

## CHAPTER 6: FLOOD DAMAGE PREVENTION

### Section

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### ***Cross-reference:***

*Emergency and rescue, see §§ 5-3-1 et seq.*

*Public Safety, generally, see Title 5*

*Public Utilities, see Title 8*

*Subdivisions within floodprone or flood hazard areas, see § 9-5-94*

### ***Editor's note:***

*Ch. 6 was rewritten by Ord. No. 03-123, enacted Dec. 15, 2003, with an effective date of Jan. 2, 2004. Former Ch. 6, §§ 9-6-1—9-6-6 was replaced by § 1 of Ord. No. 98-8, enacted Jan. 8, 1998. Ch. 6, §§ 9-6-1—9-6-14 and 9-6-16—9-6-19, was repealed by § 1 of Ord. No. 1705, enacted April 9, 1987, and § 1 of Ord. No. 1705 also enacted, in lieu thereof, a new Ch. 6 as previously set forth in §§ 9-6-1—9-6-6. The repealed provisions pertained to flood hazard areas and derived from Ord. No. 786, adopted June 8, 1978.*

### **SEC. 9-6-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

(A) *Statutory authorization.* The legislature of the State of North Carolina has, in Part 6, Article 21 of G.S. Chapter 143; Parts 3, 5 and 8 of Article 19 of G.S. Chapter 160A; and Article 8 of G.S. Chapter 160A, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

(B) *Findings of fact.*

- (1) The flood hazard areas within the jurisdiction of the City of Greenville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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

- (1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and all other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(D) *Objectives.* The objectives of this chapter are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business losses and interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, cable and sewer lines, streets and bridges located in flood prone areas;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) To ensure that potential homebuyers are notified that property is in a special flood hazard area.

(Ord. No. 03-123, passed 12-15-2003)

## **SEC. 9-6-2 DEFINITIONS.**

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

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

*Addition (to an existing building).* An extension or increase in the floor area or height of a building or structure.

*Appeal.* A request for a review of the Local Floodplain Administrator’s interpretation of any provision of this chapter.

*Area of shallow flooding.* A designated AO or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet 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 definition of special flood hazard area (SFHA).

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

*Base flood elevation (BFE).* A determination as published in the Flood Insurance Study of the water surface elevations of the base flood.

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

*Building.* See definition of structure.

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

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

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

*Elevated building.* A non-basement building, which has its reference level raised above the ground by means of pilings, columns (posts and piers), or shear walls parallel to the flow of water.

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

*Existing manufactured home park or 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) is completed before June 8, 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
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

*Flood boundary and floodway map (FBFM).* An official map of a community, issued by the Federal Emergency Management Agency, on which the Special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

*Floodplain development permit.* Any type of permit including grading, building, or any other development permit that is required in conformance with the provisions of this chapter prior to the commencement of any development activity.

*Flood hazard boundary map (FHBM).* An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard have been defined as Zone A.

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

*Flood insurance rate map (FIRM).* An official map of a community, issued by the Federal Emergency Management Agency on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

*Flood insurance study (FIS).* An examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

*Floodplain or flood prone area.* Any land area susceptible to being inundated by water from any source.

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

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

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

*Flood prone area.* See definition of floodplain.

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

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

*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.

*Floor.* See definition of lowest floor.

*Freeboard.* The additional amount of height added to the base flood elevation (BFE) to account for uncertainties in the determination of flood elevations. See also definition of regulatory flood protection elevation.

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

*Hazardous waste management facility.* A facility for the collection, storage, processing, treatment, recycling, recovery or disposal of hazardous waste as defined in G.S. Chapter 130A, Article 9.

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

*Historic structure.* Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the United States Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of Interior, or directly by the Secretary of Interior in states without approved programs.

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

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

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

*Manufactured home park (MHP) or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Market value.* The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. “Market value” can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value) or adjusted assessed values.

*Mean sea level.* For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which base flood elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

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

*Nonconforming building or use.* Any legally existing building or use which fails to comply with the current provisions of this chapter.

