute § 143-215.58.

(i) Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Insert Dollar Amount *(this amount should be consistent with Article 3, Section H)*. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Community Name from taking such other lawful actions, pursuant to North Carolina General Statute § 153A, 160A, and 160D, as is necessary to prevent or remedy any violation.

(ii) Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such cases, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.

(4) Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

(a) Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the local elected governing body. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within thirty (30) days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.

(b) All appeals shall be heard and decided by the community's designated Appeal Board, which shall be Insert

Appeals Board, or their designees. The Appeal Board shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a quasi-judicial decision, the decision of the Appeal Board shall be final.

(c) A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. The petition shall be received by the clerk of superior court within 30 days of the date of the local governing body decision.

(5) Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.

Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

SECTION E. VARIANCE PROCEDURES.

(1) The Insert appeal board name (The Board of Adjustment is a common appeal board) as established by Community Name, hereinafter referred to as the "Board", shall hear and decide requests for variances from the requirements of this ordinance.

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

(3) Variances may be issued for:

(a) 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;

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

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

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

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

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

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

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

(e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally

dependent facility, where applicable;

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

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

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

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

(j) 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

(k) 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.

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

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

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

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

(9) Conditions for Variances:

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

(b) 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.

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

(d) Variances shall only be issued prior to development permit approval.

(e) Variances shall only be issued upon:

(i) A showing of good and sufficient cause;

(ii) A determination that failure to grant the variance would result in exceptional hardship; and

(iii) 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.

(10) A variance may be issued for solid waste disposal facilities or sites, 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.

(a) The use serves a critical need in the community.

(b) No feasible location exists for the use outside the Special Flood Hazard Area.

(c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

(d) The use complies with all other applicable federal, state and local laws.

(e) The Community Name has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance, in accordance with North Carolina General Statutes §143-215.54A(b).

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. 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, duct systems, and other building utility systems, equipment, and service facilities shall be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

(a) Replacements part of a substantial improvement must 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 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) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance 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 ordinance.

(9) 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 Article 4, Section E(10). 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 in accordance with the provisions of Article 4, Section B(3).

(10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(11) 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.

(12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(13) 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 building or structure is located in more than one flood hazard zone or in a flood hazard zone with multiple base flood elevations, the provisions for the most restrictive flood hazard zone and the highest BFE shall apply.

(16) Structural fill, only permitted outside the VE and Coastal A zones, shall not be used unless design and construction of the structural fill accounts for the following:

(a) consolidation of the underlying soil under the weight of the fill and the structure,

(b) differential settlement due to variations in fill composition and characteristics, and

(c) slope stability and erosion control during conditions of the base flood.

(17) *Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).* **(Italicized Text OPTIONAL. Maximum 280 CRS points possible. Note: This should be consistent with Article 5, Section G (9)(e) in coastal areas.)**

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, 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 (RFPE), as defined in Article 2 of this ordinance.

(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 (RFPE), as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the RFPE 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 Article 5, Section I (2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B (3), along with the operational plan and the inspection and maintenance plan.

(3) Manufactured Homes.

(a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home

is no lower than the Regulatory Flood Protection Elevation (RFPE), as defined in Article 2 of this ordinance.

(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, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (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 thirty-six (36) inches in height, an engineering certification is required.

(c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B (4) below.

(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 reference level as defined in Article 2. Definitions:

(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 be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

(c) Shall include 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:

(i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;

(ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

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

(iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;

(v) 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

(vi) 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.

(d) *Shall not be temperature-controlled or conditioned.* **(Italicized Text OPTIONAL but strongly encouraged.)** **Included on page 11**

(e) Shall, in Coastal High Hazard Areas and Coastal A zones, also meet the requirements of Article 5, Section G.

(e) *Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space (30 CRS points); Community Name will have the right to inspect the enclosed area* **(30 CRS**

points). *Community Name will conduct annual inspections* **(30 CRS points)**. *This agreement shall be recorded with the Insert County Name County Register of Deeds and shall transfer with the property in perpetuity.* **(Italicized Text OPTIONAL. Maximum total of 90 CRS points) Recommend to add :If regulations require that the owner of a building sign a nonconversion agreement that is filed with the deed and other property records, then)**

(f) 90 points, if the community will inspect the enclosed area at least once a year, OR

(g) 60 points, if the community is granted the right to inspect the enclosed area at any time, OR
(h) 30 points, if the agreement does not mention Inspections

(g) *All building enclosures, of any size, are prohibited below RFPE, including those with breakaway walls. Screening and open latticework are not considered enclosures.* **(Italicized Text OPTIONAL. Maximum 240 CRS points) (Activity 430: Higher Regulatory Standards), communities can receive up to 240 points for prohibiting enclosures below the Required Flood Protection Elevation (RFPE).**

(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:

(i) 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.

(ii) 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 must comply with the standards for new construction.

(b) Additions to pre-FIRM or post-FIRM structures, except in VE and Coastal A zones, that are a substantial improvement with no modifications, rehabilitations, and/or 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 to post-FIRM structures, including any modifications, rehabilitations, and/or improvements to the existing structure are:

(i) 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.

(ii) 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 a Insert number of years (One (1) year minimum is required) year period (CRS recommends a 5- or 10-year period. Language must be consistent with the definition of "Substantial Improvement"), the cumulative cost of which equals or exceeds 50 percent (Communities can also use a value less than 50%, for example, 30%. Language must be consistent with the definition of "Substantial Improvement") 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 Insert number of years (One (1) year minimum is required) year period begins on the date of completion for the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. *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.* **(Italicized Text OPTIONAL, but the repetitive loss portion is required for flood insurance policy holders to be eligible for Increased Cost of Compliance (ICC) benefits for repetitive losses.)** 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:

(i) 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.

(ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

(6) Recreational Vehicles. Recreational vehicles shall meet the following:

(a) Placement of a Recreational Vehicle in the Regulatory Floodway, *Non-Encroachment Area*, *Coastal A Zone*, or Coastal High Hazard Area (VE) is prohibited. This includes both temporary and permanent placement. **(Italicized text is OPTIONAL. Note: This should be consistent with Article 5, Sections F (4) and .)**

(b) Temporary Placement

i. Be on site for fewer than 180 consecutive days; or

ii. 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.)

