



COUNTY OF DARE
PO Box 1000, MANTEO, NC 27954

DARE COUNTY BOARD OF COMMISSIONERS

Dare County Administration Building
954 Marshall C. Collins Dr., Manteo, NC

Tuesday, May 05, 2020, 9:00 a.m.

“HOW WILL THESE DECISIONS IMPACT OUR CHILDREN AND FAMILIES?”

AGENDA

- 9:00 AM** **CONVENE, PRAYER, PLEDGE OF ALLEGIANCE**
- ITEM 1** Opening Remarks - Chairman's Update
- ITEM 2** Public Comments- via email: DCBOC@darenc.com
- ITEM 3** Public Hearing -- Dare County Code of Ordinances S-12 Supplement
- ITEM 4** Public Hearing -- Flood Maps, Flood Ordinance and Zoning Amendments
- ITEM 5** Proclamation for EMS Week: May 17-23, 2020
- ITEM 6** Proclamation for Older Americans Month 2020
- ITEM 7** Fiscal Year 2020 Fund Balance Movements of 6/30/2019 General Fund
Unassigned Fund Balance
- ITEM 8** Request to sell Hwy 64/264 - Parcel 025550001
- ITEM 9** **Consent Agenda** - Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Board in order to consider the item(s). Any item may be removed for discussion by the Board to hear the item presented and discussed.
9. (1) Budget Update for Hurricane Dorian
9. (2) Approval of Minutes
9. (3) Juvenile Crime Prevention Certification Standards & Dare County
 Funding Plan~~Fiscal Year 2020-2021
9. (4) Budget Amendment- DEQ Grant Contract #7767 Hatteras Inlet- Change Order
- ITEM 10** Commissioners' Business & Manager's/Attorney's Business

ADJOURN UNTIL 5:00 P.M. ON MAY 18, 2020



Opening Remarks - Chairman's Update

Description

Dare County Chairman Robert Woodard will make opening remarks.

Board Action Requested

Informational Presentation

Item Presenter

Chairman Robert Woodard



Public Comments

Description

The Board of Commissioners encourages citizen participation and provides time on the agenda at every regularly scheduled meeting for Public Comments. This is an opportunity for anyone to speak directly to the entire Board of Commissioners for up to five minutes on any topic or item of concern.

Covid-19 changes:

Public comment may be presented to the Board by sending an email during the meeting to: dcboc@darenc.com

Commissioners Meeting Room - Administration Building, 954 Marshall Collins Drive, Manteo

Video Link

- Fessenden Center Annex, 47017 Buxton Back Road, Buxton

Board Action Requested

Hear Public Comments

Item Presenter

Robert Outten, County Manager



Public Hearing -- Dare County Code of Ordinances S-12

Description

American Legal Publishing Company has completed an update of the Dare County Code of Ordinances with all of the amendments that have been adopted since January 2019. Although all of the amendments have previously been adopted, it is recommended that a public hearing on the complete 2020 S-12 supplement be held. A public hearing is scheduled for May 5, 2020. A resolution for adoption of the S-12 supplement is attached.

Board Action Requested

Conduct public hearing and adopt resolution for S-12 supplement.

Item Presenter

Donna Creef

RESOLUTION ENACTING AND ADOPTING A SUPPLEMENT
TO THE DARE COUNTY CODE OF ORDINANCES

WHEREAS, American Legal Publishing Corporation of Cincinnati, Ohio has completed the 2020 S-12 supplement to the County of Dare Code of Ordinances, which supplement contains all ordinances of a general and permanent nature enacted since the prior supplement to the County of Dare Code of Ordinances; and

WHEREAS, American Legal Publishing Corporation has recommended the revision or addition of certain sections of the Code of Ordinances which are based on or make reference to the North Carolina General Statutes; and

WHEREAS, it is the intent of the Dare County Board of Commissioners to accept these updated sections in accordance with the changes in the law of the State of North Carolina; and

WHEREAS, it is necessary to provide for the usual daily operation of Dare County and for the immediate preservation of the public peace, health, safety, and general welfare of the Dare County that this ordinance take effect at an early date;

NOW THEREFORE BE IT ORDAINED BY THE DARE COUNTY BOARD OF COMMISSIONERS

1. That the 2020 S-12 supplement to the County of Dare Code of Ordinances as submitted by American Legal Publishing Corporation of Cincinnati, Ohio and attached hereto is hereby adopted by reference as if set out in its entirety,
2. Such supplement shall be deemed published as of the day of its adoption and approval by the Dare County Board of Commissioners and such supplement shall be inserted into the Code of Ordinances kept on file in the Office of the Clerk.

Robert L. Woodard, Sr. Chairman

Date:

SEAL:

Cheryl Anby, Clerk to the Board



Public Hearing -- Revised Flood Maps, Flood Ordinance and Zoning Amendments

Description

Public hearing is scheduled for 10:00 a.m. Staff report attached.

Board Action Requested

Conduct hearing and adopt maps, revised Flood ordinance and zoning amendments.

Item Presenter

Donna Creef

STAFF REPORT – MAY 5, 2020 BOARD OF COMMISISONERS MEETING

RE: PUBLIC HEARING -- REVISED FLOOD MAPS AND ASSOCIATED
ORDINANCE CHANGES

FROM: DONNA CREEF, PLANNING DIRECTOR

A public hearing on the revised flood maps for Dare County and amendments to the Flood Ordinance and Zoning Ordinance is scheduled for May 5, 2020. The flood maps are scheduled to become effective on June 19, 2020. The Dare County Flood Damage Prevention Ordinance (FDPO) needs to be updated in conjunction with the revised maps and several zoning districts need to be amended because they use the terminology of “base flood elevation” as reference for building heights.

Attached with this document is the draft FDPO with the revised language noted. The changes noted in green text are changes from the model ordinance provided by the State and the changes in purple text are changes made by staff. The Dare Planning staff and other local planners have spent months reviewing the model ordinance and have tried to maintain some consistency in how floodplain regulations are applied throughout Dare County. The basis for the FDPO is the federal code which establishes the federal floodplain management regulations therefore the FDPO has to be consistent with the federal code as part of our participation in the National Flood Insurance Program.

Because of the substantial changes in the maps, a local elevation standard (LES) has been drafted and included as part of the revised FDPO. The LES will establish a regulatory flood elevation that applies to Shaded X and X zones. Freeboard requirements will still apply in the AE, AO and VE flood zones. To explain the LES in simple terms, any property identified on the revised flood maps as Shaded X or X zone will have regulations applied as if the property was classified as an AE zone. The LES establishes eight (8) feet as the regulatory flood protection elevation in the Shaded X and X zones. The reference level for the eight feet is the bottom of the lowest floor or attendant utilities for the structure meaning the bottom of the lowest floor must be elevated to eight feet or the utilities, if located below the floor, must be elevated to eight feet or higher. The attached matrix outlines the various components of floodplain management and how they will be applied in the Shaded X and X zones.

There are fifteen (15) zoning districts that use base flood as the reference point for building height. With so many properties being reclassified to Shaded X and X zone, these districts need to be amended to remove the reference to base flood. Four of these districts apply to Hatteras village and eleven zoning districts in Wanchese use base flood elevation as the building height reference point. It is important to note the actual building height limit in the districts is not being changed. The draft language is attached.

The Planning Board reviewed the draft FDPO and associated zoning amendments on several occasions. Two public meetings were held by the Planning Board in February. The Outer Banks Homebuilders has been very involved in the development of the local elevation standard and the revised FDPO. At their March 9, 2020 meeting the Planning Board recommended approval of the draft FDPO and the zoning amendments. A finding of consistency is attached with the staff report.

The map adoption process requires local elected officials to adopt the revised flood maps even though the maps have been finalized by FEMA and no changes can be made to the maps by Dare County. As stated earlier, the maps will become effective on June 19, 2020 and can be used for flood insurance rating purposes after this date. At the close of the hearing, all requirements for adoption of the maps, the revised Flood Ordinance and the zoning amendments will have been completed and the documents can be adopted by the Board with an effective date of June 19, 2020. A finding of consistency should also be adopted. I have included draft motions for the Board's consideration below:

To adopt maps, revised Flood Ordinance and Zoning Ordinance amendments as recommended by the Planning Board:

"I move the revised flood maps for Dare County, the updated Dare County Flood Damage Prevention Ordinance, and the associated Zoning Ordinance amendments be adopted with an effective date of June 19, 2020. The finding of consistency statement as submitted by staff is to be adopted as part of this action."

To make revisions to draft Flood Damage Prevention Ordinance and/or zoning amendments: "I move that the following amendments be made (note revisions). I move the flood maps and the revised ordinances be adopted with an effective date of June 19, 2020. The finding of consistency statement as submitted by staff is to be adopted as part of this action."

Green – changes/new language added to current ordinance

Purple – Dare and local additions

CHAPTER 151: FLOOD DAMAGE PREVENTION ORDINANCE

Section

General Provisions

- 151.01 Statutory authorization
- 151.02 Findings of fact
- 151.03 Statement of purpose
- 151.04 Objectives
- 151.05 Definitions
- 151.06 Applicability
- 151.07 Basis for establishing special flood hazards areas
- 151.08 Establishment of local elevation standard to serve as regulatory flood protection elevation in Shaded X and X zones
- 151.09 Compliance
- 151.10 Abrogation and greater restriction
- 151.11 Interpretation
- 151.12 Warning; disclaimer of liability
- 151.13 Penalties for violation

Administration

- 151.30 Establishment of floodplain development permits
- 151.31 Designation of Floodplain Administrator
- 151.32 Floodplain development application; permit and certification requirements
- 151.33 Duties and responsibilities of Floodplain Administrator
- 151.34 Corrective Procedures
- 151.35 Variance Procedures

Provisions for Flood Hazard Reduction

- 151.50 General standards
- 151.51 Specific standards
- 151.52 Standards for floodplains without established base flood elevations
- 151.53 Standards for riverine floodplains with BFE but without established floodways or non-encroachment areas
- 151.54 Floodways and non-encroachment areas
- 151.55 Coastal high hazard areas (Zones VE)
- 151.56 Standards for areas of shallow flooding (Zone AO)
- 151.57 Standards for areas of shallow flooding (Zone AH)

Legal Status Provisions

- 151.70 Effect on rights and liabilities under the existing flood damage prevention ordinance
- 151.71 Effect upon outstanding floodplain development permits
- 151.72 Severability
- 151.73 Effective date
- 151.74 Adoption certificate

GENERAL PROVISIONS

151.01 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A, Article 7, 9 and 11 of Chapter 160D (Effective January 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of Commissioners of Dare County, North Carolina, does ordain as follows:

151.02 FINDINGS OF FACT.

- (A) The flood prone areas within the jurisdiction of Dare County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

151.03 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:

- (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.

151.04 OBJECTIVES.

The objectives of this ordinance 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 **or other areas vulnerable to flooding.**
- (K) **Mitigate flood risks in all areas of unincorporated Dare County by implementing local elevation standards for all Special Flood Hazards Areas and Shaded X and X zones.**

151.05 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.

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). 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. **For floodplain management purposes, accessory structures are considered structures used for parking and storage only. The definition used for floodplain management purposes may vary from similar definitions found in the Dare County Zoning Ordinance.**

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

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

AREA OF SHALLOW FLOODING. 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)".

BASE FLOOD. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). 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. Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL. **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 "Structure".

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

COASTAL AREA MANAGEMENT ACT (CAMA). 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 Environment and Natural Resources' (NCDENR's) Division of Coastal Management (DCM).

COASTAL A ZONE (CAZ). 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 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. 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.

DESIGN FLOOD. See "Regulatory Flood Protection Elevation".

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

DEVELOPMENT ACTIVITY. 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). 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. 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. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCLOSURE/ENCLOSED AREA. That portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid/solid walls and is located either partially or fully below the RFPE.

ENCROACHMENT. 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. Any building and/or structure for which the "start of construction" commenced before October 1978.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before October 6, 1978.

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

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

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

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

FLOOD INSURANCE STUDY (FIS). 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 “Floodplain”.

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

FLOODPLAIN. Any land area susceptible to being inundated by water from any source.

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

FLOODPLAIN DEVELOPMENT PERMITS. 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. 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. 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. 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. 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. 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. 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, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, 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. 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). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE.

- 1) 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”.
- 2) 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). 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. 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). The boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

LOCAL ELEVATION STANDARD. A locally adopted elevation level used as the Regulatory Flood Protection Elevation (RFPE) in Shaded X and X zones or used in conjunction with the BFE and freeboard standard to mitigate flood hazards in the AE, AO, VE zones as depicted on the FIRMs for Dare County.

LOWEST ADJACENT GRADE (LAG). 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. 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. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

MAP REPOSITORY. 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 carries the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

MARKET VALUE. 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. Structures for which the "start of construction" commenced on or after October 6, 1978 and includes any subsequent improvements to such structures.

NON-CONVERSION AGREEMENT. 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 in the Dare County Register of Deeds.

NON-ENCROACHMENT AREA (NEA). 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 "Coastal Barrier Resources System (CBRS)".

POST-FIRM. Construction or other development for which the "start of construction" occurred on or after October 6, 1978, the effective date of the initial Flood Insurance Rate Map.