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

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

*Post-firm.* Construction or other development, which started on or after January 1, 1975, or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

*Pre-firm.* Construction or other development, which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

*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) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

*Reference level.* The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of the building. Within special flood hazard areas designated as Zones A1-A30, AE, A, A99, AO or AH, the reference level is the top of the lowest floor or lowest attendant utility (including ductwork), whichever is lower.

*Regulatory flood protection elevation.* The elevation to which all structures and other development located within the special flood hazard areas must be elevated or floodproofed, if nonresidential.

- (1) (a) Within areas that have approved engineering flood studies such as the FEMA Flood Insurance Study, local flood study extensions or flood analysis, this elevation shall be the base flood elevation plus one foot for all structures and other development except manufactured homes, two-family attached (duplex) dwellings, multi-family dwellings, and single-family dwellings located on lots which have a net area of less than 20,000 square feet.
- (b) For two-family attached (duplex) dwellings, multi-family dwellings, and single-family dwellings located on lots which have a net area of less than 20,000 square feet, the regulatory flood protection elevation shall be the base flood elevation plus one foot or the 500-year floodplain elevation, whichever is greater.
- (c) For manufactured homes, the regulatory flood protection elevation shall be the base flood elevation plus two feet, provided that no portion of the manufactured home below the lowest floor is lower than the base flood elevation.
- (2) Allowable elements below the lowest floor are limited to electrical, mechanical and ductwork, which are considered a standard part of the manufactured home. Cross-over ducts for double and triple wide manufactured homes are specifically exempted from the freeboard requirement, provided the bottom of all such cross-over ducts are above the base flood elevation. All electrical, mechanical and duct work which is not a part of the manufactured home shall be no lower than one foot above the base flood elevation.
- (3) For special flood hazard areas that do not have established flood elevations, the required elevation shall be two feet above the highest adjacent grade.
- (4) For the purpose of this chapter, "500-year floodplain elevation" means a determination as published in the Flood Insurance Study of the water surface elevations of the flood having a 0.2% chance of being equaled or exceeded in any given year.

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

*Repetitive loss.* Flood-related damages sustained by a structure on two separate occasions during any ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

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

*Riverine.* Relating to, formed by, or resembling a river (including tributaries), stream, brook and the like.

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

*Special flood hazard area (SFHA).* The land in the floodplain subject to a 1% or greater chance of being flooded in any given year as determined in section 9-6-3(B) of this chapter.

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

*Solid waste disposal site.* Defined as in G.S. 130A-290(a)(36).

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

*Structure.* For floodplain management purposes, a walled and roofed building, a manufactured home, or a gas or liquid storage tank, or that is principally above ground.

*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure during any one-year period to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of substantial improvement. “Substantial damage” also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

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

- (1) Any project of improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

*Variance.* A grant of relief from the requirement of this chapter that permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

*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 sections 9-6-4 and 9-6-5 is presumed to be in violation until such time as the documentation is provided.

*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.

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

(Ord. No. 03-123, passed 12-15-2003)

**SEC. 9-6-3 GENERAL PROVISIONS.**

(A) *Lands to which this chapter applies.* This chapter shall apply to all special flood hazard areas within the jurisdiction, including extraterritorial jurisdictions (ETJ) if applicable, of the City of Greenville.

(B) *Basis for establishing the special flood hazard areas.* The areas of special flood hazard shall include the following:

- (1) Those areas identified by the Federal Emergency Management Agency (FEMA) or produced under the cooperating technical state (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for the City of Greenville dated January 2, 2004, which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this chapter. The special flood hazard areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes but is not limited to detailed flood data:
  - (a) Generated as a requirement of section 9-6-4(E)(11) of this chapter;
  - (b) Preliminary FIRMs where more stringent than the effective FIRM; or
  - (c) Post-disaster flood recovery maps.
- (2) In addition, upon annexation to the City of Greenville or inclusion in the extra-territorial jurisdiction (ETJ), the special flood hazard area identified by the Federal Emergency Management Agency (FEMA) and or produced under the cooperating technical state agreement between the State of North Carolina and FEMA as stated above for the unincorporated areas of Pitt County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.
- (3) Lands immediately adjacent to streams or watercourses where locally approved engineering flood studies have identified the limits and/or elevation of the 1% flood.