(c) 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 (3) months, renewable up to one (1) 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.

(a) When accessory structures (sheds, detached garages, etc.) with a footprint of no more than 600 square feet are placed within A, AO, AH, AE and A99 flood zones, and no more than 100 square feet in VE and Coastal A zones, wet floodproofing may be permitted when the following criteria are met:

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

ii. Accessory structures shall not be temperature-controlled;

iii. Accessory structures shall be designed to have low flood damage potential;

iv. Accessory structures shall be constructed and placed on the building site so as to offer the minimum

resistance to the flow of floodwaters;

v. Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);

vi. Accessory structures, regardless of the size or cost, shall not be placed below elevated buildings in Coastal A and VE zones;

vii. All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and

viii. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(c).

(b) All other accessory structures exceeding the size restrictions in Article 5, Section B(8)(a) above must comply with the elevation or floodproofing standards and certification requirements in accordance with Article 4, Section B(3) and Article 5, Section B(2).

An accessory structure with a footprint of 150 square feet or less in A, AO, AH, AE and A99 zones satisfying the criteria outlined above in Article 5, Section B(8)(a) is not required to meet the elevation or floodproofing certification requirements of Article 4, Section B(3). All other accessory structures must comply with the elevation or floodproofing certification requirements in accordance with Article 4, Section B(3).

(9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

(a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

(b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

(c) Above-ground tanks, not elevated. Above-ground fuel tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall not be permitted in VE or Coastal A Zones. Fuel tanks may be permitted in other flood hazard areas, and septic tanks may be permitted in any flood-hazard area, provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

(i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(10) Other Development.

(a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.

(b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section

F of this ordinance.

(c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

(d) Commercial storage facilities are not considered "limited storage" as noted in this ordinance and shall be protected to the Regulatory Flood Protection Elevation as required for non-residential structures.

SECTION C. **STANDARDS FOR AREAS OUTSIDE THE SPECIAL FLOOD HAZARD AREA [X ZONES (SHADED/UNSHADED)]. (OPTIONAL Higher Standard. Replace Title with RESERVED if not used.)**

Areas designated as X Zones (Shaded or Unshaded) on the FIRM or in the FIS report established in Article 3, Section B, are areas determined to be low to moderate risk flood zones but are not immune to inundation by flood waters. The following provisions, in addition to the provisions of Article 5, Sections A and B, shall apply to all development within such areas:

(1) Where 0.2-percent-annual-chance water surface elevations are provided, the reference level in Zone X (Shaded) shall be elevated or floodproofed to at least the 0.2-percent-annual-chance water surface elevation or the Regulatory Flood Protection Elevation, whichever is higher.

(2) Where no flood hazard data is available or provided per Article 3, Section B:

(a) the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least Insert feet (two (2) feet to four (4) feet is recommended) feet above the highest adjacent grade; or

(b) meet the requirements of Article 5, Section C(4).

(3) Where Advisory Flood Studies provide base flood elevations, the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least the advisory BFE *[***Italicized Text OPTIONAL** *communities can also choose to adopt a higher standard (i.e., 1-percent rainfall depth plus, 0.5-percent-annual-chance, 0.2-percent-annual-chance, 0.1-percent-annual-chance, etc.)]* plus a freeboard of Insert feet (two (2) feet to four (4) feet is recommended)feet.

(4) Where a Community Flood Hazard Area (CFHA) is established per Article 3, Section B, the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least the CFHA flood elevation plus a freeboard of Insert feet (two (2) feet to four (4) feet is recommended) feet.

SECTION D. **STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.**

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Sections A and B, shall apply:

(1) No encroachments, including fill, new construction, substantial improvements, or new development shall be permitted within a distance of twenty (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 the following criteria:

(a) When 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 ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.

(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 non-encroachment areas shall also comply with the requirements of Article 5, Sections A, B, and F.

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

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

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source 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 of Article 5, Sections A and B; 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 (1) foot at any point.

SECTION F. STANDARDS FOR FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. 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 Article 5, Sections A and B, shall apply to all development within such areas:

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

(a) It is demonstrated that 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 issued by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment.

(b) A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with Article 5, Section F(1)(a), if the encroachment results in *base flood elevation decreases of more than 0.10-feet (optional)*, changes to the floodway/non-encroachment area widths, and/or changes to the stream location.

(2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

(3) Manufactured homes may be permitted provided the following provisions are met:

(a) The anchoring and the elevation standards of Article 5, Section B(3); and

(b) The encroachment standards of Article 5, Section F(1).

(4) Placement of recreational vehicles in the regulatory floodway *or non-encroachment area* is prohibited. **(Italicized text is OPTIONAL. Note: This should be consistent with Article 5, Section B (6)(a).)**

SECTION G. STANDARDS FOR COASTAL HIGH HAZARD AREAS (ZONE VE) AND COASTAL A ZONES.

Coastal High Hazard Areas (Zone VE) and Coastal A zones are Special Flood Hazard Areas established in Article 3, Section B. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of Article 5, Sections A and B:

(1) All new construction and substantial improvements shall:
(a) Be located landward of the reach of mean high tide; and
(b) Comply with all applicable CAMA setback requirements.

(2) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas or Coastal A zones to satisfy the regulatory flood protection elevation requirements.

(3) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:

(a) Material shall consist of open wood or plastic lattice having at least 40 percent of its area open, or

(b) Insect screening; or

(c) Breakaway walls meeting the following design specifications:

(1) Breakaway walls shall have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads, per Article 5, Section B(4)(c); and

(2) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or

(3) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

(4) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings

and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

(a) Water loading values used shall be those associated with the base flood.

(b) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.

(5) For concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:

(a) Shall be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris; and

(b) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure. The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x 4 feet maximum segments is acceptable to meet this standard; and

(c) Reinforcing, including welded wire fabric, shall not be used to minimize the potential for concreted pads being a source of debris; and

(d) Pad thickness shall not exceed 4 inches; or

(e) Provide a Design Professional's certification stating the design and method of construction does not adversely affect the structure with which the concrete pad (including patios, decks, parking pads, walkways, driveways, pool decks, etc.) is associated, or nearby structures, by diverting floodwater and waves or creating debris capable of causing significant damage during base flood conditions.