PRE-FIRM. Construction or other development for which the "start of construction" occurred before October 6, 1978, the effective date of the initial Flood Insurance Rate Map.

PRIMARY FRONTAL DUNE (PFD). 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 dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope. This definition is used for floodplain management purposes and varies from the definition used in the NC Division of Coastal

Management regulations.

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

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

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

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

REFERENCE LEVEL. For structures within the Special Flood Hazard Areas designated as Zones AE and AO the reference level is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower, with only flood resistant materials located below the reference level. For structures within the Special Flood Hazard Areas designated as Zone VE, the reference level is the bottom of the lowest horizontal structural member of the lowest floor or the bottom of the lowest attendant utility including ductwork, whichever is lower. For structures within Zones Shaded X or X, the reference level is the bottom of the lowest floor or the bottom of the lowest attendant utility including ductwork whichever is lower with only flood resistant materials located below the reference level.

REGULATORY FLOOD PROTECTION ELEVATION. In Special Flood Hazard Areas means the "Base Flood Elevation" plus the "Freeboard" for those areas where base flood elevations have been determined on the FIRM; the base flood depth above the highest adjacent grade or local elevation standards for those areas identified as AO zones of the FIRM, or the local elevation standard for those areas identified as Shaded X or X zones on the FIRM.

For unincorporated Dare County the RFPE is as follows:

- 1) In VE zones, the RFPE is the Base Flood Elevation as designated on the effective FIRM plus 1 foot of freeboard.
- 2) In AE zones, the RFPE is the Base Flood Elevation as designated on the effective FIRM plus 3 feet of freeboard OR an elevation to or above 8 feet NAVD 1988, whichever elevation is greater.
- 3) In AO zones, the RFPE is the designated base flood depth on the effective FIRM above the highest natural adjacent grade plus 3 feet of freeboard OR an elevation to or above 8 feet NAVD 1988, whichever elevation is greatest.
- 4) In Shaded X and X zones, the RFPE is 8 feet NAVD 1988 OR the natural grade elevation if the natural grade is greater than 8 feet NAVD 1988.

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

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

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

SAND DUNES. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

SECONDARY STRUCTURE. A structure that features habitable conditioned space above the RFPE located on the same parcel as a primary use structure. A secondary structure is not an accessory structure as defined in this section.

SHADED X ZONE. Areas of moderate flood hazard shown on the FIRM and are the areas between the limits of the base flood and the 0.2% annual chance for flood. Also commonly referred to as the 500-year flood.

SHEAR WALL. 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. Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a) (35).

SOLID WASTE DISPOSAL SITE. 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). 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. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

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

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The one-year period shall be based on the date a Certificate of Occupancy is issued for 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 and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

TECHNICAL BULLETIN AND TECHNICAL FACT SHEET. 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.

TEMPERATURE CONTROLLED. Having the temperature regulated by a heating and/or cooling system, built-in or appliance.

VARIANCE. A grant of relief from the requirements of this ordinance.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION (WSE). The height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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

X ZONE. The areas of minimal flood hazard shown on the FIRM which are areas outside of the Special Flood Hazards Areas and higher than the elevation of the 0.2% annual flood chance. Also referred to as Unshaded X zone.

151.06 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas within the jurisdiction of unincorporated Dare County.

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 FIS dated **June 19, 2020** for **Dare** 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 after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of **Dare County** are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

151.08 ESTABLISHMENT OF LOCAL ELEVATION STANDARD TO SERVE AS REGULATORY FLOOD PROTECTION ELEVATION IN SHADED X AND X ZONES.

A local elevation standard shall apply to any Shaded X and X zones as identified on the effective FIRMs for Dare County and shall serve as a regulatory flood protection level (RFPE) in Shaded X and X zones. These areas are vulnerable to flooding from storm surge, wind-driven tides and excessive rainfall associated with storm systems. These areas have flooded during past storm events and continue to remain at risk to flooding. Therefore, an elevation standard and other floodplain development components have been determined by Dare County to be appropriate for these Shaded X and X zone areas as defined in Section 151.05 *Definitions*. All development activities in any Shaded X or X zone shall conform to the provisions set forth in Section 151.30 to 151.35 *Administration* and Section 151.50 to 151.57 *Provisions for Flood Hazard Reduction* of this Chapter including a regulatory flood protection level of 8 feet NAVD 1988 OR the natural grade elevation if the natural grade is greater than 8 feet NAVD 1988.

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 ordinance and other applicable regulations.

151.10 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.

151.11 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.

151.12 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 **Dare County** 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.

151.13 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 NC G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Dare County from taking such other lawful action as is necessary to prevent or remedy any violation.

ADMINISTRATION

151.30 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 in accordance with the provisions of Article 3, Section B of this ordinance **any AE, AO, VE, Shaded X or X zone.**

151.31 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The **Planning Director or their designee**, hereinafter referred to as the "Floodplain Administrator", 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.

151.32 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(A) *Application Requirements.* Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (b) The boundary of ~~the~~ **any** Special Flood Hazard Area **or any Shaded X or X Zone** as delineated on the FIRM or other flood map as determined in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas* or Section 151.08 or a statement that the entire lot is within the Special Flood Hazard Area;
 - (c) Flood zone(s), **including any Shaded X or X zone**, designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones.*
 - (d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas*;
 - (e) The Base Flood Elevation (BFE) **and/or Regulatory Flood Protection Elevation** where provided as set forth in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones*; **Section 151.33 Duties and Responsibilities of the Floodplain Administrator**; or Section 151.53 *Standards for Floodplains Without Established Base Flood Elevations*;
 - (f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (g) The boundary and designation date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected Areas (OPA), if applicable; and
 - (h) **The certification of the plot plan by a registered land surveyor or professional engineer.**
- (2) Proposed elevation, and method thereof, of all development including but not limited to:
 - (a) Elevation in relation to **NAVD 1988** of the proposed reference level (including basement) of all structures;
 - (b) Elevation in relation to NAVD 1988 or *approved datum that is applicable at time of construction*, to which any non-residential structure in Zones A, AE, AH, AO, A99, **Shaded X or X Zone** will be floodproofed; and
 - (c) Elevation in relation to **NAVD 1988** to which any proposed utility systems will be elevated or floodproofed.
- (3) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) 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 ordinance are met. These details include but are not limited to:
- (a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 151.51 (D)(4) *Provisions for Flood Hazard Reductions, Specific Standards, Elevated Buildings* when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99, **Shaded X or X Zone**.
 - (c) The following, in Coastal High Hazard Areas, in accordance with the provisions of Section 151.51 (D) (5) *Provisions for Flood Hazard Reductions, Specific Standards, Elevated Buildings* and Section 151.55 *Provisions for Flood Hazard Reductions, Coastal High Hazard Area (VE Zone)*.

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 Zone construction.

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.

- (5) Usage details of any enclosed areas below the lowest floor.
- (6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (7) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
- (8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 151.51 (F) and (G) *Provisions for Flood Hazard Reductions, Specific Standards*, of this ordinance are met.
- (9) A description of proposed watercourse alteration or relocation, when applicable, including 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.
- (10) *In Shaded X and X zones, a survey prepared by a licensed North Carolina surveyor may be used to demonstrate the natural grades of the parcel relative to the RFPE of 8 feet.*

(B) *Permit Requirements.* The Floodplain Development Permit shall include, but not be limited to:

- (1) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
- (2) The **flood zone** determination for the proposed development in accordance with available data specified in Section 151.07 *Basis for Establishing the Special Flood Hazard Areas* and Section 151.08 *Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones*.

- (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) The flood openings requirements, if in Zones A, AE, AH, AO, A99, **Shaded X or X Zone**.
- (7) Limitations of below RFPE enclosure uses -- parking, building access and limited storage only.**
- (8) A statement, if in Zone VE, that there shall be no alteration of sand dunes which would increase potential damage.**
- (9) A statement, if in Zone VE, that there shall be no fill used for structural support.**
- (10) A statement that all materials below RFPE must be flood resistant materials.**

(C) *Certification Requirements.*

- (1) *Elevation Certificates for AE, AO, VE, Shaded X and X Zones.*
 - (a) An under construction elevation certificate is required prior to completion of the framing inspection by Dare County. It shall be the duty of the permit holder to submit to the Floodplain Administrator or his or her designee, a certification of the under-construction elevation of the reference level in relation to mean sea level. The under construction certificate shall be submitted at the time a framing inspection is scheduled with the Dare County Building Inspection. The Floodplain Administrator or his or her designee shall review the certificate and report any deficiencies to the permit holder immediately and such deficiencies shall be corrected immediately prior to further work being permitted to proceed. Failure to submit the under-construction elevation certificate or failure to make required corrections shall be cause to issue a stop work order for the project.**
 - (b) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) 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.
 - (c) In Shaded X and X zones, the submission of the under construction elevation certificate and the finished construction elevation certificate may be waived if a survey of the parcel was used to certify the natural grade of the parcel was to or above 8 feet NAVD at the time of permit application. In lieu of the finished construction elevation certificate, an as-built survey of the parcel shall be submitted to certify the finished grade of the parcel is compliant with the RFPE or 8 feet NAVD or above.**

- (2) *Floodproofing Certificate*
- (a) **If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), 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.**
- (b) **A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be 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) If a manufactured home is placed within Zones A, AE, AH, AO, A99, **Shaded X and X zone** 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 Section 151.51 (C) *Provisions for Flood Hazard Reduction, Specific Standards, Manufactured Homes*.
- (4) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (5) *Certification Exemptions*. The following structures, if located within Zones A, AE, AH, AO, A99, **Shaded X and X zone** are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
- (a) Recreational Vehicles meeting requirements of Section 151.51 (F) *Provisions for Flood Hazard Reduction Specific Standards Recreational Vehicles*;
- (b) Temporary Structures meeting requirements of Section 151.51 (G) *Provisions for Flood Hazard Reduction, Specific Standards, Temporary Non-Residential Structures*; and
- (c) Accessory Structures that **are 150 square feet or less and** meeting requirements of Section 151.51 (H) *Provisions for Flood Hazard Reduction, Specific Standards, Accessory Structures*.
- (6) **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. 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 Zone construction.

- (7) A signed, completed non-conversion agreement (see Appendix A attached) is required prior to the issuance of a certificate of compliance/occupancy. This agreement shall be completed by the property owner of record (if different than the permit holder) and shall be recorded in the Dare County Register of Deeds. A copy of the recorded agreement shall be provided to the Dare County Building Inspector prior to the issuance of the certificate of occupancy. Failure to submit the certification shall be cause to withhold the issuance of a certificate of occupancy. This non-conversion agreement shall be required for all new construction and substantial improvements which feature an enclosure area below the RFPE and with walls greater than 4 feet in height that may be converted after occupancy of the structure.
- (8) Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below RFPE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.
- (9) Acknowledgement forms attached to this ordinance for AE, AO, Shaded X and X zones (Appendix B) for VE zones (Appendix C) for construction shall be signed and completed by property owners at the time construction permits are issued by the Dare County building inspector. These acknowledgement forms indicate the specific flood zone designation for the subject property; outlines the construction standards for elevation of the structure to the regulatory flood elevation and explains the use restrictions associated with the property.

(D) Determinations for existing buildings and structures.

For applications for building permits to improve buildings and structures, including alterations, movement, relocation, 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 code enforcement official, shall:

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

151.33 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

- (A) Review all floodplain development applications and issue permits for all proposed development to assure that the requirements of this ordinance have been satisfied.
- (B) Review all proposed development 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.
- (C) 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).
- (D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (E) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 151.54 Floodways *and Non-Encroachment Areas* are met.
- (F) 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 Section 151.32 (C) Certification *Requirements*.
- (G) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been flood proofed, in accordance with the provisions of Section 151.32 (C) Certification *Requirements*.
- (H) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Section 151.32 (C) *Certification Requirements*.
- (I) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 151.32 (C) *Certification Requirements* and Section 151.51 (B) *Non-Residential Construction*.
- (J) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, **Shaded X or X zones** 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.
- (K) When BFE data has not been provided in accordance with the provisions of Section 151.07 *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones*, 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 data developed pursuant to Section 151.52 *Standards for Floodplains Without Established Flood Elevations* in order to administer the provisions of this ordinance.
- (L) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 151.07, *Basis for Establishing the Special Flood Hazard Areas and Section 151.08 Establishment of a Local Elevation Standard to Serve as Regulatory Flood Protection Elevation in Shaded X and X zones*, 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.
- (M) 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.
- (N) 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.

- (O) 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.
- (P) 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.
- (Q) Make periodic inspections throughout the **AE, AO, VE, Shaded X and X zones** 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.
- (R) Follow through with corrective procedures of Section 151.34 *Corrective Procedures*.
- (S) Review, provide input, and make recommendations for variance requests.
- (T) **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.**
- (U) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

151.34 CORRECTIVE PROCEDURES.

- (A) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (B) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (1) That the building or property is in violation of the floodplain management regulations;
 - (2) That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (3) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (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 issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than **180 calendar days**. Where the Floodplain

Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

- (D) Appeal: Any owner who has received an order to take corrective action may appeal the order to the **Dare County Board of Adjustments** by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The **Dare County Board of Adjustments** shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (E) **Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to NC G.S. § 143-215.58 and shall be punished at the discretion of the court.**

151.35 VARIANCE PROCEDURES.

These procedures apply in AE zones, AO zones, VE zones, Shaded X zones and X zones as depicted on the FIRMs for Dare County.