(C) *Establishment of development permit.* A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities within the special flood hazard area to which this chapter applies.

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

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

(F) *Interpretation.* In the interpretation and application of this chapter all provisions shall be:

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

(G) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Actual flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages.



This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

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

(Ord. No. 03-123, passed 12-15-2003)

#### **SEC. 9-6-4 ADMINISTRATION.**

(A) *Designation of Local Floodplain Administrator.* The City Engineer or a designee is hereby appointed to administer and implement the provisions of this chapter. For the purposes of this chapter, the City Engineer or designee shall hereafter be referred to as "Local Floodplain Administrator."

(B) *Floodplain development permit and certification requirements; plans and application requirements.* Application for a floodplain development permit shall be made to the Local Floodplain Administrator on forms furnished by him or her prior to any development activities within flood prone areas. The following items/information shall be presented to the Local Floodplain Administrator to apply for a floodplain development permit:

- (1) A plot that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the floodplain development permit applicant when the lot is or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either section 9-6-4(E)(11), section 9-6-5(D) and section 9-6-5(E). The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same;
- (2) The plot plan required by subsection (B)(1) above must show the floodway or non-encroachment area(s), if any, as identified by the Federal Emergency Management Agency or the floodway/non-encroachment area identified pursuant to either section 9-6-4(E)(11) or section 9-6-5(E);
- (3) Where base flood elevation data is provided in accordance with section 9-6-3(B) or section 9-6-4(E)(11), the application for a floodplain development permit within the Zone A on the Flood Insurance Rate Map shall show:
  - (a) The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
  - (b) If the structure has been floodproofed in accordance with section 9-6-5(B)(2), the elevation (in relation to mean sea level) to which the structure was floodproofed; and
  - (c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.
- (4) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade;
- (5) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation;

- (6) When a structure is floodproofed, the applicant shall provide a floodproofing certificate and back-up plans from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 9-6-5(B)(2);
- (7) An elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after the reference level is completed. Within 21 calendar days of establishment of the reference level elevation, or floodproofing, by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Local Floodplain Administrator a certification of the elevation of the reference level, or floodproofed elevation, whichever is applicable in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Local Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the certification or failure to make the corrections required shall be cause to issue a stop-work order for the project;
- (8) A final as-built elevation certificate (FEMA Form 81-31) or floodproofing certificate (FEMA Form 81-65) is required after construction is completed and prior to certificate of compliance/occupancy issuance. It shall be the duty of the permit holder to submit to the Local Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Local Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to certificate of compliance/occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make the corrections required shall be cause to withhold the issuance of a certificate of compliance/occupancy;
- (9) If a manufactured home is placed within an A, AO, AE or A1-30 Zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per section 9-6-3(B);
- (10) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit;
- (11) A foundation plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this chapter are met. These details include but are not limited to:
  - (a) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
  - (b) Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with section 9-6-5(B)(5).
- (12) Usage details of any enclosed space below the regulatory flood protection elevation;
- (13) 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;
- (14) Copy of all other local, state and federal permits required prior to floodplain development permit issuance (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining and the like); and

- (15) If floodplain development permit is issued for placement of recreational vehicles and/or temporary structures, documentation to ensure section 9-6-5(B)(4) and (B)(6) of this Code are met.

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

- (1) Recreational vehicles meeting requirements of section 9-6-5(B)(4);
- (2) Temporary structures meeting requirements of section 9-6-5(B)(6); and
- (3) Accessory structures less than 150 square feet meeting requirements of section 9-6-5(B)(7).

(D) *Floodplain development permit data requirements.* The following information shall be provided at a minimum on the floodplain development permit to ensure compliance with this Code:

- (1) A description of the development to be permitted under the floodplain development permit issuance;
- (2) The special flood hazard area determination for the proposed development per available data specified in section 9-6-3(B);
- (3) The regulatory flood protection elevation required for the reference level and all attendant utilities;
- (4) The regulatory flood protection elevation required for the protection of all public utilities;
- (5) All certification submittal requirements with timelines;
- (6) State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable;
- (7) If in an A, AO, AE or A1-30 Zone, specify the minimum foundation opening requirements; and
- (8) State limitations of below BFE enclosure uses (if applicable) (i.e., parking, building access and limited storage only).