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

(a) Be designed to withstand all flood-related loads and load combinations. Flotation calculations should assume the pools/spas are empty.

(b) Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or

(c) Be located and installed in-ground in compliance with either of the following:

1. Designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or

2. Designed and constructed to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.

(d) Registered design professionals must certify to local officials that a pool or spa beneath or near a building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.

(e) Pool equipment shall be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.

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

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

(b) Utility equipment must not be mounted on, pass through, or be located along breakaway walls.

(c) The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counterweight and roller guides, hoist

cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel are all required to be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using flood damage-resistant components.

(d) If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.

(e) *Elevator shafts/enclosures that extend below the RFPE shall be constructed of reinforced masonry block or reinforced concrete walls and located on the landward side of the building to provide increased protection from flood damage. Drainage must be provided for the elevator pit.* **(Italicized Text OPTIONAL)**

(f) *Flood damage-resistant materials shall be used inside and outside the elevator cab. Use only stainless-steel doors and door frames below the BFE. Grouting in of door frames and sills is recommended*. **(Italicized Text OPTIONAL)**

(8) Accessory structures, regardless of size or cost, shall not be permitted below elevated structures.

(9) For Fill/Grading, the following is required:

(a) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

(b) The fill material must be similar and consistent with the natural soils in the area.

(c) *The placement of site-compatible, non-structural fill under or around an elevated building is limited to two (2) feet. Fill greater than two (2) feet must include an analysis prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures.* **(Italicized Text OPTIONAL)**

(d) *Nonstructural fill with finished slopes that are steeper than five (5) units horizontal to one (1) unit vertical shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures.* **(Italicized Text OPTIONAL)**

(e) *Fill is prohibited in the SFHA.* **(Italicized Text OPTIONAL** and must be consistent with Article 5, Section A (17). **Maximum 280 CRS points possible.)**

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

(11) For decks and patios the following is required:

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

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

(13) Development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other

development activities include but are not limited to:

(a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

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

(14) Placement of recreational vehicles in the Coastal High Hazard Area *or Coastal A zone* is prohibited. **(Italicized text is OPTIONAL. Note: This should be consistent with Article 5, Section B (6)(a).)**

(15) *No more than four (4) electrical outlets and no more than four (4) electrical switches may be permitted below RFPE unless required by building code.* **(Italicized Text OPTIONAL)**

(16) *No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this Section have been satisfied.* **(Italicized Text OPTIONAL)**

(17) *Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor, or the detached accessory building shall not be improved, or otherwise converted; Community Name will have the right to inspect the enclosed area. This agreement shall be recorded with the Community Name County Register of Deeds and shall transfer with the property in perpetuity.* **(Italicized Text OPTIONAL)**

(18) A registered professional engineer or architect shall certify that the design, specifications, plans and construction are compliant with the provisions of Article 4, Section B and Article 5, Section G (2), (3), and (4), on the current version of the North Carolina V-Zone Certification form or equivalent local version pursuant to Article 4, Section B, (3)(f).

SECTION H. RESERVED.

SECTION I. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, 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 Insert freeboard [four (4), (feet of freeboard selected for Regulatory Flood Protection Elevation definition)] feet, above the highest adjacent grade; or at least Insert feet [Four (4), (A minimum of two (2) feet is required and four (4) feet is recommended where a depth is not provided)] feet above the highest adjacent grade if no depth number is specified.

(2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section I(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 in accordance with Article 4, Section B(3) and Article 5, Section B(2).

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

SECTION J. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, 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 Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

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

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted insert adoption date of the community's initial Flood Damage Prevention Ordinance 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 ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Community Name enacted on insert adoption date of the community's initial Flood Damage Prevention Ordinance, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for County Name County is insert adoption date of the community's initial Flood Damage Prevention Ordinance.

SECTION B. 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 ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

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

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective insert upon adoption or a specific date no later than the effective date of new FIRMs.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the governing body of Community Name, North Carolina, on the Day (number or text) day of Month, Year.

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

_____

(signature)

(Seal)

FEMA

August 5, 2026

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Sharon Harker
Mayor, Town of Beaufort
701 Front Street
Beaufort, NC 28516

Community Name: Town of Beaufort, Carteret County, North Carolina
Community No.: 375346
Map Panels Affected: See FIRM Index

Dear Mayor Harker:

This is to notify you of the final flood hazard determination for Carteret County, North Carolina and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did receive an appeal regarding the proposed flood hazard determinations during that time. The technical data submitted in support of the appeal has been evaluated and the appeal has been resolved in accordance with the requirements of 44 CFR Part 67. We determined that changes were warranted based on the submitted data and have incorporated the applicable changes on the final copies of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for your community.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on February 5, 2027. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(e) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been

enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(e);

2. Adopting all the standards of 44 CFR Part 60.3(e) into one new, comprehensive set of regulations; or

3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(e).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(e) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the State NFIP Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at https://www.msc.fema.gov. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact the North Carolina Division of Emergency Management at the following address:

Steve Garrett, CFM
State NFIP Coordinator
North Carolina Emergency Management
Hazard Mitigation Program Support/
North Carolina Floodplain Mapping Program
4218 Mail Service Center
Raleigh, North Carolina 27699-4218
(919) 825-2316
Steve.Garrett@ncdps.gov

If you should require any additional information, a FEMA Region 4 Compliance Specialist has been designated to assist your community. You may contact your FEMA Region 4 Compliance Specialist at FEMA, Mitigation Division, 3005 Chamblee Tucker Road, Atlanta, Georgia 30341, or at (202) 304-5185. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at https://www.fema.gov/flood-maps.