- (A) The **Dare County Board of Adjustment** as established by **Dare County**, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (B) Any person aggrieved by the decision of the appeal 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 Section 151.05 *Definitions* of this ordinance, provided provisions of Section 151.35 (I) *Variance Procedures* 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 appeal 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 appeal 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 **RFPE** and the elevation to which the structure is to be built and that such construction below the **RFPE** increases risks to life and property, and that the issuance of a variance to construct a structure below the **RFPE** 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 flood proofed to at least the Regulatory Flood Protection Elevation.
- (4) The use complies with all other applicable federal, state and local laws.
- (5) **Dare County** 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.

PROVISIONS FOR FLOOD HAZARD REDUCTION

151.50 GENERAL STANDARDS.

The following provisions are required **and shall apply in any AE, AO, AH, VE, Shaded X or X zone**:

- (A) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (B) 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 and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (D) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.**
 - (1) Replacements that are part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.**
 - (2) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.**
- (E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (F) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into 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) 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.
- (I) 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 Section 151.33 (J) *Variance Procedures*. 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 flood proofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the

provisions of Section 151.32 (C) *Certification Requirements*.

- (J) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (K) 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.
- (L) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (M) 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.
- (N) 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.
- (O) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest **RFPE** shall apply.

151.51 SPECIFIC STANDARDS.

The following provisions, in addition to the provisions of Section 151.50 *General Standards* are required **and shall apply in any AE, AO, AH, VE, Shaded X or X zone**

- (A) *Residential Construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 151.05 *Definitions* of this ordinance.
- (B) *Non-Residential Construction.* New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Section 151.05, *Definitions*, of this ordinance. Structures located in Zones A, AE, AH, AO, A99 **Shaded X and X zone** may be flood proofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the flood proofing elevation shall be in accordance with Section 151.56 *Standards for Areas of Shallow Flooding (Zone AO)*. A registered professional engineer or architect shall certify that the flood proofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 151.32 (C) *Certification Requirements*, along with the operational plan and the inspection and maintenance plan.
- (C) *Manufactured Homes.*
 - (1) 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, as defined in Article 2 of this ordinance.
 - (2) 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.

- (3) All enclosures or skirting below the lowest floor shall meet the requirements of Section 151.51 (D) *Elevated Buildings*.
 - (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 flood prone 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/enclosure as defined in Section 151.05 Definitions**, of new construction and substantially improved structures, which is below the lowest floor in **AE, AO, AH, Shaded X or X zones** or below the lowest horizontal structural member in VE zones:
- (1) 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;
 - (2) Shall not be temperature-controlled or conditioned. Non-temperature controlled dehumidifiers may be used in enclosed areas and shall not result in the enclosed area being determined to be conditioned space.**
 - (3) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
 - (4) Shall include, in Zones A, AE, AH, AO, A99, **Shaded X and X zones** 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:
 - (a) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (b) 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 **or a minimum of one engineered inch for each square foot of enclosed area for an engineered opening.**
 - (c) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (d) 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;
 - (e) 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
 - (f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
 - (5) Shall, in Coastal High Hazard Areas (Zone VE), 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 or insect screening; or
- (b) Breakaway walls shall meet the following design specifications:
 - 1. Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
 - 2. 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.
- (6) 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. This agreement shall be recorded with the Dare County Register of Deeds and shall transfer with the property in perpetuity. **This non-conversion agreement shall be required for all new construction and substantial improvements which feature an enclosure area below the RFPE and with walls greater than 4 feet in height that may be converted after occupancy of the structure.**
- (7) **Release of restrictive covenant. If a property which is bound by a non-conversion agreement is modified to remove enclosed areas below BFE, then the owner may request release of restrictive covenant after staff inspection and submittal of confirming documentation.)**

(E) *Additions/Improvements/Conversions.*

(1) **In AE, AO and VE Zones**

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - 1. Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and **must not be any more non-conforming than the existing structure.**
 - 2. A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway; both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - 1. Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - 2. A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) **Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during 1-year period, the cumulative cost of which equals or exceeds 50**

percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the 1-year period begins on the date the Certificate of Occupancy is issued 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:

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

(e) Areas in existing structures shall not be converted for use as conditioned; temperature controlled space unless the reference level is located to or above the RFPE.

(2) In Shaded X and X zones

- (a) The substantial improvement/substantial damage definitions as established in Article 2, Definitions, do not apply to Shaded X and X zones.
- (b) Laterals additions (increase in the footprint of the conditioned, temperature-controlled space) to existing structures shall have the reference level elevated to or above the RFPE that was applicable at the time of original construction of the structure.
- (c) Remodeling or renovations of existing structures with the reference level located below the current applicable RFPE that do not increase the footprint of the structure may be authorized at the existing reference level or higher.
- (d) Reconstruction of damaged portions of a structure may be authorized at the existing reference level or higher. However, if a structure is entirely demolished for whatever reason, the replacement structure shall be constructed to or above the RFPE.
- (e) Structures that are relocated on the same site or to another site shall be elevated to or above the applicable RFPE of the lot or to or above the RFPE of the new site.
- (f) Areas in existing structures shall not be converted for use as conditioned; temperature controlled space unless the reference level is located to or above the RFPE.

(F) *Recreational Vehicles.*

(1) Recreational vehicles shall either:

(a) Temporary Placement

1. Be on site for fewer than 180 consecutive days; or
2. 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.)

(b) Permanent Placement. Recreational vehicles located in travel trailer parks authorized by Dare County that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

(G) *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:

- (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 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.

(H) *Accessory Structures.*

The following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas)
- (2) Accessory structures shall not be temperature-controlled;
- (3) Accessory structures shall be designed to have low flood damage potential;
- (4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (5) Accessory structures shall be firmly anchored in accordance with the provisions of Section 151.50 (A) *General Standards*;
- (6) All service facilities such as electrical shall be installed in accordance with the provisions of Section 151. 50 (D) *General Standards*; and
- (7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 151.51 (D) (4) *Specific Standards, Flood Openings*. The Floodplain Administrator shall certify installation of required flood openings in compliance with the provisions of Section 151.51 (D) (4) *Specific Standards, Flood Openings*.

(8) Any accessory structure with a footprint of 150 square feet or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing requirements of Section 151.32 (C) (1) (a) *Certification Requirements* and Section 151. 51 (D) (4) *Flood Openings*.

(I) **Tanks.**

Gas and liquid storage tanks shall meet the following criteria:

- (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; or
- (2) **Above-ground tanks, elevated.** Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall not be permitted in V or VE Zones. Above-ground tanks in flood hazard areas may 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; or
- (3) **Above-ground tanks, not elevated.** Above-ground tanks in flood hazard areas may be located below the regulatory flood protection elevation provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy and lateral movement, 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, outlets and vents shall be located at or above the regulatory flood protection elevation or fitted with covers designed to prevent lateral movement, the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood.

151.52 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 151.07 where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Section 151.50 *General Standards*, shall apply:

- (A) 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.
- (B) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (1) 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 flood proofed in accordance with standards in Section 151.50 *General Standards* and Section 151.51 *Specific Standards*.
 - (2) 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 151.51 *Specific Standards* and Section 151.54, *Floodways and Non-Encroachment Areas*.
 - (3) 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 Section 151.07 *Basis for Establishing Special Flood Hazard Areas*, and utilized in implementing this ordinance.
 - (4) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level

shall be elevated or flood proofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Section 151.51 Specific *Standards* shall also apply.

151.53 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:

- (A) Standards of Section 151.50 and 151.51 and
- (B) 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 within the community.

151.54 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:

- (A) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (1) 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
 - (2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.
- (B) If **Section 151.54 (A)** is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (C) Manufactured homes may be permitted provided the following provisions are met:
 - (1) The anchoring and the elevation standards of **Section 151.51 (C)**; and
 - (2) The encroachment standards of **Section 151.54 (A)**.

151.55 COASTAL HIGH HAZARD AREA (ZONE VE).

Coastal High Hazard Areas are Special Flood Hazard Areas established in Section 151.07, *Basis for Establishing Special Flood Hazard Areas* and designated as Zones VE. 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 Section 151.50 *General Standards* and Section 151.51 *Specific Standards*:

- (A) **All new construction and substantial improvements shall be located landward of the reach of mean high tide.**

- (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. Flood proofing shall not be utilized on any structures in Coastal High Hazard Areas 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 free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
 - (1) Open wood or plastic latticework or insect screening may be permitted below the lowest floor for aesthetic purposes only and must be designed to wash away in the event of wave impact and in accordance with the provisions of **Section 151.51 (D) (5) *Elevated Buildings***. Design plans shall be submitted in accordance with the provisions of **Section 151.32 (A) (4) (c) (1) *Applications Requirements***; or
 - (2) Breakaway walls may be permitted provided they meet the criteria set forth in Section **151.51 (D) (5) *Elevated Buildings***. Design plans shall be submitted in accordance with the provisions of **Section 151.32 (A) (4) (c) (1) *Application Requirements***.
- (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 (Note: The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x 4 feet maximum segments is acceptable to meet this standard; and**
 - (3) **Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concreted pads being a source of debris; and**
 - (4) **Pad thickness**
 - (a) **Shall not exceed 4 inches; or**
 - (b) **Be certified by a design professional that the design and method of construction to be used shall be compliant with the applicable criteria of this section.**
 - (5) **The provisions above shall not apply to non-residential or multi-family construction that is designed by a professional engineer and constructed with self-supporting structural slabs capable of remaining intact and functional under base flood conditions, included expected erosion.**
- (F) **For swimming pools and spas, the following is required:**
 - (1) **Be designed to withstand all flood-related loads and load combinations.**
 - (a) **Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or**

- (b) Be designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or
 - (c) Be sited to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.
- (2) Registered design professionals must certify to local officials that a pool or spa beneath or near a VE Zone 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.
- (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 in Coastal High Hazard Areas (VE Zones) must not be mounted on, pass through, or be located along breakaway walls.
 - (3) The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counter weight and roller guides, hoist cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel shall:
 - (a) Be elevated to or above the regulatory flood protection elevation; or
 - (b) Constructed using flood damage-resistant components/materials.
- (H) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Section 151.32 (B) (C) *Floodplain Development Application, Permit and Certification Requirements* and Section 151.55 *Coastal High Hazard Area* on the current version of the North Carolina V-Zone Certification form or equivalent local version. In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.
- (I) **Fill/Grading – Fill material shall not be used for structural support of building. 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. Fill material shall not prevent free passage of floodwaters and waves beneath elevated buildings. Fill must not divert floodwaters or deflect waves such that increased damage is sustained by adjacent or nearby buildings. FEMA Technical Bulletins may be consulted for appropriate evaluation criteria on the placement of non-structural fill in VE zones.**
- (J) **There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.**
- (K) 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.
- (L) Recreational vehicles may be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Section 151.51 (F) *Specific Standards, Recreational Vehicles*.
- (M) **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. 32 (C) (6) *Certification Requirements*.**
- (N) **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.

- (O) In coastal high hazard areas, 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 run-up 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.
- (P) Accessory structures, regardless of size or cost, shall not be permitted below elevated structures in VE zones.

151.56 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 Section 151.50 *General Standards* and Section 151.51 *Specific Standards* all new construction and substantial improvements shall meet the following requirements:

- (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 3 feet above the highest adjacent grade or to or above 8 feet NAVD 1988, whichever is the greater elevation.
- (B) Non-residential structures may, in lieu of elevation, be flood proofed 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 Section 151.50 (C) (1) and Section 151.51 (B) *Non-Residential Construction*.
- (C) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

151.57 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, *Basis for Establishing Special Flood Hazard Areas*, 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 Section 151.50 *General Standards* and Section 151.51 *Specific Standards*, 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.

LEGAL STATUS PROVISIONS

151.70 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 October 6, 1978 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 Dare County enacted on October 6, 1978, as amended, which are not reenacted herein are repealed.

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

151.71 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.

151.72 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.

151.73 EFFECTIVE DATE.

This ordinance shall become effective June 19, 2020.

151.74 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 Dare County, North Carolina, on the 19 day of June, 2020.

WITNESS my hand and the official seal of Cheryl Anby, this the 19 day of June, 2020.

(Signature)

Zoning Districts Use of “Base Flood”

1. Section 22-22.3 R2-H MEDIUM DENSITY RESIDENTIAL DISTRICT FOR HATTERAS VILLAGE
2. Section 22-22.4 - R2-AH ALTERNATIVE MEDIUM DENSITY RESIDENTIAL DISTRICT (NO OCEAN OVERLAY)
3. Section 22-25.1 - C-2H GENERAL COMMERCIAL DISTRICT

Current Language

Height Limitation: 45 feet measured from the established ground elevation to the highest elevation of any feature of the primary structure or portion of the roof, excluding those architectural features known as cupolas and observation towers that meet the requirements of Section 22-29 (c) of this ordinance. Chimneys, lighting rods, weather vanes, wind gauges and other similar roof appurtenances shall not be considered the highest portion of the roof. For purposes of the section, established ground elevation is defined as the highest of (1) natural ground elevation or (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003.