(E) *Duties and responsibilities of the Local Floodplain Administrator.* Duties of the Local Floodplain Administrator shall include but not be limited to:

- (1) Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the permit requirements of this chapter have been satisfied;
- (2) Advise permittee that additional federal or state permits (i.e., wetlands, erosion and sedimentation control, riparian buffers, mining, and the like) may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the floodplain development permit;
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;
- (4) Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished;
- (5) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of section 9-6-5 are met;

- (6) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and all attendant utilities in accordance with subsection (B)(7) or (8) of this section;
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with subsection (B)(7) or (8) of this section;
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with subsection (B) above;
- (9) When floodproofing is utilized for a particular structure, the Local Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with this section and section 9-6-5(B)(2);
- (10) Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Local Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter;
- (11) When base flood elevation data has not been provided in accordance with section 9-6-3(B), then the Local Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation along with floodway data and/or non-encroachment area data available from a federal, state or other source, including data developed pursuant to section 9-6-5(E)(4) in order to administer the provisions of section 9-6-5;
- (12) When base flood elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with section 9-6-3(B), obtain, review and reasonably utilize any floodway data, and/or non-encroachment area data available from a federal, state or other source in order to administer the provisions of this chapter;
- (13) When the exact location of boundaries of the special flood hazard areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the Local Floodplain Administrator in the permit file;
- (14) Make on-site inspections of projects in accordance with subsection (F) below. As the work pursuant to a floodplain development permit progresses, the Local 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 Local Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action;
- (15) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with subsection (F) below. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Local Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor;
- (16) All records pertaining to the provisions of this chapter shall be permanently maintained in the office of the Local Floodplain Administrator and shall be open for public inspection;
- (17) Annexation: provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two copies of the maps delineating new corporate limits within six months from date of annexation or change in corporate boundaries;

- (18) Revocation of floodplain development permits as required. The Local Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable state or local law may also be revoked;
- (19) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The Local Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action; and
- (20) Follow through with corrective procedures of subsection (F) below.

(F) *Administrative corrective procedures.*

- (1) *Violations to be corrected.* When the Local 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 in the property he or she owns.
- (2) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Local Floodplain Administrator shall give the owner written notice, by certified or registered mail to his or her last known address or by personal service, stating that:
  - (a) The building or property is in violation of the Flood Damage Prevention Ordinance;
  - (b) A hearing will be held before the Local Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - (c) Following the hearing, the Local Floodplain Administrator may issue an order to alter, vacate or demolish the building; or to remove fill as appears appropriate.
- (3) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Local Floodplain Administrator finds that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within 60 days. The Local Floodplain Administrator may prescribe a period shorter than 60 days; provided that the Local Floodplain Administrator finds that there is imminent danger to life or other property.
- (4) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the Local Floodplain Administrator and the City Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Local Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(G) *Variances.*

- (1) The Board of Adjustment as established by the city shall hear and decide requests for variances from the requirements of this chapter.

- (2) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal the decision to the Superior Court as provided in G.S. Chapter 7A of the North Carolina General Statutes.
- (3) Variance may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) In passing upon such applications for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:
  - (a) The danger that materials may be swept onto other lands to the injury of others;
  - (b) The danger to life and property due to flooding or erosion damage;
  - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) The importance of the services provided by the proposed facility to the community;
  - (e) The necessity to the facility of a waterfront location, where applicable;
  - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (g) The compatibility of the proposed use with existing and anticipated development;
  - (h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
  - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) The findings listed above shall be submitted to the Board of Adjustment, in writing, and included in the application for a variance.
- (6) Upon consideration of the factors listed above, and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (7) Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.
- (8) Conditions for variances:
  - (a) Variances may not be issued when the variance will make the structure in violation of other federal, state or local laws, regulations or ordinances.
  - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (c) Variances shall only be issued upon:

1. A showing of good and sufficient cause;
  2. A determination that failure to grant the variance would result in exceptional hardship; and
  3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or chapters.
- (d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.
- (e) The Local Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in special flood hazard areas, provided that all of the following conditions are met. A floodplain development permit may be issued for such development only if a variance is granted:
- (a) The use serves a critical need in the community;
  - (b) No feasible location exists for the use outside the special flood hazard area;
  - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level;
  - (d) The use complies with all other applicable federal, state and local law; and
  - (e) The City of Greenville has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 days prior to granting the variance.
- (Ord. No. 03-123, passed 12-15-2003)

#### **SEC. 9-6-5 PROVISIONS FOR FLOOD HAZARD REDUCTION.**

(A) *General standards.* In all special flood hazard areas the following provisions are required:

- (1) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be elevated to the regulatory flood protection elevation and/or designed so as to prevent water from entering or accumulating within the components during conditions of flooding. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, duct work, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator and the like), hot water heaters, electric outlets/switches;

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (8) Any alteration, repair, reconstruction or improvement to a structure which is in compliance with the provisions of this chapter shall meet the requirements of new construction as contained in this chapter;
- (9) Nonconforming structures or other development may not be enlarged, replaced or rebuilt unless the enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction or replacement of a building or structure existing on the effective date of this chapter and located totally or partially within the floodway, non-encroachment area, or stream setback provided that the bulk of the building or structure below regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction or replacement meets all of the other requirements of this chapter; and
- (10) New solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities shall not be permitted in special flood hazard areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to section 9-6-4(B) of this chapter.

(B) *Specific standards.* In all special flood hazard areas where base flood elevation data have been provided as set forth in section 9-6-3(B) or section 9-6-4(E)(11) and (12), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(Ord. No. 00-19, § 4, passed 2-10-2000)

- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Such structures may be floodproofed to the regulatory flood protection elevation in lieu of being elevated, provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 9-6-4(B)(3).

- (3) *Manufactured homes.*

- (a) New or replacement manufactured homes shall be elevated on a foundation such that the reference level of the manufactured home is elevated no lower than the regulatory flood protection elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection (B)(3)(a) above must be elevated so that the lowest floor of the manufactured home is elevated no lower than the regulatory flood protection elevation, and be securely anchored to an adequately anchored foundation to resist flotation,



collapse and lateral movement in accordance with the State of North Carolina *Regulations for Manufactured/Mobile Homes*, 1995 Edition and any revision thereto adopted by the Commissioner of Insurance pursuant to G.S. 143-143.15 or a certified engineered foundation. Additionally, all manufactured homes located in special flood hazard areas must be installed either on a pre-approved foundation design from the *Manual of Standard Designs and Details* or on a foundation design certified by a professional engineer registered in the State of North Carolina. Furthermore, all tanks, decks, porches and steps to the manufactured home must be sufficiently designed and anchored to prevent collapse and/or flotation off the site, except that porches and steps serving a manufactured home on a lot that is less than five feet below the lowest floor of the manufactured home at the location of the porch or steps shall not be required to be anchored.

- (c) 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 Local Floodplain Administrator and the local Emergency Management Coordinator.
  - (d) When the elevation of the manufactured home would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength.
  - (e) If a manufactured home is placed with the elevation of the chassis above 36 inches in height, an engineered foundation certification is required per subsection (B)(3).
  - (f) All foundation enclosures or skirting shall be in accordance with subsection (B)(5) of this section.
- (4) *Recreational vehicles.* Recreational vehicles placed on sites within a special flood hazard area shall either:
- (a) Be on site for fewer than 180 consecutive days;
  - (b) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and has no permanently attached additions); or
  - (c) Meet all the requirements for new construction, including anchoring and elevation requirements of section 9-6-4(B) and subsections (A) and (B)(3) of this section.
- (5) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed for human habitation, but shall be designed to be usable solely for the parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises in an area other than a basement, be constructed entirely of flood resistant materials below the regulatory flood protection level and meet the following design criteria.
- (a) Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - 1. Provide a minimum of two openings on different sides of each enclosed area subject to flooding having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - 2. The bottom of all openings shall be no higher than one foot above the adjacent grade;
    - 3. Openings may be equipped with screens, louvers or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;

4. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter; and
5. Foundation enclosures:
  - a. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.
  - b. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this chapter.
- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (c) The interior portion of the enclosed area shall not be partitioned or finished into separate rooms except to enclose storage areas.
- (6) *Temporary structures.* Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:
  - (a) All applicants must submit to the Local Floodplain Administrator prior to the issuance of the floodplain development permit a plan for the removal of the structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
    1. A specific time period for which the temporary use will be permitted;
    2. The name, address and phone number of the individual responsible for the removal of the temporary structure;
    3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
    4. A copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and
    5. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
  - (b) The above information shall be submitted in writing to the Local Administrator for review and written approval.
- (7) *Accessory structures.* When accessory structures (sheds, detached garages and the like) are to be placed in the floodplain, the following criteria shall be met:
  - (a) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
  - (b) Accessory structures shall be designed to have low flood damage potential;
  - (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistant to the flow of flood waters;
  - (d) Accessory structures shall be firmly anchored in accordance with subsection (A)(1) above;

- (e) All service facilities such as electrical and heating equipment shall be elevated in accordance with subsection (A)(4) above; and
  - 1. Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with subsection (B)(5).
  - 2. An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with section 9-6-4(B).

(8) *Additions/improvements.*

- (a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
  - 1. Are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure;
  - 2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
  - 1. Are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction;
  - 2. Are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(C) *Floodways and non-encroachment areas.* Located within special flood hazard areas established in section 9-6-3(B) are areas designated as floodways or non-encroachment areas. Since the floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters which carry debris, potential projectiles and have erosion potential, the following provisions shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during occurrence of the base flood. Such certification and technical data shall be presented to the Local Floodplain Administrator.
- (2) If subsection (C)(1) is satisfied, all development and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured homes (mobile homes) park or subdivision, provided the anchoring and the elevation standards of subsection (B)(3), and the non-encroachment standards of subsection (B)(1) are met.

- (4) Notwithstanding any other provisions of 44 C.F.R. § 60.3, a community may permit encroachments within the adopted regulatory floodway or non-encroachment area that would result in an increase in base flood elevations, provided that the community first applies for a conditional LOMR and floodway revision, fulfills the requirements for such revisions as established under the provisions of 44 C.F.R. § 65.12 of the “National Flood Insurance Program and Related Regulations,” and receives the approval of the Local Floodplain Administrator prior to commencement of the development.

(D) *Standards for floodplains without established base flood elevations.* Within the special flood hazard areas established in section 9-6-3(B) are floodplains where no base flood elevation data has been provided, the following provisions shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to five times the width of the stream at the top of bank or 20 feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If subsection (E)(1) is satisfied and base flood elevation is available from other source, all new construction and substantial improvements within such areas shall comply with all applicable provisions of this chapter and shall be elevated or floodproofed in accordance with elevations established in accordance with section 9-6-4(E)(11) and (12). When base flood elevation data is not available from a federal, state or other source, the reference level, including basement, shall be elevated at least two feet above the highest adjacent grade.

(E) *Standards for subdivision, manufactured home park and major development proposals.*

- (1) All proposals shall be consistent with the need to minimize flood damage;
- (2) All proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- (4) Base flood elevation data shall be provided for all proposals and other proposed development, which is greater than the lesser of 50 lots/manufactured home sites or five acres. Such base flood elevation (BFE) data shall be adopted by reference per section 9-6-3(B) to be utilized in implementing this Code.

(F) *Standards for floodplains with BFE but without established floodways or non-encroachment areas.* Along rivers and streams where base flood elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided, demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(G) *Standards for areas of shallow flooding (AO Zones).* Located within the special flood hazard areas established in section 9-6-3(B) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply within such areas:

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

- (2) All new construction and substantial improvements of nonresidential structures shall have the option, in lieu of elevation, to be completely floodproofed together with attendant utilities and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per section 9-6-4(B)(3) and section 9-6-4(B)(2).

(Ord. No. 03-123, passed 12-15-2003)

#### **SEC. 9-6-6 LEGAL STATUTES AND PROVISIONS.**

(A) *Effect on rights and liabilities under the existing flood damage prevention ordinance.* This chapter in part is adopted due to re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted June 8, 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 chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Greenville enacted on June 8, 1978, as amended, which are not re-enacted herein are repealed.