Sincerely,

David N. Bascom, Acting Director
Engineering and Modeling Division
Federal Insurance Directorate, Resilience

Enclosure:
Final SOMA

cc: Community Map Repository
Jeremy Ganey, Town Planner and Floodplain Administrator, Town of Beaufort
Tom Tufts, Program Development Coordinator, North Carolina Emergency Management, Hazard Mitigation Program Support/North Carolina Floodplain Mapping Program
Steve Garrett, CFM, State NFIP Coordinator, North Carolina Emergency Management, Hazard Mitigation Program Support/North Carolina Floodplain Mapping Program
Stacey Fuller, CFM, Community Outreach Technical Lead, North Carolina Emergency Management, Hazard Mitigation Program Support/North Carolina Floodplain Mapping Program
FEMA, Region 4

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: BEAUFORT, TOWN OF Community No: 375346

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on February 5, 2027.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	08-04-0429A	12/06/2007	HIGHLAND PARK, BLOCK 3, LOTS 3, 4, 15 & 16 -- 1106 LIVE OAK STREET	3720730600J	3720730600K
LOMA	10-04-0960A	12/23/2009	PN: 730618301576000 -- 310 POLLOCK STREET	3720730600J	3720730600K
LOMR-F	19-04-4153A	07/18/2019	FRONT STREET VILLAGE INN/BISTRO, PARCEL X -- 2002 CHAPEL LANE	3720731500J	3720731500K
LOMR-F	21-04-3769A	06/09/2021	FRONT STEET/VILLAGE INN, PARCEL X -- 2002 CHAPEL LANE	3720731500J	3720731500K
LOMR-F	25-04-1035A	04/10/2025	BEAUFORT EAST VILLAGE PHASE 1, LOTS 7-32, OS 3, OS 4 -- PINE VIEW BOULEVARD	3720730600J	3720730600K

SOMA-2

FINAL SUMMARY OF MAP ACTIONS

Community: BEAUFORT, TOWN OF Community No: 375346

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMR-F	17-04-3300A	05/01/2017	BEAU COAST PHASE 1A, LOTS 4-6, 11-22, 37-44 & OS 3, 4, 6, 7, 9 & 10	3
LOMR-F	24-04-3584A	06/07/2024	BEAU COAST PHASE 2B, LOT 261 -- 594 SHELDRAKE COURT	2

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

PLANNING BOARD RESOLUTION OF RECOMMENDATION
PROPOSED AMENDMENTS TO CHAPTER 151, FLOOD DAMAGE PREVENTION

WHEREAS, the Town of Beaufort maintains Chapter 151, Flood Damage Prevention, to regulate development within identified flood hazard areas and administer the Town's participation in the National Flood Insurance Program; and

WHEREAS, North Carolina Emergency Management has prepared the 2026 Coastal North Carolina Model Flood Damage Prevention Ordinance to assist coastal communities in meeting applicable National Flood Insurance Program requirements; and

WHEREAS, updated Flood Insurance Rate Maps and the Flood Insurance Study for the Town of Beaufort are scheduled to become effective February 5, 2027, requiring corresponding updates to the Town's floodplain management regulations; and

WHEREAS, the proposed amendments to Chapter 151 incorporate required updates necessary to maintain NFIP compliance and eligibility and administer the updated flood maps and also include selected optional local provisions and higher standards for consideration; and

WHEREAS, pursuant to G.S. 160D-604(c), development regulations other than zoning regulations may be referred to the Planning Board for review and comment; and

WHEREAS, the Beaufort Planning Board reviewed the proposed amendments at its October 19, 2026 meeting and considered the required updates and proposed optional/local provisions;

NOW, THEREFORE, BE IT RESOLVED, that the Beaufort Planning Board recommends that the Board of Commissioners adopt the proposed amendments to Chapter 151, Flood Damage Prevention, as presented.

This Resolution is effective upon its adoption this 19th day of October 2026.

TOWN OF BEAUFORT PLANNING BOARD

Ryan Neve, Chairman

ATTEST:

Laurel Anderson, Secretary

TOWN OF BEAUFORT BOARD OF COMMISSIONERS
AN ORDINANCE TO AMEND THE FLOOD DAMAGE PREVENTION ORDINANCE
ORDINANCE NO. 26-___

WHEREAS, the Town of Beaufort maintains Chapter 151, Flood Damage Prevention Ordinance (FDPO), to regulate development within identified flood hazard areas and administer the Town's participation in the National Flood Insurance Program (NFIP); and

WHEREAS, North Carolina Emergency Management has prepared the 2026 Coastal North Carolina Model Flood Damage Prevention Ordinance to assist coastal communities in meeting applicable National Flood Insurance Program requirements; and

WHEREAS, updated Flood Insurance Rate Maps (FIRMs) and the Flood Insurance Study (FIS) for the Town of Beaufort are scheduled to become effective February 5, 2027, requiring corresponding updates to the Town's floodplain management regulations; and

WHEREAS, the proposed amendments to Chapter 151 incorporate required updates necessary to maintain NFIP compliance and eligibility and administer the updated flood maps and also include selected optional local provisions and higher standards for consideration; and

WHEREAS, the Beaufort Planning Board considered the proposed text amendments and adopted a resolution of recommendation at its regular meeting on October 19, 2026, at which time the Planning Board unanimously recommended approval of the amendments to the Board of Commissioners; and

WHEREAS, notice of a public hearing to be held during the November 9, 2026 regular meeting of the Beaufort Board of Commissioners was published in the Carteret County News-Times on October 28 and November 4, 2026; and

WHEREAS, the Board of Commissioners considered the proposed text amendments and conducted a public hearing on November 9, 2026, at which time Town staff presented the amendments and members of the public were provided an opportunity to comment; and

WHEREAS, the proposed amendments maintain NFIP compliance and eligibility and incorporate selected higher standards, including increased freeboard, that advance recommendations in the Beaufort Comprehensive and CAMA Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Beaufort, North Carolina, that Chapter 151, Flood Damage Prevention, of the Town of Beaufort Code of Ordinances is hereby amended as set forth in the Board Review Draft, as modified by the Errata Sheet, both attached hereto and incorporated into this ordinance by reference, **[as presented / subject to the following additional modifications: _____].** This ordinance shall be effective upon adoption.

Enacted on motion of Commissioner _____, and carried by a vote of _____ in favor and _____ against.

Adopted this 9th day of November, 2026.

TOWN OF BEAUFORT

_____
Sharon E. Harker, Mayor

_____
Elizabeth Lewis, Assistant Town Manager & Town Clerk

DRAFT

Town of Beaufort, NC
701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

ERRATA SHEET – CHAPTER 151 FLOOD DAMAGE PREVENTION ORDINANCE

This errata sheet identifies corrections proposed for adoption with the draft Chapter 151 Flood Damage Prevention Ordinance. Following adoption, staff will incorporate the approved corrections into the final ordinance text before submission to Municode. Any additional change affecting substantive requirements or policy decisions will require separate review and approval.

SUBMITTED BY: Jeremy Ganey, Chief Building Inspector/Floodplain Administrator

Draft Location	Current Draft Text / Issue	Proposed Correction / Revision	Basis / Reason
Section 151.05, Tiny homes / park models	Refers to “the items listed above,” although the recreational vehicle criteria appear elsewhere in the definitions.	Replace “the items listed above” with “the criteria in the definition of Recreational vehicle in Section 151.05.”	Identifies the intended criteria after relocation of the model language.
Section 151.05, Water surface elevation (WSE)	Provides definition identifying NAVD 1988 as the baseline.	Replace “NAVD” with “North American Vertical Datum (NAVD)”	Identifies the full term prior to first use of acronym.
Section 151.07	Replaces the Town’s adopted automatic map-adoption language with a specific reference to the February 5, 2027 FIS and associated maps.	Preceed the paragraph with: “FEMA designated SFHAs are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its flood insurance study (FIS) and its accompanying FIRM for Carteret County. The most recent FEMA SFHA maps and FIRMs officially adopted by the State of North Carolina and/or FEMA, with accompanying supporting data, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of these floodplain regulations. Copies of the effective versions of these maps shall be maintained for public inspection in the Town Planning and Inspections Department as provided in N.C. Gen. Stat. § 160D-105.” in red strikethrough text	Provides the automatic map-adoption language adopted through Ordinance 25-02 on March 10, 2025 for purposes of the draft but is proposed for deletion. Language shown in Section 151.07 is proposed to move forward.

Draft Location	Current Draft Text / Issue	Proposed Correction / Revision	Basis / Reason
Section 151.14(B)(5)	Refers only to Section 151.15 for certification and flood-hazard reduction provisions concerning floodways and non-encroachment areas.	Replace “the certification and flood hazard reduction provisions in 151.15” with “the certification requirements in Section 151.15 and the flood hazard reduction provisions in Section 151.25.”	Directs readers to both applicable provisions.
Sections 151.15(C)(4) and 151.15(D)	Zone lists use “A, AO, AE or A1-30.”	Replace those zone lists with “A, AE, AH, AO, and A99.”	Updates flood-zone terminology and aligns the lists with the current model terminology and the certification exemption in Section 151.19(I)(11).
Section 151.15(D)	Identifies subsections “(A) and (B)” as the elevation/floodproofing certification requirements.	Replace “subsections (A) and (B) above” with “Section 151.15(C).”	Certification requirements are located in subsection (C).
Section 151.16(B)(6)	Sentence ends after “immediate danger to public health or public safety,” leaving the parenthetical incomplete.	Complete the sentence by adding “, 24-hour notice shall be sufficient).”	Restores the omitted ending from the State model.
Section 151.16(D)(1)–(3)	Subsections (1) and (3) refer to the local elected governing body, while subsection (2) identifies the Board of Adjustment and contains “which shall the Board.”	In subsection (1), replace “local elected governing body” with “Board of Adjustment.” In subsection (2), replace “which shall the Board of Adjustment, or their designees” with “which shall be the Board of Adjustment.” In subsection (3), replace “local governing body decision” with “Board of Adjustment decision.”	Consistently identifies the Board of Adjustment as the designated appeal body and corrects an omitted word.
Section 151.17(C)(2)	Contains untranslated references to “Article 2” and “Article 4, Section E(9)(b), (c), and (e).”	Replace “Article 2” with “Section 151.05.” Replace “Article 4, Section E(9)(b), (c), and (e)” with “Section 151.17(I)(2), (3), and (5).”	Translates the model’s definition and variance-condition references into Chapter 151 numbering.
Section 151.17(D)(5)	Refers to the functionally dependent facility definition in “Article 2.”	Replace “Article 2” with “Section 151.05.”	Directs readers to the local definitions section.

Draft Location	Current Draft Text / Issue	Proposed Correction / Revision	Basis / Reason
Section 151.19(E), following deleted coastal enclosure provisions	Retains the editorial note beginning "SECTION RELOCATED TO Standards for Coastal High Hazard Areas…"	Delete the editorial relocation note.	Removes a remaining Board-review drafting comment. The relocated standards are addressed in Section 151.20.
Section 151.19(I)(7) and (11)	Subsection (7) says "less than 200 square feet," while subsection (11) says "200 square feet or less" and specifies the applicable zones.	Revise the first sentence of subsection (7) to read: "An accessory structure with a footprint of 200 square feet or less in A, AO, AH, AE, and A99 zones that satisfies the applicable accessory-structure criteria of this subsection does not require an elevation or floodproofing certificate." Retain "200 square feet or less" in subsection (11).	Consistently applies the selected certification exemption, including structures measuring exactly 200 square feet.
Section 151.19(I)(10)	Contains the malformed reference "size restrictions in Section 151.19.9 above."	Replace that phrase with "wet-floodproofing eligibility thresholds in the introductory paragraph of Section 151.19(I)."	Correctly references the existing 600- and 100-square-foot thresholds for the wet-floodproofing option without changing them.
Section 151.19(I)(11)	Contains "Section 151.15.4," "Section Section 151.15," and a final certification reference to Section 151.19(I).	Replace "Section 151.15.4" with "Section 151.19(I)(1)–(9)." Replace "Section Section 151.15" with "Section 151.15(C)" and insert a period before "All other accessory structures." Replace the final certification reference to "151.19(I)" with "Section 151.15(C)."	Corrects the accessory-structure criteria and certification references.
Section 151.19(J)(4)	States "Tank inlets, fill openings, manufactures and vents…"	Replace "manufactures" with "outlets."	Corrects a typographical error and restores the State model terminology.
Section 151.19(K)(1)–(3)	Directs fences, retaining walls, sidewalks, driveways, roads, and watercourse crossings in floodways and non-encroachment areas to limitations in Section 151.19.	Replace the reference to "Section 151.19" in each of these three provisions with "Section 151.25."	Translates the model reference to the local floodway and non-encroachment standards.
Section 151.20, introductory paragraph	Retained introductory language ends with "in addition to the provisions" without identifying the provisions.	Complete the phrase with "of Sections 151.18 and 151.19."	Completes the introduction and identifies the corresponding general and specific standards.

Draft Location	Current Draft Text / Issue	Proposed Correction / Revision	Basis / Reason
Section 151.20(C)(3)(a)	Refers to Section 151.19(B) for flood-opening requirements.	Replace “Section 151.19(B)” with “Section 151.19(D)(3).”	Directs readers to the flood-opening criteria rather than the nonresidential construction provisions.
Section 151.21(B)	Contains the placeholder “[CHECK: Reference missing in source text: Article 5, Section I(1)].” The certification reference is incomplete.	Replace the placeholder with “Section 151.21(A).” Replace the final sentence with “Certification is required in accordance with Sections 151.15(C) and 151.19(B).”	Removes the unresolved drafting note and translates the model’s elevation and certification references into Chapter 151 numbering.
Section 151.22, introductory paragraph	Contains the placeholder “[CHECK: Reference missing in source text: Article 3, Section B].”	Replace the placeholder with “Section 151.07.”	Directs readers to Beaufort’s section establishing Special Flood Hazard Areas.
Section 151.23(B)(c)	Retains the model reference “Article 3, Section B.”	Replace with “Section 151.07.”	Identifies the local provision establishing Special Flood Hazard Areas and adopting flood-hazard data.
Section 151.23(B)(d)	Refers to the Regulatory Flood Protection Elevation definition in “Article 2.”	Replace “Article 2” with “Section 151.05.”	Directs readers to the local definitions section.
Section 151.25(1)(c)	Retains the model reference “Article 5, Section F(1)(a).”	Replace with “Section 151.25(1)(a).”	Identifies the corresponding local encroachment provision.
Section 151.25(2)(a)	Reads, “The anchoring and the elevation standards hereof the no encroachment standards hereof are met.”	Replace with “The anchoring and elevation standards of Section 151.19(C) are met.” Retain the separate encroachment requirement in subsection (b).	Removes repeated wording and distinguishes anchoring/elevation requirements from the encroachment requirements addressed immediately afterward.
Section 151.26	References the existing ordinance as enacted July 7, 2003, and July 16, 2003.	Use July 7, 2003, consistently as the original ordinance adoption date.	Corrects the date discrepancy to reflect the confirmed adoption date.

Town of Beaufort, NC

701 Front St. - P.O. Box 390 - Beaufort, N.C. 28516
252-728-2141 - 252-728-3982 fax - www.beaufortnc.org

Board of Commissioners
Regular Meeting
6:00 PM - Monday, November 9, 2026
614 Broad Street, Beaufort NC

AGENDA CATEGORY: New Business

SUBJECT: Beaufort Wine & Food's Annual Spring Festival 2027

BACKGROUND:

Beaufort Wine & Food submitted a Special Event Permit application to host their Annual Spring Festival on April 21-24, 2027. This year's request includes the closure of Middle Lane and the Craven Street Parking Lot on Saturday, April 24, 2027, from approximately 6 AM – 6 PM. The request also includes an alcohol waiver for Middle Lane and the Craven Street Parking Lot during the event.

Beaufort Wine & Food will also be utilizing privately operated facilities, including The Vault, the Periwinkle, and the Beaufort Historic Site.

Approximately 850 event participants are estimated, and the event hours are from 1:00 – 6:00 PM on Saturday, April 24, 2027. All event participants are ID-checked and issued a wristband by Beaufort Wine & Food.

Event coordinators will use three (3) police officers at the for-hire hire rate, subject to Police Department discretion, as well as private event security to ensure public safety.

Town staff met with event organizer, Brittany Pittman, on October 14, 2026, and coordinated event details, including the road and parking lot closures and safe barrier system set up.

This request has been reviewed and approved by Town staff.

REQUESTED ACTION: Approve or Deny the event application as presented.

SUBMITTED BY: Jennifer Welborn, Community Engagement Director
Brittany Pittman, Executive Director, Beaufort Wine & Food

BUDGET AMENDMENT REQUIRED:

No

BEAUFORT WINE & FOOD FESTIVAL *spring*

April 21-24, 2027

Contents:

Application
Site Layout
Tent Set Schedule
General Liability Insurance
Property Permission Forms
Non-profit Status
Supporting Documents

Brittany Pittman, ED

Date Application Received:

Permit Number:

TOWN of BEAUFORT
NORTH CAROLINA

APPLICATION FOR SPECIAL EVENT PERMIT

Please return completed application form with permit fee and paperwork to:

Town of Beaufort
701 Front Street
P.O. Box 390
Beaufort, NC 28516
Phone: (252) 728-2141 ext. 241 Email: j.welborn@beaufortnc.org

Applications submitted late or incomplete may not receive approval and may not be issued a permit.

EVENT BASICS

Event Name: Beaufort Wine and Food Spring Festival

Location of Event Site: Middle Lane - see attached diagram

(If more than one site is being requested please be specific and list each one individually below)
The Beaufort Historic Site, The Vault, Middle Lane (Aqua) Parking Lot (gravel), The Periwinkle, Backstreet Beer Garden, Craven Street Parking lot, 127 Middle Lane
In order to fit the size tent indicated in Craven Street Parking lot we are asking that the limbs of the two trees be trimed back by public works some. This can be coordinated with our tent provider Beaufort Event Rentals closer.

Run by: Beaufort Wine and Food

Applicant (Organizer) Name: Brittany Pittman Contact # [redacted]

Day of Event Contact #: [redacted] Email: [redacted]

Type of Event:

- [x] Festival
- [ ] Parade
- [ ] 5K Race
- [ ] 10K Race

- o Music Event
- o Other _____

Actual Event Date(s): Saturday, April 24 Time of Event: 1:00 pm-6:00 pm

Set-Up Date: See attached detail of setup/tear down Start Time: 1:00 pm

Tear Down Date: timeline as coordinated with Beaufort Event Rentals End Time: 6:00 pm

Estimated Attendance: 850 Admission Fees: $115-$215

Event Description:

Beaufort Wine and Food festival is a wine and food tasting event extending over four days. The largest event, Vin de Mer, takes place on Saturday. It is a tasting event. We bring in guest chefs from out of town, winemakers and experts who collaborate with local chefs and restaurants to create this special week. At Vin de Mer, guests sample bites from local restaurants and guest chefs. They can watch chef demonstrations, and listen to wine seminars.

ORGANIZER/APPLICANT INFORMATION

Name of Organization: Beaufort Wine and Food

Primary Contact Person: Brittany Pittman

Mailing Address: 129 Middle Lane Beaufort NC 28516

Email: [redacted]

Daytime Phone #: [redacted] Cell Phone #: [redacted]

Alternate Contact Person: Emily Bean Phone #: [redacted]

Is your group a non-profit organization? yes If yes, please provide documentation with your application.

SITE PLAN

Site Plan Attached

- ∝ Yes
- o No

(If you need help, please set up a meeting with the Town of Beaufort's Events Coordinator)

A detailed site plan must be included with your event application. The following, should they be relevant, must be included in your Site Plan.

- Location of all tents and temporary structures
- Location of requested barricades and road closures
- Emergency exits
- Fire extinguishers, propane storage
- Location of command post, medical & first aid station, emergency vehicle access points and all exits and entrances (both emergency and for the public)
- Fencing, staging, bleachers, stages, inflatables, etc.
- Food/refreshment tent vendors, refreshment tents
- Food Trucks
- Location of Restrooms
- 5K/10K race routes

If the Site Plan is not submitted with the event application, the deadline is 45 days before the event, otherwise a permit will not be issued.

PARKS & PARKING LOTS REQUESTED

Please mark all that apply:

- o East Parking Lot
- o West Parking Lot
- ox Craven Street Parking
- o Middle Lane
- o John Newton Park
- o Lynn Eury Park
- o Grayden Paul Park
- o Topsail Marine Park
- ox Other Please list: Parking spots in front of The Vault and BHA Site - will be used for load-in out only and shuttle drop off. No parking.

Specific Requirements: (Extra trash cans/recycling/electrical etc.) Please be specific and include each item on the Site Plan for the desired location. Please note extra charges may apply in accordance to the fee schedule. (Trash/Recycling Carts: $10 each, Electricity: $50)

It is possible if available at the Craven Street Parking lot. We will coordinate closer with our a/v provider and the town on needs.

OTHER EVENT DETAILS

Please provide the name and contact information of all outside companies who are providing services during your event. IE: Tent Rentals, Inflatable Rentals, Port-A-Pottie Rentals, etc.

Beaufort Event Rentals, Craven Ag Services

Will there be canon/re-enactment fire during your event? _____ If yes, please coordinate with the Beaufort Fire Department for safety procedures.

ALCOHOL

Alcohol at the event YES X NO____ Attach all required paperwork. Applicant is responsible for obtaining applicable ABC License and Liquor Liability Insurance. Applicant must provide a clearly marked and contained area for alcohol consumption and hire two Town of Beaufort police officers at a rate of $50 per hour for the duration. (The Police Chief will review the application for exceptions.) All local, state and Federal laws must be adhered to.

I/we have read, understand and will comply with the rules outlined by the Town of Beaufort in the Town Code of Ordinances as well as in the Event Procedures. appropriate paperwork will be supplied when acquired

X _____ ***(Applicant's Signature)***

ROAD CLOSURES

Does your event require a road closure? X YES _____NO

Please provide specifics below:

Road	Set-Up Time	Event Start Time	Finish Time	Tear Down Time
Middle Lane	Sat 4/24/27 6:00 am	Sat 4/24/27 1:00 pm	6:00 pm	5:00 pm
Craven Street Parking lot	Thurs 4/22/27 6:00 am	Sun 4/25/27 9:00 pm		

If a road closure has any impact on area businesses and/or residents, the applicant will be required to inform all residents and/or businesses in the area of the road closure, by letter or hand-delivered flyer at least 14 days in advance of the event, of the particulars of the approved temporary road closure and any detour route available.

Emergency Vehicle Access Requirements: *A road may be closed to regular traffic during an event, but an unobstructed fire lane must be left open at all times for emergency vehicles.*

We are asking that road barriers be pulled at 5:00 pm as to impact businesses on Middle Lane as little as possible. Vin de Mer ends at 4:00 with "the lounge" continuing until 6:00 pm. It will be self-contained to Craven Street Lot and Backstreet Beer Garden and no foot traffic will take place in the street on Middle Lane after 4:00 pm.

PARKING/PARKING LOTS

Parking lots required for Event set-up: (Please mark on the site map if applicable) (Please note charges may apply. The rate is $18 per day per space in the East & West parking lots and $9 per on street parking space per day for special event closure during Pay-To-Park season).

Please list all parking lots and spaces you are requesting. Spaces are numbered so please be specific. Also please note that parking space closures MUST be approved by the Board of Commissioners. Event organizers are not permitted to acquire additional spaces without Town permission prior to an event.

Craven Street Parking Lot - not during paid parking window

Please list off-site Parking Location for Vendors & Event Staff: A letter of permission is required for the use of private property per the event procedures. Please include this with your event application.

Anne Street United Methodist Parking Lot

Bicycle Parking: Yes_____ No x

Additional Handicap Parking: Yes _____ No x Location: _____

Event Parking: (Please outline your plan for day of parking for event attendees. Please include parking lot locations and the name/contact information for any shuttle/trolley service):

Shuttle will be provided for attendees to park at offsite location and be dropped in front of festival
Beaufort Hotel Event Parking Lot - 2440 Lennoxville Rd. Beaufort NC 28516

PARADE/WALK INFORMATION

Parade Assembly Area: n/a Time: _____

Parade Dismissal Area: _____ Time: _____

Parade Start Time: _____

EMERGENCY MANAGEMENT

Route Map Attached: x YES _____ NO (Please note a route map is required)

Designated Emergency personal/liaison (onsite): Brittany Pittman

Cell #: [redacted] Other Contact: Emily Bean

How will your event staff react to severe weather?

The event takes place rain or shine. In the event of severe weather it may be canceled

How will you alert visitors to the event to evacuate the site? (If multiple sites are being requested, a plan must be submitted for each location)

Each tent will have visibly marked exit signs. We will have staff alert guests in each tent to proceed to the exits in a calm manner and utilize speakers/ mics in three areas where they will be available to alert guests

RISK ASSESSMENT

It is important for Event Organizers to identify risks and hazards associated with their event and know how to prevent these risks. Please identify possible risks for your event and list below (weather, food, fire, etc.) Please provide details.

With our event being outside, weather is always a possible risk. We cancel events in cases of severe weather. Food is prepared in commercial kitchens that are health department inspected, Fire extinguishers are readily available in each tent. We provide a complimentary shuttle service to guests with convenient drop off points, such as local hotels. We also hire at least two off duty police officers.

What training will you provide to your volunteers/staff/participants regarding emergencies?

We always hire at least two off duty police officers and train staff to inform them of any emergent situations, as well as the onsite festival point of contact that is in charge. We have walkies to be able to communicate to one another.

TENTS

Will you have tents at your event? __x__ YES _____ NO

Please list the tent sizes: Please see attached diagram

If your event includes tents, you must make arrangements with the Beaufort Fire Department for a tent permit. There is a $50 fee. Please contact (252) 728-4325 to make arrangements. The Tent Permit Application and a list of requirements are available online at www.beaufortnc.org.

FOOD

Will there be food served at your event? __x__ YES _____ NO

If yes, please provide a detailed list of all food vendors. No food is sold. All food samples are provided by local restaurants from health department inspected kitchens.

If yes, have you contacted the Carteret County Health Department to set up inspections? _____ YES __x__ NO - n/a

All food vendors must have proper licensing, inspections, etc.

VENDORS

Will there be vendors selling items at your event? x Yes _____ No - a few merchandise vendors

Please note vendors are only permitted to sell during the event hours listed on this application. Any vendor selling before or after the listed hours is in violation and subject to being shut-down.

All vendors must have proper certifications and licenses. They must display the required state sales and use tax information and the event organizer must keep all of this information on file pursuant to North Carolina State laws.

CHECKLIST

Please submit the following documents with your event application. Once all forms (if applicable) are received and the event is approved an Event Permit will be issued.

- Tent Permit - tent permit is applied for by tent provider and will not be obtained until closer to the date
- Detailed Site Plan - attached
- Detailed Route Map (Parade/5K/10K) - n/a
- Map of Road Closures - attached
- ABC Permit - will be provided closer
- Health Inspection Documentation
- Insurance - general liability attached
- Non-profit documentation attached
- Private property parking permission letter
- List of food vendors - can be provided if needed closer to event date. They are not selling food.
- List of vendors - can be provided closer
- Application Fee
- Application Signature

- general liability policy provided. Additional 1 million coverage will be written and provided after this application is approved. Site plan must be approved, before the additional coverage policy can be written based on physical addresses/parking lot coordinates.

I/We the event organizer Brittany Pittman, on behalf of Beaufort Wine and Food, the party requesting the use of the Town of Beaufort facilities noted in the above application do hereby hold and save harmless and agree to indemnify the Town of Beaufort and its elected officials, directors, officers, employees, servants, agents, contractors and their respective heirs, executors, successors with respect to any and all liability, actions, debts, suits, demands, costs, damages and expenses whatsoever arising wither directly or indirectly as a result of the use of the Town of Beaufort's facilities, park, road or other and in accordance with the provisions contained in this policy. I/We have read and understand this application, the event procedures and the requirements placed upon this applicant and organization. I agree to abide by the Town of Beaufort rules, regulations and ordinances.

Applicant's Signature _____ Date 10/6/2026

Internal Use Only

Permission is granted to the applicant and/or sponsoring organization to use the streets/facilities/parks as listed in the application for the special event described.

Permit Issue Date: _____

Authorized Signature: _____

Insurance Certificate: Yes____ No ____

Permit Fee: Yes ____ No ____

BOC Approval Date: _____

Police Chief Approval: _____

Fire Chief Approval:_____

Beaufort Wine and Food Spring Festival
Saturday, April 25 2027

Sites:
A- Beaufort Historic Site (Vin de Mer)
B- The Vault (Vin de Mer)
C - Parking Lot on Middle, gravel (Vin de Mer)
D - The Periwinkle (Vin de Mer)
E - 127 Middle Lane (Vin de Mer)
F - Craven Street Parking Lot & Backstreet Pub Beer Garden (The Lounge at Vin de Mer)

Site times:
Vin de Mer
A-E- 1:00-4:00: 750-850 people have access
The Lounge at Vin de Mer
F - 1:00-6:00: 250-300 people
access (of the 750-850
le)

142

Road Closure Needed:
Middle Lane on Saturday, April 25 6:00 am - 5:00 pm

Town Property Needed:

Craven Street Parking Lot Thursday, April 22 - Sunday, April 25.

All parking spots in front of The Vault and BHA site - loading/shuttle zones on Saturday, April 24.

Possible 10x10 pop up tents to be placed after road closure on the morning of April 25.

Notes:
Vin de Mer taking place at sites A-E . Foot traffic down Middle Lane from 1:00-4:00 pm.

The Lounge is taking place at site F. This is an upgraded ticket option that 250-300 people can purchase which gives them access to A-F. The lounge stays open 2 hours longer. From 4:00-6:00 pm it will be self-contained to site F.

We are asking that the road closure end at 5:00 pm to minimize impact to Middle Lane businesses. The Lounge will be contained to site F and end at 6:00 pm. We are asking for Craven Street parking lot for Thursday - Sunday to encompass tent set, event, and tear down.



1.

Beaufort Event Rentals Tent Set/Tear Down

estimated time line, weather could impact

Tuesday

Beaufort Historic Site

- Tent/Lighting Install (20x20, 40x35, 40x100)

Wednesday

127 Middle Lane

- Tent Install (20x40)

Thursday

127 Middle Lane

- Furniture drop

Beaufort Historic Site

- Furniture delivery

Aqua Parking Lot

- Tent set (20x40)
- Furniture drop

Craven Street Parking Lot

- Tent set begins (40x65)

Friday

Craven Street Parking Lot

- Tent set completed
- Dance floor/stage install
- Furniture drop

Saturday

Beaufort Historic Site, 127 Middle Lane, Aqua Parking Lot

- After 4 pm furniture picked up

Sunday

Craven Street Parking Lot

- Tent tear down
- Furniture removed

Monday

Beaufort Historic Site

- Tent teardown

Aqua Parking Lot

- Tent teardown