- a. Elective elevation option – For those structures that are constructed with the bottom of the floor joist located above the established **base flood**, one foot of building height may be added for each one foot increment increase in elevation above the established **base flood elevation**. However in no instance shall the overall building height exceed 52 feet to the highest elevation of any feature of the structure or portion of the roof. Any improvements located in the increased elevation area shall be subject to the restrictions of subsection (d) storage area detailed below.
- d. Storage area enclosures may be located below the established **base flood elevation** to a size that equals 25% of the square forage of the structure.....

Oceanfront overlay district – 52 feet to the highest elevation of any feature of the structure or portion of the roof measured from **base flood elevation**, from natural ground elevation if natural ground elevation exceeds the **base flood elevation**, or from unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003.

Recommended Language for R2-H, R2-AH and C-2H

REVISED 2-7-2020 Height Limitation: 45 feet measured from the established ground elevation to the highest elevation of any feature of the primary structure or portion of the roof, excluding those architectural features known as cupolas and observation towers that meet the requirements of Section 22-29 (c) of this ordinance. The height shall be calculated from the approximate center of the structure. Chimneys, lighting rods, weather vanes, wind gauges and other similar roof appurtenances shall not be considered the highest portion of the roof. For purposes of the section, established ground elevation is defined as the highest of ~~(1) natural ground elevation or (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003.~~ (1) natural ground elevation before any land disturbing activities or (2) unnatural ground elevation created by the placement of fill on a site on or

before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities.

a. Elective elevation option: For those structures that are constructed with the bottom of the floor joist located above ~~the established base flood 8 feet NAVD 1988~~, one foot of building height may be added for each one foot increment increase in elevation above ~~the established base flood elevation 8 feet NAVD 1988~~. However in no instance shall the overall building height exceed 52 feet to the highest elevation of any feature of the structure or portion of the roof. Any improvements located in the increased elevation area shall be subject to the restrictions of subsection (d) storage area detailed below.

REVISED 2-7-2020

d. For those structures with a storage area enclosure ~~may be located below the established base flood elevation 8 feet NAVD~~, the size of the enclosure area shall not exceed 25% of the square footage of the structure or 300 square feet, whichever measurement is less.

REVISED 2-7-2020 Ocean Overlay district: 52 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD, building height shall be measured from the highest adjacent grade to the proposed structural footprint. For the purposes of this section natural grade is defined as the highest of (1) natural ground elevation before any land disturbing activities or; (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities.

Section 22-27.4 HOD-1 HEIGHT OVERLAY DISTRICT

Current Language

(c) Height Limitations for Hatteras village overlay district

52 feet to the highest elevation of any feature of the structure or portion of the roof measured from **base flood elevation**, from natural ground elevation if natural ground elevation exceeds **base flood elevation**, or from unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003.

REVISED 2-7-2020 Ocean Overlay district: 52 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD (or applicable datum at time of construction) building height shall be measured from the highest adjacent grade to the proposed structural footprint. For the purposes of this section natural grade is defined as the highest of (1) natural ground elevation before any land disturbing activities or; (2) unnatural ground elevation created by the placement of fill on a site on or before June 2, 2003 or; (3) the re-grading of natural topographic conditions in preparation of construction activities.

All of the Wanchese zoning districts listed below include the same building height language s

Section 22-27.7 - WANCHESE VILLAGE RESIDENTIAL ZONING DISTRICT (VR)

Section 22-27.8 WATERFRONT RESIDENTIAL ZONING DISTRICT 1 (WR-1)

Section 22-27.9 - BAUMTOWN TRADITIONAL ZONING DISTRICT (BT)

Section 22-27.10 -RESIDENTIAL BUSINESS ZONING DISTRICT 1 (RB)

Section 22-27.11-NEIGHBORHOOD COMMERCIAL ZONING DISTRICT 1 (NC)

Section 22-27.12-HISTORIC MILL LANDING MARINE DISTRICT (HML)

Section 22-27.13-WANCHESE VILLAGE COMMERCIAL ZONING (WVC)

Section 22-27.14-HARBOR ROAD MARINE COMMERCIAL (MC-2)

Section 22-27.15-WANCHESE WHARF MARINE COMMERCIAL ZONING DISTRICT (MC-1)

Section 22-27.16-HIGHWAY 345 BUSINESS DISTRICT (HWY 345)

Section 22-27.17 -WANCHESE SEAFOOD INDUSTRIAL PARK (WSIP)

Current Language

40 feet to the highest elevation of any feature of the structure or portion of the roof measured from the **base flood elevation**, from natural ground elevation if natural ground elevation exceeds the **base flood elevation**, or from an unnatural ground elevation created by placement of fill material on a site on or before March 24, 2006.

Recommended Language for All Wanchese Zoning Districts

REVISED 2-8-2020 40 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD, building height shall be measured from the highest adjacent grade to the proposed structural footprint. Natural grade for calculation of the 40 feet building limit is defined as (1) natural ground elevation before any land disturbing activities or (2) unnatural ground elevation created by the placement of fill on a site before March 24, 2006 or; (3) the re-grading of natural topographic conditions in preparation of construction activities. Overall height shall be measured from the approximate center of the structure to the highest elevation of the structure.

ZONING AMENDMENT CONSISTENCY DETERMINATION

On May 4, 2020 the Dare County Board of Commissioners conducted a public hearing on the update Flood Insurance Rate Maps (FIRMs) for Dare County, an updated Flood Damage Prevention Ordinance (FDPO) and a series of amendments to the Dare County Zoning Ordinance in conjunction with new flood insurance rate maps (FIRMs) for Dare County. The FDPO is updated and revised each time new FIRMs are released. The zoning amendments affect fifteen zoning districts in Hatteras village and Wanchese village that use the terminology “base flood or base flood elevation” as a reference point for building height. The new FIRMs for Dare County significantly decrease the number of properties located in a flood zone with an established base flood elevation therefore revisions to the zoning districts were needed. The impacted zoning districts are:

Section 22-22.3 R2-H Medium Density Residential District for Hatteras Village

Section 22-22.4 - R2-AH Alternative Medium Density Residential District

Section 22-25.1 - C-2H General Commercial District

Section 22-27.4 HOD-1 Height Overlay District

Section 22-27.7 – VR -- Wanchese Village Residential District

Section 22-27.8 WR-1 Waterfront Residential District

Section 22-27.9 – BT Baumtown Traditional District

Section 22-27.10 –RB Residential Business District 1

Section 22-27.11-NC – Neighborhood Commercial District

Section 22-27.12- HML- Historic Mill Landing Marine District

Section 22-27.13-WVC --Wanchese Village Commercial District

Section 22-27.14-MC-2 Harbor Road Marine Commercial District

Section 22-27.15-MC-1 Wanchese Wharf Marine Commercial District

Section 22-27.16-H345 -Highway345 Business District (HWY 345)

Section 22-27.17 –WSIP --Wanchese Seafood Industrial Park

The revisions to the FDPO include a local elevation standard that will apply to the Shaded X and Unshade X zones as identified on the revised FIRMs. The local elevation standard is being implemented by Dare County to provide flood hazard mitigation construction techniques to the Shaded X and Unshaded zones in recognition that floods occur in all areas, not only special flood hazards areas such as AE, AO and VE flood zones.

On March 9, 2020, the Dare County Planning Board voted to recommend adoption of the revised flood maps, revised FDPO and teh numerous zoning amendments.

The 2009 Dare County Land Use Plan is the comprehensive plan for unincorporated Dare County adopted by the Dare County Board of Commissioners on December 6, 2010.

A review of the Dare County Land Use Plan found the following policies to be applicable to the zoning text amendment:

Natural Hazards Policy NH #5

Dare County supports, as minimum standards, the administration and enforcement of all applicable floodplain management regulations and the National Flood Insurance Program. Dare County reserves the right to review, comment, advocate, or oppose any proposed regulations or programs that may affect the National Flood Insurance Program or other flood hazard legislation.

Natural Hazards Policy NH#6

Dare County shall use construction standards, such as the elevation of buildings and the wind zone requirements for mobile homes and zoning regulations, such as the setbacks from water bodies and erosion-prone areas to mitigate the effects of high winds, storm surge, flooding, wave action, and erosion.

Based upon a review of the policies, the Dare County Board of Commissioners finds revisions to the FDPO and the proposed zoning amendments to be consistent with the 2009 Dare County Land Use Plan since the amendments will facilitate the mitigation of flood hazard in unincorporated Dare County and to adjust the reference level for zoning districts to measure building height on properties classified as Shaded X or X zone on the FIRMs for Dare County. The Dare County Planning Board hereby recommends the revised FDPO and the zoning text amendments be adopted with an effective date of June 19, 2020. This same effective date applies to the revised FIRMs for Dare County.

Policy NH #4

Development of estuarine system islands that are only accessible by boat shall be carefully managed. Low intensity uses such as open space, recreation, and detached single family residential development shall be the preferred uses of these islands.

Flood Hazards

The topographic conditions of Dare County and lack of natural ground elevation to preclude flooding from adjacent water bodies is a factor in land development. To the east, our barrier islands are bordered by the Atlantic Ocean and subject to ocean overwash from storm tides, hurricanes and other weather events. To the west, the area is surrounded by numerous sounds and tributaries which also result in flooding during storms and severe weather conditions. The Federal Emergency Management Agency (FEMA) produces flood maps (Flood Insurance Rate Maps or FIRMs) depicting the various flood zones that apply in Dare County. The FIRMs establish flood zones for all properties and construction in the flood zones are impacted by the flood designation. Some areas of unincorporated Dare County are located in X zones which do not require any special construction techniques or elevation to address flood hazard concerns. Properties designated with an AE classification require elevation of any structure to the minimum base flood. VE zones, or areas predicted to experience flooding as well as wave action, establish higher minimum base flood elevations than the AE zones and construction must adhere to limitations on ground floor enclosures and engineered foundation techniques. VE zones are generally found along the oceanfront and estuarine shorelines.

In addition to flood hazard areas, storm surge associated with hurricanes and tropical storms is an issue in Dare County. Storm surge is the increased water levels from hurricanes and tropical storms that results in flooding along the shorelines. The exact area impacted by storm surge depends on each particular storm and its intensity, its forward speed, and the angle of approach to the Dare County shoreline. FEMA produces storm surge models based on the Saffir-Simpson hurricane ranking chart (category 1-5). Slower moving storms will impact less area than faster-moving storms. The storm surge areas for Dare County are depicted on the FIRM maps used for base flood elevation and floodplain management. The storm surge areas depicted on the FIRM maps are for the highest storm intensity and speed. Under this scenario, most areas of Dare County would be included in the storm surge areas. Map 14 in the Map Appendix illustrates these storm surge areas.

Policy NH #5

Dare County supports, as minimum standards, the administration and enforcement of all applicable floodplain management regulations and the National Flood Insurance Program. Dare County reserves the right to review, comment, advocate, or oppose any proposed regulations or programs that may affect the National Flood Insurance Program or other flood hazard legislation.

Implementation Strategy:

1. Administration of Dare County Flood Ordinance and continued participation in Community Rating System to result in the reduction of flood insurance rates for property owners in unincorporated Dare County. (2010-2015)

Policy NH #6

Dare County shall use construction standards, such as the elevation of buildings and the wind zone requirements for mobile homes and zoning regulations, such as the setbacks from water bodies and erosion-prone areas to mitigate the effects of high winds, storm surge, flooding, wave action, and erosion.

Storm Hazard Mitigation

Storm hazard mitigation involves activities, policies, and practices that help reduce the likelihood and extent of property damage, both public and private, in the event a hurricane makes landfall in Dare County. The key mitigation technique utilized for new construction is the enforcement of the base flood elevation standards designed to allow rising floodwaters and storm surge to flow freely under elevated structures. Wind load restrictions in the North Carolina State building code also apply in Dare County and are enforced by the Dare County Building Inspectors. Storm surge maps are included on pages 59-60 in Section 1. These maps illustrate those portions of Dare County that are subject to storm surge inundation during a hurricane. As evident on the maps, the majority of Dare County lacks natural ground elevation to preclude some degree of flooding in a hurricane. Areas with higher elevations may offer protection from flooding but may be more vulnerable to wind damage during the more intense storms.

A key part of storm hazard mitigation involves pre-storm activities that are set forth in the Dare County Emergency Operation Plan. The Emergency Operation Plan establishes a Control Group comprised of a member of the Dare County Board of Commissioners, the mayors of each town, the Dare County Sheriff, and the Superintendent of the National Park Service. This group is responsible for making all decisions associated with evacuation of the Outer Banks prior to a storm or hurricane, initiating re-entry procedures following evacuations, and for handling post-storm recovery actions. The Control Group is assisted by a Support Group which has representatives from all County departments, local utility agencies, and other essential service agencies. The Support Group assists with the implementation of Control Group decisions and provides feedback to the Control Group on the status of highway conditions, utility outages, and other issues that may arise during emergency situations. The Emergency Operation Plan prepared by the Dare County Emergency Management Department addresses the protocol and decision making process for hurricane and other emergency situations. The Control Group and Support Group meet in the offices at the Dare County Detention Center on Roanoke Island.