(B) *Effect upon outstanding building permits.* Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Local Floodplain Administrator or his or her authorized agents, before time of passage of this chapter; provided, however, that when construction is not begun under such outstanding permit within a period of 60 days subsequent to passage of this chapter or any revision thereto, construction or use shall be in conformity with the provisions of this chapter.  
(Ord. No. 03-123, passed 12-15-2003)



## CHAPTER 7: HISTORIC PRESERVATION COMMISSION

### Section

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9-7-24	Extraterritorial provisions

### SEC. 9-7-1 ESTABLISHMENT.

There is hereby established a Historic Preservation Commission of Greenville which shall serve jointly as a historic district and a historic landmarks commission for the city under the authority of the North Carolina General Statutes. The Preservation Commission, performing the duties of both a Historic Districts Commission and a historian, shall conform their actions to this chapter and the statutory directive when acting in either capacity.

(1971 Code, § 9-10-1) (Ord. No. 1925, § 1, passed 12-8-1988; Ord. No. 2186, § 1, passed 5-10-1990)

### SEC. 9-7-2 DEFINITIONS.

For the purpose of this chapter only, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Alteration.* Any change because of construction, repair, maintenance or otherwise to a building located within a historic district or designated as a historic landmark.

*Building.* Any structure, place or any other construction built for the shelter or enclosure of persons, animals or chattels, or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without openings in the separate walls.

*Certificate of appropriateness.* A document evidencing approval of the Commission for work proposed in a historic district or to a historic landmark by an applicant.

*City.* The City of Greenville.

*Commission or Preservation Commission.* The Historic Preservation Commission of the city.

*Commissioners.* The members of the Historic Preservation Commission of the city.

*Construction.* The erection of any on-site improvements on any parcel of ground located within a historic district or on a historic site, whether the site is presently improved, unimproved or hereinafter becomes unimproved by demolition, destruction of the improvements located thereon by fire, windstorm or other casualty.

*Demolition.* The complete or constructive removal of a building on any site.

*Department.* The North Carolina Department of Cultural Resources.

*Design guidelines or guidelines.* Criteria that is considered by the Historic Preservation Commission when considering and deciding the appropriateness of a proposed change in a historic district or to a historic landmark.

*Designation.* The creation of a historic district or a historic landmark through the passage of an ordinance by the City Council.

*Exterior architectural features.* Include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material, and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size and location of all such signs.

*Historic district.* An area containing buildings, structures or places which have a character and ambience being of special significance in terms of their history, prehistory, architecture, or cultural importance and possess integrity of design, setting, material, feeling and association; and is designated by an ordinance of the City Council.

*Historic landmark.* Any site, landmark, structure, or artifact which is found to be of special significance in terms of its historical, prehistorical architectural, or cultural importance and possess integrity of design, setting, workmanship, material, feeling and association; and is so designated by ordinance of the City Council.

*Ordinary repairs and maintenance.* Work done on a building to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay or damage to a building or any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.

*Overlay zoning districts.* A district that is imposed in addition to those of the underlying district. Developments within overlying zoning districts must conform to the requirements of both zones or the more restrictive of the two.

*Rules of procedures.* Procedures for organizing the business of the Historic Preservation Commission, and the processing of applications for certificate of appropriateness.

*Separate use districts.* A section of the city designated in the Zoning Ordinance text and delineated on the zoning map, in which requirements for the use of land and building development standards are prescribed.

(1971 Code, § 9-10-2) (Ord. No. 1925, § 1, passed 12-8-1988; Ord. No. 2186, § 2, passed 5-10-1990)

### **SEC. 9-7-3 QUALIFICATION OF MEMBERS; TERMS; APPOINTMENTS; GENERAL DUTIES.**

(A) Until January 31, 1997, the Commission shall consist of 11 members. Thereafter the Commission shall consist of ten members. All members shall reside within the planning and zoning jurisdiction of the city. In addition, a majority of the members of the Preservation Commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields.