



Nice Matters!

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DATE: May 11, 2020
TO: Planning Board Members
CC: Matt Zapp, Town Manager
FROM: Josh Edmondson, CZO, Town Planner
SUBJECT: **Amendments to the Town of Emerald Isle Flood Damage Prevention Regulations**

The Planning Board is scheduled to begin review amendments of the flood map and flood regulations. We reviewed these at the Boards March meeting with the intent of familiarizing each member with those changes while waiting to get comments back from the North Carolina Floodplain Mapping Department for adherence to FEMA Section 60.3(e) standards and the States model flood ordinance. We received those comments, completed the necessary revisions and received the green light to proceed with adopting those amendments to the flood damage prevention regulations. If you remember, the Town received notification from FEMA December 19, 2019 to move forward with adoption of the fis report and firm panel, giving us 6 months to do so. Unfortunately, at this time only panel 3720537300L (attached) is being released for adoption. This panel encompasses the area of Coast Guard Rd (Dolphin Ridge to the Pointe). The remaining panels are at least a year from being released for final adoption. The changes are very important to Emerald Isle's CRS rating. Community Rating System (CRS) is a program with the NFIP that the Town participates in through our flood damage prevention regulations that allows all Emerald Isle property owners who have flood insurance to receive a 15% reduction in insurance premium. It's very important we keep that rating as owners can see substantial savings.

Below you will find the sections of the ordinance that have been amended to comply with the NFIP and model ordinance. All regulations pertaining to flood damage prevention have been highlighted for your review with the amendments underlined.

Chapter 1 – General Provisions
Chapter 2 – Administration
6.2 – Flood Damage Prevention
Chapter 9 – Enforcement
10.2 – Definitions

There numerous amendments/revisions that were necessary for compliance. The NFIP provides a set of minimum standards for communities with a flood program which must be adhered to. Communities are encouraged to incorporate additional standards that could be above and beyond those set forth in the NFIP. This additional standards help lower the CRS score. The proposed amendments meet the minimum standards of NFIP and keep Emerald Isle's standards that are above and beyond. An example would be the NFIP requires all construction for living square feet to be at based flood elevation. Emerald Isle has a freeboard requirement of 2' above base flood elevation for all living square feet. This remains unchanged with the amendment.

Below are just a few examples of amendments from the different sections of the Ordinance that we can discuss in further detail at the meeting.

- Chapter 1 – General Provisions

1.3 - AUTHORITY (THIS IS NEW LANGUAGE NOT PREVIOUSLY IN ORDINANCE)

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7,9, and 11 of Chapter

160D (Effective January 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Commissioners of the Town of Emerald Isle, North Carolina, does ordain as follows:

- Chapter 2 – Administration (**UPDATED LANGUAGE FROM PREVIOUS ORDINANCE**)

- (4) **Determination for Existing Buildings and Structures**

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

- (i) 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;
 - (ii) 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;
 - (iii) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 - (iv) 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.

- 6.2 – Flood Damage Prevention

- 6.2.4(5)(C)(iii)(a) (**EXAMPLE OF ONE OF NUMEROUS AMENDMENTS NOT INCLUDED IN PREVIOUS ORDINANCE**)

Breakaway walls shall have flood openings that allow for the automatic entry and exist of floodwaters to minimize damage caused by hydrostatic loads, per the North Carolina Residential Building Code.

- 6.2.3(2) (**UPDATE FROM PREVIOUS ORDINANCE**)

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 June 19, 2020, for Carteret 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 these regulations and all revisions thereto after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdiction authority of the Town of Emerald Isle are also adopted by reference and declared a part of these regulations. Subsequent Letter of Map Revisions (LOMRs) and /or Physical Map Revisions (PMRs) shall be adopted within 3 months.

- Chapter 9 – Enforcement

9.5.1(1) (UPDATED LANGUAGE FROM PREVIOUS ORDINANCE)

(1) **Violations to be Corrected**

When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notifications.

- 10.2 – Definitions (**NEW AND UPDATED DEFINITIONS FROM PREVIOUS ORDINANCE**)

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.

Also included for your review is the new flood map panel that will be adopted with the ordinance revision 6.2.3(2). Please note the following highlights on the panel:

- Some ocean front properties removed from flood zones
- Base flood elevations have decreased
- VE zones on sound (just ocean previous)
- New LIMWA area

At our meeting, we will discuss some of the more important regulatory updates to the flood damage ordinances and highlights of the new map panel. If you have, any questions about any of the information before the meeting to no hesitate to contact me. I look forward to discussing this at your March 23, 2020 meeting.