REGULATIONS for AE, AO and VE	
Freeboard in VE Zone	1 ft
Free obstruction in VE zone	NO
Freeboard in AE, AO, AH Zones	3 ft or up to 8 ft whichever is higher
Reference	level -- bottom of lowest floor with flood resistant materials below RL
Non-Conversion Agreements for Enclosures	Already in FDPO since 2014 for enclosures with walls 4 feet or higher.
SHADEDX AND X ZONE	
Local Elevation Standard	8 feet if natural grade is not at this level.
Use of flood vents	Flood vents will be required for enclosed areas below 8 feet.
Finished Construction elevation certificate	Yes unless natural grade is 8 feet or above
PAS (parking, access and storage) restrictions for enclosures below LES	these restrictions will apply to areas below 8 feet
Free of obstruction along oceanfront	No free of obstruction rules
Flood resistant materials in enclosure areas below RFPE	Flood resistant materials up to LES 8 feet
Conversions of enclosures	Not unless can be done in conformance with 8 feet LES
Remodeling of existing structure at same level of existing (no increase in footprint)	Can occur at exiting level of structure.
Laterals additions	Can occur at the same level of existing structure.
Apply SD/SI Regulations if structure is below LES	50% for improvements will not apply .
Reference level	bottom of lowest floor with flood resistant materials below RL



Proclamation for EMS Week: May 17-23, 2020

Description

To designate the Week of May 17-23, 2020, as Emergency Medical Services Week.

This year's national theme for Emergency Medical Services Week:
"EMS Strong: Ready Today. Preparing For Tomorrow."

Board Action Requested

Approve attached proclamation.

Item Presenter

Public Safety Director, Chief Jennie Collins



2020 EMS Week Proclamation

WHEREAS, emergency medical services are a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24-hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services are the community's medical care safety net, fills gaps and provides access into the healthcare system by delivering important, out-of-hospital care, including preventative education and activities, life-saving and time-critical interventions, and acute and non-acute medical services; and

WHEREAS, emergency medical service personnel serve our community on the front-lines, often with personal sacrifices of being away from their families on holidays, in all types of adverse weather environments, and facing numerous threats to ensure our community receives the best care possible; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, administrators, emergency nurses, emergency physicians, and other out-of-hospital medical care providers; and

WHEREAS, the members of emergency medical services teams engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, with this year's national theme for Emergency Medical Services Week – *“EMS Strong: Ready Today. Preparing For Tomorrow.”*

NOW, THEREFORE, BE IT RESOLVED, the Dare County Board of Commissioners in recognition of this event do hereby proclaim the week of May 17-23, 2020 as **EMERGENCY MEDICAL SERVICES WEEK**.

This the 5th day of May, 2020.

SEAL

Robert Woodard, Sr., Chairman

Attest:

Ceryl C. Anby, Clerk to the Board



Proclamation for Older Americans Month 2020

Description

Every May, the Administration for Community Living leads our nation's observance of Older Americans Month. This year's theme, "Make your Mark" was selected to encourage and celebrate the countless contributions older adults make to our communities. It highlights the difference everyone can make - in the lives of older adults, in support of caregivers and to strengthen communities.

Board Action Requested

Approve attached proclamation.

Item Presenter

Area Agency on Aging, Albemarle Commission



Older Americans Month 2020

WHEREAS, Dare County includes a growing number of older Americans who make countless contributions to our community every day; and

WHEREAS, Dare County is stronger when people of all ages, abilities and backgrounds are included and encouraged to make their mark and recognizes the importance of the physical, mental, social and emotional well-being of all its citizens; and

WHEREAS, Dare County can support our community members by:

- Promoting independence, inclusion and participation;
- Engaging older adults through education, recreation and service; and
- Connecting people with opportunities to share their time, experience and talents.

NOW, THEREFORE, BE IT RESOLVED, the Dare County Board of Commissioners does hereby proclaim May 2020 to be “**Older Americans Month**” and urges every resident to recognize older adults and the people who support them as essential members of our community.

This the 5th day of May, 2020.

SEAL

Robert Woodard, Sr., Chairman

Attest:

Cheryl C. Anby, Clerk to the Board



*Item Summary: Fiscal Year 2020 Fund Balance Movements of 6/30/2019 General Fund
Unassigned Fund Balance*

Description

Please see the attached Item Summary

Board Action Requested

Direct staff to return with an update of the County Financial Policies including the recommendations above, adopt the budget amendments, and adopt the amendment to the capital project ordinance.

Item Presenter

David Clawson, Finance Director

Item Summary: Fiscal Year 2020 Fund Balance Movements of 6/30/2019 General Fund Unassigned Fund Balance

Staff had planned to present the Capital Investment Plan update for fiscal years 2019 and 2020 and new fund balance policies at the March Board Retreat.

The CIF Plan will need more work once revenue projections for FY 2020 and then FY 2021 are done in conjunction with the 2021 budget. For the time being, the Board is asked to adopt the following policies and approve the transfers of ending 2019 fund balances as follows (which can be changed prior to the June 30 fiscal year end).

Staff and DEC & Associates recommend the following fund balance policies be approved by the Board:

- General Fund Unassigned Fund Balance
 - Target of 21% of General Fund current year revenue on a consolidated basis
 - Consolidated is the combined General, Capital Investment, Disaster Recovery, and LEOSSA funds as shown in the CAFR.
 - Amounts over the target % may be retained in the General Fund or transferred in the following fiscal year:
 - To add to the fund balance of the Capital Investment Fund or to fund or partially fund a capital project;
 - To add to the fund balance of the Disaster Recovery Fund;
 - To add to the fund balance of the LEOSSA Fund;
 - To establish or add to an irrevocable trust for LEOSSA; or
 - To add to the irrevocable trust for OPEB.
- Disaster Recovery Fund Total Fund Balance
 - Target of 1% of the current year General Fund budget.
 - General Fund (#10) only.
 - The policy is based on criteria for a State disaster declaration in the absence of a federal declaration which is damages & costs of at least 1% of the General Fund budget.
- Capital Investment Fund Total Fund Balance
 - Total fund balance using coverage targets.
 - Coverage = total ending fund balance as a percentage of current year debt service.
 - Minimum of 0.33 times and a target of 0.50 times.

Movement of 6/30/2019 Fund Balance in Fiscal Year 2020:

The original estimate (CIF V6a), the Board Retreat recommendation (CIF V6c), and the current recommendation (CIF V6d) are shown in the following table:

	CIF V6a Oct 2019	CIF V6c Feb 2020	CIF V6d Current
General Fund Unassigned FB >21%			
Estimate	\$5,000,000		
Actual		\$5,448,779	\$5,448,779
Transfer to Capital Investment Fund	\$3,655,000	\$4,000,000	\$3,437,104
Transfer to old HEMS Project	\$201,000	\$200,565	\$200,565
Transfer to Disaster Recovery Fund	\$1,144,000	\$224,011	\$413,437
Leave in General Fund (over 21%)	\$0	\$1,024,203	\$1,397,673

Board Action requested:

Direct staff to return with an update of the County Financial Policies including the recommendations above.

Adopt the Budget Amendment for the General Fund.

Adopt the Budget Amendment for the Capital Investment Fund.

Adopt the Budget Amendment for the Disaster Recovery Fund.

Adopt the amendment to the capital project ordinance for the EMS Helicopter project.

Dare County
 General Fund
 2019 Amounts Using 2020 Fund & Budget Structure

13-Apr-20

Consolidated General Fund (General, Capital Investment, Disaster Recovery, & LEOSSA)

Total fund balance @ 6/30/2019 \$ 45,775,400
 Unassigned fund balance @ 6/30/2019 \$ 29,555,668

Revenues \$ 114,794,707

Expenditures \$ 109,327,818

Unassigned fund balance at 21% of revenue \$ 24,106,889
 Unassigned fund balance over 21% \$ 5,448,779

Fiscal Year 2020 Uses

Transfer to Capital Investment Fund \$ 3,437,104 planned \$3,655,000
 Transfer to Disaster Recovery Fund \$ 413,437 to bring DR fund balance to 1% of GF budget
 Transfer to Capital Projects for HEMS \$ 200,565 to cover shortage on sale of old HEMS

Remaining unassigned fund balance \$ 25,504,562
 Remaining unassigned fund balance % 22.22%
 Unassigned fund balance over 21% \$ 1,397,673

DARE COUNTY

BUDGET AMENDMENT

F/Y 2019-2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
Department:					
General Fund					
<u>Revenues:</u>					
Appropriated fund balance - One-time	103090	499908		\$4,051,106	
<u>Expenditures:</u>					
Transfer to Capital Investment Fund	104925	591100		\$3,437,104	
Transfer to Disaster Recovery Fund	104925	591200		\$413,437	
Transfer to Capital Projects Fund	104925	596100	60285	\$200,565	

Explanation:

Board action on 5 5 2020 for ending 6/30/2019 unassigned fund balance over target %.

Approved by:

Board of

Date: _____

Commissioners: _____ COPY _____
(sign in red)

Date: _____

County

<i>Finance only:</i>			
Manager: _____	COPY _____		
Date entered: _____	Entered by: _____	Reference	

number: _COPY _____

DARE COUNTY

BUDGET AMENDMENT

F/Y 2019-2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
Department:					
Capital Investment Fund					
<u>Revenues:</u>					
Transfer from General Fund - one-time	113090	491000		\$3,437,104	
<u>Expenditures:</u>					
To increase fund balance	114490	550010		\$3,437,104	

Explanation:

Board action on 5 5 2020 for ending General Fund unassigned fund balance over target %.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____

DARE COUNTY

BUDGET AMENDMENT

F/Y 2019-2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
Department:					
Disaster Recovery Fund					
<u>Revenues:</u>					
Transfer from General Fund	123090	491000		\$413,437	
<u>Expenditures:</u>					
To increase fund balance	124490	550010		\$413,437	

Explanation:

Board action on 5 5 2020 for ending 6/30/2019 General Fund unassigned fund balance over target %.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____

**County of Dare, North Carolina
Capital Project Ordinance**

**for
EMS Helicopter Project #60285**

BE IT ORDAINED by the Board of Commissioners of the County of Dare, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1 The amendment is to amend the budget for project #60285/98718 (Series 2012C LOBs) in order to reduce the original budget for the sale of the old EMS helicopter.

Section 2 The following budget shall be conducted within the Capital Projects Fund (#61).

Section 3 The following revenues are changed as indicated for the projects:

HEMS transfer from General Fund FY20	613090-491000-60285	\$200,565 increase
HEMS sale of old HEMS	613090-471700-60285	\$200,565 decrease

Section 4 After this budget change, there remains \$0 to be provided for project #60285 due to the sale of the old EMS helicopter at less than the amount expected from appraisals.

Section 5 The Finance Officer is directed to report, on a monthly basis, as a part of the normal monthly financial reporting process currently in place, the financial status of the project.

Section 6 Copies of this capital project ordinance shall be furnished to the Budget Officer, the Finance Officer, and the Clerk to the Board of Commissioners.

Adopted this 5^h day of May 2020.

Chairman, Board of Commissioners

[SEAL]

Clerk to the Board of Commissioners



Request to sell -Hwy 64/264 - Parcel 025550001

Description

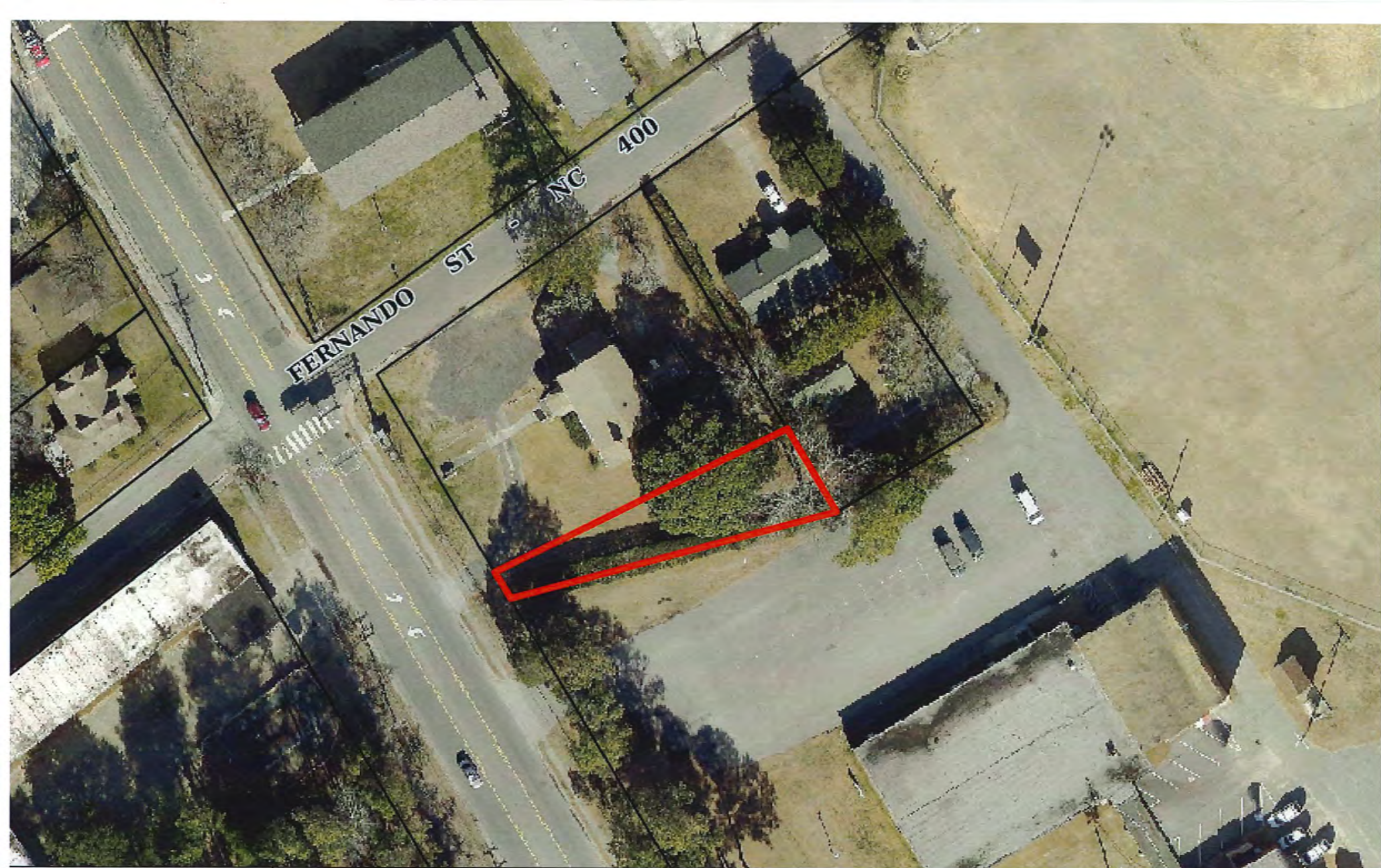
The subject triangle parcel is approximately 3,700 sq. ft. in size and is identified as parcel #025550001. It adjoins the South line property of 101 S. Hwy. 64, Manteo, NC (Parcel #025550000).

Board Action Requested

Approve appropriate action.

Item Presenter

Robert Outten, County Manager



This map is prepared from data used for the inventory of the real property for tax purposes. Primary information sources such as recorded deeds, plats, wills, and other primary public records should be consulted for verification of the information contained in this map.

0 S Hwy 64/264
 Manteo NC, 27954
 Parcel: 025550001
 Pin: 988019500858

Owners: Unknown Owner (Conflict) -
 Primary Owner
 Brix Llc Vs. Dare County -Primary
 Owner
 Building Value: \$0
 Land Value: \$42,000
 Misc Value: \$0
 Total Value: \$42,000

Tax District: Manteo In
 Subdivision: Subdivision - None
 Lot BLK-Sec: Lot: Blk: Sec:
 Property Use: Vacant Land (Private)
 Building Type:
 Year Built:



Hwy 64 Parcel



09/12/2019



Consent Agenda

Items on the Consent Agenda are considered to be non-controversial, routine in nature or items not requiring a presentation to or discussion by the Board in order to consider the item(s). Any item may be removed for discussion by the Board to hear the item presented and discussed.

Description

- 1) Budget Update for Hurricane Dorian
- 2) Approval of Minutes (4/20/2020)
- 3) Juvenile Crime Prevention Certification Standards & Dare County Funding Plan ~Fiscal Year 2020-2021
- 4) Budget Amendment - DEQ Grant Contract #7767 Hatteras Inlet - Change Order

Board Action Requested

Approval

Item Presenter

Robert Outten, County Manager



Budget Update for Hurricane Dorian

Description

Please see the attached item summary

Board Action Requested

Adopt the amendment to the grant project ordinance.

Item Presenter

David Clawson, Finance Director

Item Summary: Budget Update for Hurricane Dorian

All debris & monitoring costs for Hurricane Dorian have recently been paid. Now that costs are known, the Board is asked to adjust the originally budgeted amounts which were based on County & contractor estimates.

Account #	Account	Current Budget	New Budget	Difference
<u>Revenues</u>				
123025-422225	State & federal aid	\$1,576,000	\$2,404,175	+\$828,175
123025-445400	Insurance & Other	\$307,000	\$340,729	+\$33,729
123025-499900	Appropriated fund balance	\$35,000	\$74,894	+\$39,894
	Total Revenues	\$1,918,000	\$2,819,798	+901,798
<u>Expenditures</u>				
124490-560093-28011	Damage assessment	\$5,000	\$35	<\$4,965>
124490-560093-28016	Emergency Protective Measures	\$175,000	\$89,394	<\$85,606>
124490-560093-28015	Debris-Contract Elg	\$1,401,000	\$2,262,992	+\$861,992
124490-560093-28012	Debris-County Elg	\$0	\$1,403	+\$1,403
124490-560093-28010	Debris-Contract Not Eligible	\$0	\$78,747	+\$78,747
124490-560093-28014	Debris-County Not Eligible	\$25,000	\$30,953	+\$5,953
124490-560093-28017	Insurance	\$312,000	\$356,274	+\$44,274
	Total expenditures	\$1,918,000	\$2,819,798	+\$901,798

Notes:

(1) FEMA/State reimbursements include insurance deductibles and \$108,098 of comp time booked.

(2) Debris & Monitoring:

- a. Contractor – eligible costs \$2,262,992
- b. County self-performed - eligible costs \$1,403
- c. Contractor – Martins Point – not eligible \$78,747
- d. County – Colington – not eligible \$30,953

(Colington does not include labor & fringes of \$29,728)

The Board is requested to adopt the amendment to the grant project ordinance for Hurricane Dorian.

DARE COUNTY

BUDGET AMENDMENT

F/Y 2019-2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
Department:					
Disaster Recovery - Hurricane Dorian					
<u>Revenues:</u>					
State & federal aid	124490	422225		\$828,175	
Insurance & other	124490	445400		\$33,729	
Appropriated fund balance	124490	499900		\$39,894	
<u>Expenditures:</u>					
Damage assessment	124490	560093	28011		\$4,965
Emergency protective measures			28016		\$85,606
Debris - contractor - eligible			28015	\$861,992	
Debris - county - eligible			28012	\$1,403	
Debris - contractor - not eligible			28010	\$78,747	
Debris - county - not eligible			28014	\$5,953	
Insurance related costs			28017	\$44,274	

Explanation:

To update budget for Hurricane Dorian actual costs.
 To clarify that the budget adopted on September 16, 2020 was adopted as a Grant Project ordinance.
 This budget action is an amendment to the grant project ordinance adopted Sept 16, 2020.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

COPY

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



Approval of Minutes

Description

The Board of Commissioners will review and approve their previous Minutes, which follow this page.

Board Action Requested

Approve Previous Minutes

Item Presenter

Robert Outten, County Manager



County of Dare

P.O. Box 1000 | Manteo, NC 27954

MINUTES

DARE COUNTY BOARD OF COMMISSIONERS MEETING

Dare County Administration Building, Manteo, NC

5:00 p.m., April 20, 2020

Commissioners present: Chairman Robert Woodard, Vice Chairman Wally Overman
Rob Ross, Steve House, Jim Tobin, Danny Couch, Ervin Bateman

Commissioners present
via remote connection: Jim Tobin, Danny Couch and Ervin Bateman

Commissioners absent: None

Others present: County Manager/Attorney, Robert Outten
Deputy County Manager/Finance Director, David Clawson
Master Public Information Officer, Dorothy Hester (remotely)
Clerk to the Board, Cheryl Anby

A full and complete account of the entire Board of Commissioners meeting is archived on a video that is available for viewing on the Dare County website www.darenc.com.

At 5:00 p.m. Chairman Woodard called to order the regularly scheduled meeting with appropriate prior public notice having been given. He read the prayer offered by Father Fred Smuda, from Our Lady of the Seas Catholic Parish in Buxton, and then he led the Pledge of Allegiance to the flag.

ITEM 1 – OPENING REMARKS – CHAIRMAN’S UPDATE

Following is a brief outline of the items mentioned by Chairman Woodard during his opening remarks, which can be viewed in their entirety in a video on the Dare County website:

Chairman Woodard noted the federal economic impact funds had been received by many and inquiry as to the status of payments could be monitored by going to [irs.gov](https://www.irs.gov). Additional assistance can be provided by the many community resources offered at darenc.com. He offered that although the weather is warming and everyone is anxious to get outside, they should avoid close contact, maintain suggested distancing, wear a cloth face covering when making trips for essentials and continue to wash their hands. Although recent Dare County test results had been negative, the CDC reports reflect that 25% of all patients with Covid-19 do not show symptoms. Social distancing had been effective and the community should keep following the guidelines.

He encouraged everyone to complete the census at my2020census.gov. The results of the 2020 Census will determine how many federal funds are allocated for the next ten years.

The Dare County “Stay Healthy Stay Home” Orders align with the Governor’s Executive Orders and the Dare County Control Group continued to meet frequently for updates to address all related issues and concerns. As April 29, 2020 approached, their serious discussions and decisions regarding the virus impacts would continue for the best interest of all. A staged entry process would be implemented for non-resident homeowners and updates would be provided to the community with a timeline when established. Updates could be noted by visiting darenc.com for details.

ITEM 2 – PUBLIC COMMENTS

At 5:09 p.m. the Manager outlined the procedure for making public comments in Manteo and the Fessenden Center Annex in Buxton, as well as through emails to dcboc@darenc.com. No one appeared in person for public comments. The Board paused to review the incoming emails and made no additional responses during the meeting. Following is a summary of citizen email remarks:

- Dr. Paul J. Pontier, Kitty Dove, Mary Foreman, Laura Rainey, Ray and Cyndee Walzer, Chris Rogers, James and Estelita Buie, Jim McIntosh, David Gallagher, Rodger L. Smith, Amanda Mille and Jennie Rogers provided emails to express their opposition to current closure and restriction to non-resident property owners.
- Laura Singletary and Linda Matason provided emails to oppose opening the County to non-resident property owners and visitors.

The County Manager closed Public Comments at 5:11 p.m.

ITEM 3 – PUBLIC HEARING – SERIES 2020A REFUNDING LIMITED OBLIGATION BONDS (Att. # 1)

At 5:11 p.m. the Board held a Public Hearing to receive input concerning this agenda item. The Manager outlined the procedure for making public comments in Manteo and the Fessenden Center Annex in Buxton. Email comments could be received via the County-Commissioners-meeting information calendar website or by calling 252-475-5731. No one appeared in person to respond in Manteo or Buxton to the invitation to address the Board of Commissioners on this issue. One email had been received; however, it was not relevant to the purpose of the Public Hearing.

The County Manager closed the Public Hearing at 5:11 p.m.

ITEM 4 – CONSENT AGENDA

The Manager announced the items as they were visually displayed in the meeting room. He reminded Commissioners to request with a motion to remove any items of concern, which required further question or discussion, from the Consent Agenda.

MOTION

Vice-Chairman Overman motioned to approve the Consent Agenda:

- 1) Resolution of the County of Dare, North Carolina Approving an Amendment to an Installment Financing Contract to Provide for the Refinancing of Existing County Obligations and Related Matters **(Att. #2)**
- 2) DDHS - Public Health Division – Additional Funding for the Strategic Prevention Framework for Prescription Drugs (SPF-Rx)
- 3) DDHS - Public Health Division – COVID-19 Crisis Response Funding

- 4) DHHS – Social Services Division – Medicaid Transportation Budget Amendment
- 5) Designation of Applicant’s Agent for Public Assistance for FEMA and NCEM
- 6) Request to Waive Late Listing Penalty for Personal Property Listings
- 7) Approval of Minutes – (4/6/2020) **(Att. #3)**
- 8) Re-adoption of Dare County Conflict of Interest Policy **(Att. #4)**
- 9) Budget Amendment – Emergency Management
- 10) Tax Collector’s Report

Commissioners House and Tobin seconded the motion.

VOTE: AYES unanimous

Commissioner Ross noted Item 3 of the Consent Agenda (DHHS – COVID-19 Crisis Response Funding) was significant. For emphasis, he reiterated the purpose of the funding was for our Local Health Department to work to prevent, prepare for and respond to Coronavirus Disease 2019 by carrying out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications and other preparedness and response activities. This funding would be used to cover salary/benefits of direct clinic staff and to purchase equipment and medical supplies.

ITEM 5 – COMMISSIONERS’ BUSINESS & MANAGER’S/ATTORNEY’S BUSINESS

Commissioners and the County Manager frequently make extensive remarks, which can be viewed in their entirety in a video on the Dare County website. Following is a brief summary outline of the items mentioned by Commissioners during this segment:

Commissioner House

- Throughout the crisis many workers had been laid off or furloughed and many were receiving unemployment benefits. As commercial fisherman were categorized as self-employed, they are not covered with assistance. U.S. Dept. of Labor through the Federal Cares Act had implemented a Pandemic Unemployment Assistance Program to provide compensation for those not eligible for regular unemployment insurance benefits. The program would begin accepting claims around April 25, 2020.
- The Covid-19 House Select Committee in Raleigh had also been looking into funding sources to aid the commercial fishing industry as a whole.
- He noted the recent passing of Denny Shoup and Billy Deans. Both had served and retired as EMS captains for Dare County.

Commissioner Ross

- He provided an update regarding the Albemarle Commission, whose Executive Committee continued to meet weekly by telephone conference. With the growing significant need of recipients of meals on wheels and related food services, the Board had approved a \$2,000 expenditure for personal care and hygiene items. The Commission had deferred the search for a new executive director at this time.
- The scheduled breakfast with Governor Roy Cooper on May 13, 2020 had been cancelled during the Covid-19 pandemic.

Vice-Chairman Overman

- Thanked everyone for following the social distancing guidelines. Continued mitigation efforts would be answer now and for the unforeseeable future. We would be returning to a new normal with a careful and measured approach to reopening the economy. Personal responsibility regarding all mitigation efforts would be necessary by everyone. He added no one wanted to see a significant spike of cases; therefore, while maintaining the mitigation guidelines, we could move forward. We would need to remain cautious and vigilant to avoid virus transmission, as we Stay Safe and Stay Secure.

Commissioner Bateman

- Reminded everyone to be safe, stay healthy and continue to take care of themselves.

Commissioner Tobin

- He reported the Dredge Currituck was on site and would be here for twenty-four days, while working 24 hours a day.
- Additional shipyard and manufacturer bids for dredge construction had been received, and were being reviewed and analyzed.
- Next week a trip to one of the Florida shipyards had been scheduled.

Commissioner Couch

- In this extraordinary time he is proud of the power of our personnel in Dare County.

MANAGER’S/ATTORNEY’S BUSINESS

County Manager Outten and Dave Clawson, Finance Director had no new business to add.

At the conclusion of the meeting, Chairman Woodard asked for a motion to adjourn.

MOTION

Commissioner Ross motioned to adjourn the meeting.

Commissioner House seconded the motion.

VOTE: AYES unanimous

At 5:26 p.m., the Board of Commissioners adjourned until 9:00 a.m., May 5, 2020.

Respectfully submitted,

[SEAL]

By: _____
Cheryl C. Anby, Clerk to the Board

APPROVED: By: _____
Robert Woodard, Sr., Chairman
Dare County Board of Commissioners

Note: Copies of attachments (Att.), ordinances, resolutions, contracts, and supporting material considered by the Board of Commissioners at this meeting are on file in the Office of the Clerk to the Board.



*Juvenile Crime Prevention Certification Standards &
Dare County Funding Plan~~Fiscal Year 2020-2021*

Description

Juvenile Crime Prevention Council Certification Standards for fiscal year 2020-2021. These are membership standards for the organization, meetings, planning & public awareness, certification budget, with membership roster for the new fiscal year. Also, the Dare County Funding Plan for Dare JCPC programming for fiscal year 2020/2021.

Board Action Requested

Approve Certification standards and Dare County Funding Plan, with Chairman Woodard signing both. The JCPC Chairman, Pat Hudspeth has signed the originals.

Item Presenter

n/a



NC Department of Public Safety
Juvenile Crime Prevention Council Certification

Fiscal Year: 2020 -2021

County: Dare Date: 4/27/2020

CERTIFICATION STANDARDS

STANDARD #1 - Membership

- A. Have the members of the Juvenile Crime Prevention Council been appointed by county commissioners? yes
B. Is the membership list attached? yes
C. Are members appointed for two year terms and are those terms staggered? yes
D. Is membership reflective of social-economic and racial diversity of the community? yes
E. Does the membership of the Juvenile Crime Prevention Council reflect the required positions as provided by N.C.G.S. §143B-846? yes
If not, which positions are vacant and why?

STANDARD #2 - Organization

- A. Does the JCPC have written Bylaws? yes
B. Bylaws are [] attached or [x] on file (Select one.)
C. Bylaws contain Conflict of Interest section per JCPC policy and procedure. yes
D. Does the JCPC have written policies and procedures for funding and review? yes
E. These policies and procedures [] attached or [x] on file. (Select one.)
F. Does the JCPC have officers and are they elected annually? yes
JCPC has: [x] Chair; [x] Vice-Chair; [x] Secretary; [x] Treasurer.

STANDARD #3 - Meetings

- A. JCPC meetings are considered open and public notice of meetings is provided. yes
B. Is a quorum defined as the majority of membership and required to be present in order to conduct business at JCPC meetings? yes
C. Does the JCPC meet bi-monthly at a minimum? yes
D. Are minutes taken at all official meetings? yes
E. Are minutes distributed prior to or during subsequent meetings? yes

STANDARD #4 - Planning

- A. Does the JCPC conduct an annual planning process which includes a needs assessment, monitoring of programs and funding allocation process? yes
B. Is this Annual Plan presented to the Board of County Commissioners and to DPS? yes
C. Is the Funding Plan approved by the full council and submitted to Commissioners for their approval? yes

Juvenile Crime Prevention Council Certification (cont'd)

STANDARD #5 - Public Awareness

- A. Does the JCPC communicate the availability of funds to all public and private non-profit agencies which serve children or their families and to other interested community members? (RFP, distribution list, and article attached) _____ yes
- B. Does the JCPC complete an annual needs assessment and make that information available to agencies which serve children or their families, and to interested community members? _____ yes

STANDARD #6 – No Overdue Tax Debt

- A. As recipient of the county DPS JCPC allocation, does the County certify that it has no overdue tax debts, as defined by N.C.G.S. §105-243.1, at the Federal, State, or local level? _____ yes

Briefly outline the plan for correcting any areas of standards non-compliance.

Having complied with the Standards as documented herein, the Juvenile Crime Prevention Council may use up to \$15,500 of its annual Juvenile Crime Prevention fund allocation to cover administrative and related costs of the council. *Form JCPC/OP 002 (b) JCPC Certification Budget Pages* detailing the expenditure budget must be attached to this certification.

The JCPC Certification must be received by June 30, 2020.

**JCPC Administrative Funds
SOURCES OF REVENUE**

DPS JCPC	
Only list requested funds for JCPC Administrative Budget.	_____ \$15,500
Local	_____
Other	_____
Total	_____ \$15,500

JCPC Chairperson Date

Chairman, Board of County Commissioners Date

DPS Designated Official Date

Juvenile Crime Prevention Council Certification (cont'd)

Dare

County

F 2020-2021
Y

Instructions: N.C.G.S. § 143B-846 specifies suggested members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. Please indicate the person appointed to serve in each category and his/her title. Indicate appointed members who are designees for named positions. Indicate race and gender for all appointments.

Specified Members	Name	Title	Designee	Race	Gender
1) School Superintendent or designee	Molly McGinnis	DCS School Social Worker	<input checked="" type="checkbox"/>	w	f
2) Chief of Police	Vance Haskett	Chief Manteo	<input type="checkbox"/>	w	m
3) Local Sheriff or designee	Gail Hutchison	Victims Advocate	<input checked="" type="checkbox"/>	w	f
4) District Attorney or designee	Jennifer Karpowicz	Asst. DA	<input checked="" type="checkbox"/>	w	f
5) Chief Court Counselor or designee	Ed Hall	Chief	<input type="checkbox"/>	b	m
6) Director, AMH/DD/SA, or designee	Keith Letchworth	SOC	<input checked="" type="checkbox"/>	w	m
7) Director DSS or designee	Shelia Davies	Dir, Consolidated Health & DSS	<input type="checkbox"/>	w	f
8) County Manager or designee	Shannon Glaser	FOY Director	<input checked="" type="checkbox"/>	w	f
9) Substance Abuse Professional	Melinda Mogowski	Therapist	<input type="checkbox"/>	w	f
10) Member of Faith Community	Stephen Wescott	Minister	<input type="checkbox"/>	w	m
11) County Commissioner	Steve House	Commissioner	<input type="checkbox"/>	w	m
12) Two Persons under age 18 (State Youth Council Representative, if available)	Chelsea Artzt	Student	<input type="checkbox"/>	w	f
	TBD		<input type="checkbox"/>		
13) Juvenile Defense Attorney	Pat Hudspeth	Attorney	<input type="checkbox"/>	w	m
14) Chief District Judge or designee	Hon. Robert Trivette	District Court Judge	<input checked="" type="checkbox"/>	w	m
15) Member of Business Community	Jennifer Alexander	Private Counselor	<input type="checkbox"/>	w	f
16) Local Health Director or designee	Shelia Davies	Dir, Consolidated Health & DSS	<input type="checkbox"/>	w	f
17) Rep. United Way/other non-profit	Michael Lewis	OB Hotline	<input type="checkbox"/>	b	m
18) Representative/Parks and Rec.	Tim White	Director	<input type="checkbox"/>	w	m
19) County Commissioner appointee	Marsha Riibner-Cady	Dare County Schools	<input type="checkbox"/>	w	f
20) County Commissioner appointee	Nancy Griffin	CYP Dare	<input type="checkbox"/>	w	f
21) County Commissioner appointee	Katherine Irby	Youth Council	<input type="checkbox"/>	w	f
22) County Commissioner appointee	Todd Heineche	YMCA, director	<input type="checkbox"/>	w	m
23) County Commissioner appointee	Laura Twitchell	Attorney	<input type="checkbox"/>	w	f
24) County Commissioner appointee	Marcus Hester-Smith	Concerned Citizen	<input type="checkbox"/>	b	m
25) County Commissioner appointee	Craig Albert	Retired Judge	<input type="checkbox"/>	w	m

Dare County
NC DPS - Community Programs - County Funding Plan

Available Funds: \$ 113,065 Local Match: \$ 29,304 Rate: 30%

DPS JCPC funds must be committed with a Program Agreement submitted in NC Allies and electronically signed by authorized officials.

#	Program Provider	DPS-JCPC Funding	LOCAL FUNDING			OTHER	OTHER	Total	% Non DPS-JCPC Program Revenues
			County Cash Match	Local Cash Match	Local In-Kind	State/Federal	Funds		
1	Dare County Community of Juvenile Services	\$73,910			\$22,180			\$96,090	23%
2	Pathways to Resilience	\$23,655			\$7,124			\$30,779	23%
3	JCPC Certification	\$15,500						\$15,500	
4									
5									
6									
7									
8									
9									
10									
11									
12									
13									
14									
15									
16									
17									
18									
TOTALS:		\$113,065			\$29,304			\$142,369	21%

The above plan was derived through a planning process by the Dare County
 Juvenile Crime Prevention Council and represents the County's Plan for use of these funds in FY 20-21

P. White 4/23/20
 Chairperson, Juvenile Crime Prevention Council (Date)

Initial Review Final

—DPS Use Only—

 Chairperson, Board of County Commissioners (Date)
 or County Finance Officer



Budget Amendment - DEQ Grant Contract #7767 Hatteras Inlet-Change Order

Description

Appropriate grant revenue and related expenditures for NC Dept. of Environmental Quality Grant #7767 change order to allow NC DOT's pipeline dredge to operate in Hatteras Inlet. Funds awarded from Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund. Grant requires a 25% match of \$1,250. The change order will modify Dare County's permits to allow NC DOT the ability to utilize the pipeline dredge MANTEO for a one time event at Hatteras Inlet. This will save Dare County on having to fund a dredging event by the Corps of Engineers.

Board Action Requested

Approve Budget Amendment

Item Presenter

Project Manager - Brent Johnson

DARE COUNTY

BUDGET AMENDMENT

F/Y 2019/2020

ACCOUNT	CODE			INCREASE	DECREASE
	Org	Object	Project		
<u>Department: Inlet Maintenance</u>					
<u>Revenues:</u>					
SDNCD&W-Grant Proceeds	253571	427013	00764	3,750	
 <u>Expenditures:</u>					
SDNCD&AW-Inlet Maintenance	254571	559912	00764	5,000	
Inlet Maintenance- HI	254571	559912			1,250

Explanation:

Appropriate grant revenue and related expenditures for NC Dept of Environmental Quality grant #7767 change order to allow NC DOT's pipeline dredge to operate in Hatteras Inlet. Funds awarded from Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund. Grant requires a 25% match of \$1,250.

Approved by:

Board of Commissioners: _____

Date: _____

County Manager: _____

Date: _____

(sign in red)

Finance only:

Date entered: _____ Entered by: _____ Reference number: _____



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

April 15, 2020

AMENDMENT NO. 2

AMENDMENT TO CONTRACT NUMBER 7767
BETWEEN
County of Dare
AND THE
NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY

Pursuant to the paragraph of the North Carolina General Contract Terms and Conditions Clause pertaining to Amendments of Contract Number 7767, the Department of Environmental Quality would like to amend said contract to increase the amount payable by \$3,750.00, for the total amount payable under the contract a sum not to exceed \$24,045.00. This increase is to allow for additional work to be performed as indicated in the revised Scope of Work, which is incorporated as Attachment A and as part of this amendment document.

The Department and the Contractor mutually agree to change the contract ending date from 07/01/2020 to 12/30/2020. It is the intent of this amendment to address provision(s) noted only, and in no way should this amendment be construed to further modify this contract. All other terms and conditions remain the same. Please indicate acceptance by your signature below.

County of Dare

Tommy Kirby, Purchasing Director

Return one (1) original-signed documents to the address specified below for execution by the Department:

wanda.andrews@ncdenr.gov

This amendment when fully executed by all parties will be forwarded to the Contractor.

cc: Coley Cordeiro, NC DEQ DWR

ORIGINAL

Form 6100 - DEQ Contract Form - revised 8/19/15

Korade

DEQ CONTRACT FORM - AGREEMENT INFORMATION

DEQ CONTRACT NO: 7767 (Assigned by Contract Coordinator)
--

DEQ Division & Section: DWR/Directors Office		
Address (MSC/Street): 1617	City: Raleigh	Zip: 27699
Contract Administrator (Technical expertise): Coley Cordeiro		
Phone No: 919-707-9013	E-mail address: Coley.Cordeiro@ncdenr.gov	
Contract Coordinator (Contract Process expertise): Julia Gore		
Phone No: 919-707-9225	E-mail address: Julia.Gore@ncdenr.gov	

PURCHASING AND CONTRACTS ONLY	
FSD Purchasing Agent:	_____
Date Received:	_____
Requisition No:	_____
PO No:	_____
AMENDMENT NO:	_____

CONTRACT INFORMATION:

Contractor: <u>County of Dare</u>		Check one of the following:	
Contractor Key Contact / PI: <u>Brent Johnson</u>		<input type="checkbox"/> Minority (51% owned)	
Street/PO Box # <u>PO Box 1000</u>		<input type="checkbox"/> Woman (51% owned)	
City/State/Zip: <u>Manteo, NC 27954</u>		<input type="checkbox"/> Handicapped (51% owned)	
Phone No: <u>2524755628</u>		<input type="checkbox"/> None of the above	
E-mail Address: <u>brent.johnson@darenc.com</u>			
Address (Mail Contract for Execution): (University? / N/A) Name: <u>Brent Johnson</u>		Address (checks are mailed if different from Contract Execution address): Name: _____	
Street/PO Box # <u>PO Box 1000</u>		Street/PO Box # _____	
City/State/Zip: <u>Manteo, NC 27954</u>		City/State/Zip: _____	
Contract Period (Work cannot begin until fully executed contract is in place)		Start Date: <u>01/07/20</u>	End Date: <u>06/30/20</u>
DEQ Contract Amount (complete for initial contract request only): \$ _____			
Amendment No: <u>2</u>	Amendment Type: _____	No-Cost Time Extension <input checked="" type="checkbox"/>	Increase or Decrease Contract Amount: _____ Yes <input checked="" type="checkbox"/> No _____ NA
(Required) Explain why amendment is necessary: It will cost more money to complete the permit and take longer than expected due to unforeseen circumstances caused by COVID-19.			
Time Extension from: <u>7/1/20</u>	Time Extension to: <u>12/30/20</u>		
Amendment Amount: \$ <u>3,750.00</u>	Revised Contract Total (Initial contract amount plus all amendments): \$ _____		
ENCUMBRANCE (Actual or Estimate Per FY):		UNENCUMBRANCE:	
FY <u>19/20</u> -- \$ <u>3,750.00</u> Co: <u>1602</u> Acct: <u>536990</u> Center: <u>2182</u>	PO Line _____ \$ _____ Co: _____ Acct: _____ Center: _____		
FY _____ -- \$ _____ Co: _____ Acct: _____ Center: _____	PO Line _____ \$ _____ Co: _____ Acct: _____ Center: _____		
FY _____ -- \$ _____ Co: _____ Acct: _____ Center: _____	PO Line _____ \$ _____ Co: _____ Acct: _____ Center: _____		
FY _____ -- \$ _____ Co: _____ Acct: _____ Center: _____	PO Line _____ \$ _____ Co: _____ Acct: _____ Center: _____		
PAYMENT SCHEDULE (Check one):			
<input checked="" type="checkbox"/> Reimburse for allowable expenditures according to amount specified in Scope of Work / a minimum of 10% withheld until DEQ accepts final work.			
<input type="checkbox"/> Reimburse 90% of all invoices for allowable expenditures with 10% of each invoice withheld until DEQ accepts final work.			
<input type="checkbox"/> Reimburse actual invoices submitted with a minimum of 10% of DEQ Contract amount withheld until DEQ accepts final work.			
<input type="checkbox"/> A Lump sum payment when DEQ accepts contract fulfillment.			
Other (Specify): _____			

MANDATORY SIGNATURES:

By signature, I certify that the above budget information is correct, appropriately budgeted & currently available in the Division's budget as specified in the above encumbrance information.

DIVISION BUDGET OFFICER: *Yplenda Sinclair* 03/19/2020
 Signature Date
 DIVISION DIRECTOR: *S. Daniel Smith* 17 Mar 2020
 Signature Date



COUNTY OF DARE

P.O. Box 1000, Manteo, North Carolina 27954

(252) 475-5000

March 11, 2020

Coley Cordeiro
Coastal Infrastructure Project Manager
NC Division of Water Resources
1617 Mail Service Center
Raleigh, NC 27699-1611

Request For Additional Funding to Contract 7767 Year 2 Hatteras Inlet Maintenance

Ms. Cordeiro:

Dare County request additional funding to Contract 7767 Hatteras Inlet Maintenance Project to include a the proposed change order provided by APTIM Coastal Planning and Engineering dated March 10,2020. The change order will allow APTIM to modify the current Dare County permit for South Ferry Channel to allow for a one time use of a pipeline dredge.

Dare County has been coordinating with NC DOT Ferry Division to utilize the pipeline dredge MANTEO. NC DOT has a planned event in April 2020 to dredge sand for sandbags and dunes protecting NC HWY 12 on Ocracoke Island. NC DOTs allowed dredge box is the Old Ferry Route which is less than 1000' away from South Ferry Channel. It was determined by members of the Division of Costal Management to modify Dare County's permit verses DOT's permit seemed to be the best course of action. Modifying the permit will allow DOT to utilize Dare County's permit to dredge South Ferry Channel. The coordination in this event is mutually beneficial for Dare County and NC DOT and will also conserve State funds by not requiring the full budgeted amount for the planned Corps of Engineers event scheduled for April.

The total cost of the contract modification is \$5000.00 with Dare County's cost share being \$1,250.00 (25%) and requests cost share from the Shallow Draft Fund for \$3,750.00 (75%).

Sincerely,

Brent Johnson
Project Manager
Grants Administrator
Dare County Waterways

Kenneth Willson
President
Aptim Coastal Planning & Engineering of North
Carolina, Inc.
4038 Masonboro Loop Road
Wilmington, North Carolina
Tel: +1 910-791-9494
KWillson@CoastalProtectionEng.com

March 10, 2020

Robert L. Outten
Dare County
954 Marshall C Collins Dr. Room 286
Manteo, NC 27954

Subject: Permit Modification Services Associated with Use of Pipeline Dredge at South Ferry Channel – Proposal for Change Order One

Dear Mr. Outten:

This Change Order Proposal requests authorization for Aptim Coastal Planning & Engineering of North Carolina, Inc. (“CPE”) to provide additional professional services associated with applying for and coordinating a permit modification to allow for a pipeline dredge to be used for the upcoming navigation maintenance dredging of the South Ferry Channel at Hatteras Inlet. CPE will provide the following Services as a Change Order to the Services Agreement between CPE and Dare County (“COUNTY”) executed on February 25, 2019 associated with Year 2 Construction Administration Services for Hatteras Inlet Maintenance Dredging.

The Services to be covered under this Change Order includes the development of written materials and coordination with regulatory and resource agencies associated with requesting a modification to the existing Dept. of the Army and North Carolina Division of Coastal Management permits. Specifically, CPE will provide the agencies with the information necessary for them to make a determination to permit the one time use of a pipeline dredge within the previously authorized navigation channel through South Ferry Channel.

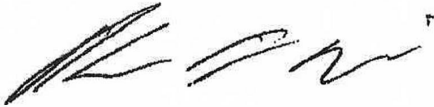
CPE anticipates that this effort will entail the development of a supplemental information package describing the potential impacts to the biological resources found within the project area in response to the use of a pipeline dredge, as opposed to the sidecast and special purpose dredges authorized under Dare County’s current permits. Required supplemental information will then be submitted to the US Army Corps of Engineers and the Division of Coastal Management for their review and consultation with additional resource agencies and divisions.

The Services included under this Change Order will be provided on a Time and Materials basis for an amount not to exceed \$5,000.00. CPE’s performance of the proposed Change Order Services will be governed by this proposal and the above-referenced terms and conditions between the parties.

If this Change Order proposal is acceptable to you, please sign where indicated below and return a signed copy of it to me as your authorization to proceed and keep a copy of it for your records.

Sincerely,

APTIM COASTAL PLANNING & ENGINEERING OF NORTH CAROLINA, INC.



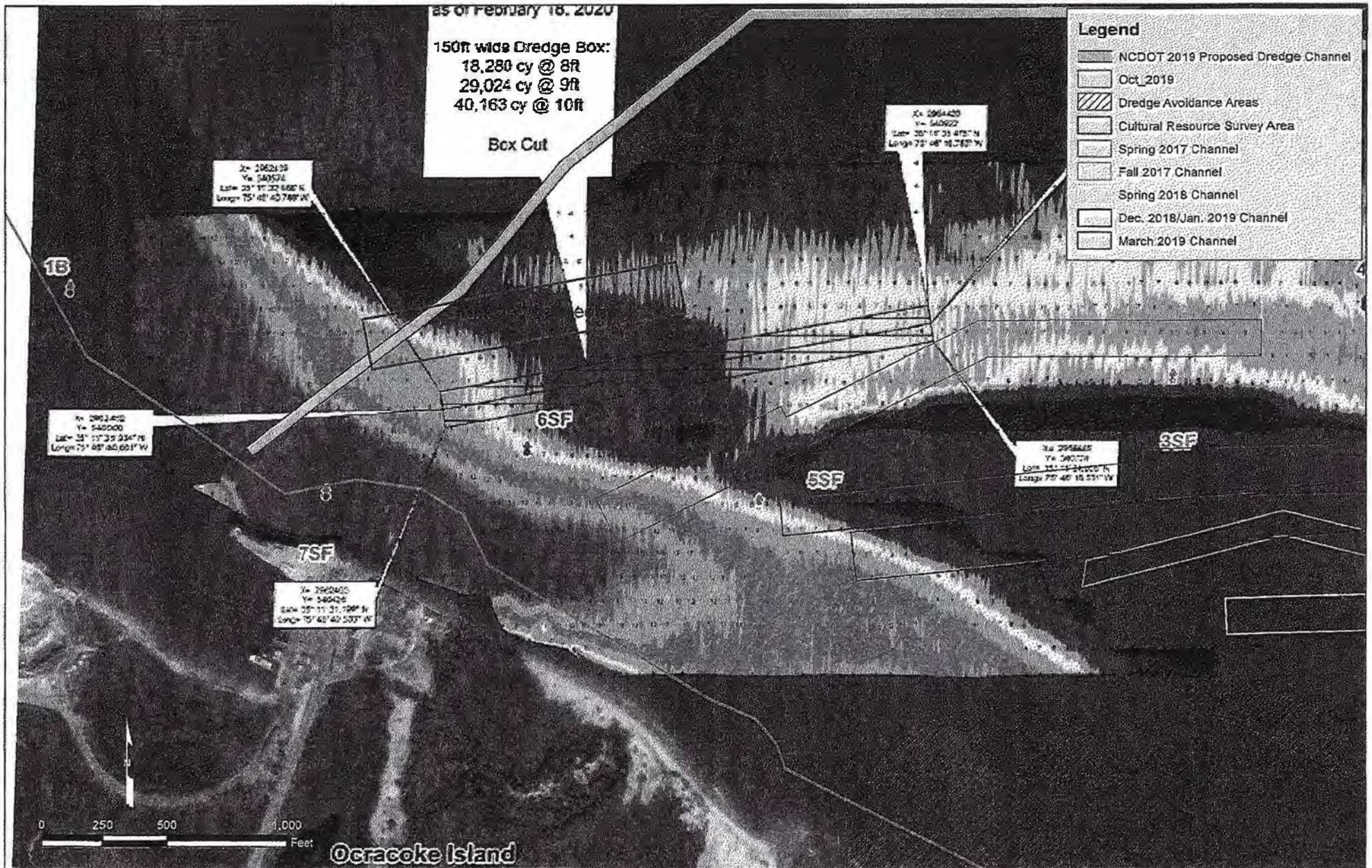
Kenneth Willson
President

**CLIENT ACCEPTANCE & AUTHORIZATION
TO PROCEED:**

Signature of Authorized Client Representative

Printed Name

Date





Commissioners' Business & Manager's/Attorney's Business

Description

Remarks and items to be presented by Commissioners and the County Manager.

Board Action Requested

Consider items presented

Item Presenter

Robert Outten, County Manager