

**AGENDA ROXBORO CITY COUNCIL MEETING
MONDAY, NOVEMBER 18, 2019 at 9:00 A.M.
LOCAL GOVERNMENT DAY
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER	Mayor Marilyn P. Newell
INVOCATION:	Police Chaplain Merrit Buchanan
OATH OF OFFICE:	Ms. Deborah Barker, Clerk of Court
PLEDGE OF ALLEGIANCE:	Mayor Marilyn P. Newell
AGENDA ADOPTION:	Mayor Marilyn P. Newell
CONSENT AGENDA	Mayor Marilyn P. Newell
Minutes	
Fire Department	
Police Department	
Fuel Expenditures	
Public Services	
URG/Planning Report	
RECOGNITION:	
Proclamation: Eagle Scout Matthew Bradsher	Mayor Marilyn P. Newell
Lt. Chris Dickerson, FBI National Academy	Police Chief David Hess
PUBLIC COMMENT:	
<i>(5 minutes per Citizen)</i>	Mayor Marilyn P. Newell
PUBLIC HEARINGS AND ORDINANCE MATTERS	
1. Budget Amendment	Finance Director Dan Craig
2. Ordinance Text Amendment: National Flood Insurance	Planning Director Lauren Johnson
OLD BUSINESS:	
NEW BUSINESS:	
3. Steering Committee Appointments	Planning Director Lauren Johnson
COMMITTEE REPORTS	Mayor Marilyn P. Newell
ADMINISTRATIVE REPORTS:	
4. Financial & Tax Report	Interim Finance Director Dan Craig
5. Assistant Manager's Report	Assistant Manager Tommy Warren
6. Manager's Report	City Manager Brooks Lockhart
COUNCIL DISCUSSION:	
CLOSED SESSION: Per NCGS 143.318.11(a)(1) Attorney/Client Privilege	
ADJOURNMENT: Motion	Second

OATH OF OFFICE

I, Benjamin S. Gault, do solemnly swear (or affirm) that I will support and maintain the Constitution of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Council Member for the City of Roxboro, North Carolina; so help me God.

Council Member Benjamin S. Gault

Ms. Deborah Barker
Person County Clerk of Court

Date

Consent Agenda

CITY OF ROXBORO, NC Consent Agenda

The Regular meeting of the Roxboro City Council Local Government Day was held in the Council Chamber of City Hall at 9:00 a.m. Monday, November 18, 2019.

The following members of the Roxboro City Council were present:

The following members of the Roxboro City Council were absent:

Mayor Marilyn P. Newell presented the consent agenda and asked if any item should be added or removed before calling for action. After some discussion, a **motion was offered by _____ to approve the Consent Agenda as presented with a second by _____** upon being put to a vote, was carried unanimously.

- Minutes of October 8, 2019 *(Regular Meeting)*
- Minutes of October 23, 2019 *(Special Meeting)*
- Minutes of October 30, 2019 *(Special Meeting)*
- Minutes of November 12, 2019 *(Special Meeting)*
- Fire/EMS Monthly Report *(October 2019)*
- Police Dept. Monthly Report *(October 2019)*
- Fuel Expenditures Monthly Report *(October 2019)*
- Public Services Monthly Report *(October 2019)*
- Planning/RDG Monthly Report *(October 2019)*

Trevie Adams, MMC/NCCMC
City Clerk

Mission Statement: "To create an inviting environment with opportunities that will add value to the Community of Roxboro"

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL
TUESDAY, OCTOBER 9, 2019 – 7:00 P.M. CITY COUNCIL MEETING
CITY HALL IN THE COUNCIL CHAMBERS - ROXBORO, NC**

Members Present: Mayor Marilyn P. Newell
Mayor Pro-Tem Tim Chandler
Council Member Mark Phillips
Council Member Cynthia Petty

Members Absent: Council Member Reggie Horton

Others Present: City Manager Brooks Lockhart
City Attorney Nick Herman
Finance Director Dan Craig
City Clerk Trevie Adams

CALL TO ORDER:

Mayor Marilyn P. Newell called the meeting to order at 7:00 p.m. welcoming everyone in attendance. Mayor Newell asked for a motion to excuse Council Member Reggie Horton from this meeting. **Mayor Pro Tem Tim Chandler offered a motion to excuse Council Member Reggie Horton from this meeting with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously. **Police Chaplain Merrit Buchanan** provided the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Marilyn P. Newell led Council and those in attendance in reciting the Pledge of Allegiance to the Flag.

AGENDA ADOPTION:

Mayor Marilyn P. Newell presented the agenda asking for any changes or additions and there being none **Council Member Cynthia Petty** offered a **motion to approve the agenda as presented with a second by Council Member Mark Phillips** and upon being put to a vote was carried unanimously.

CONSENT AGENDA ADOPTION:

Mayor Marilyn P. Newell presented the consent agenda and asked if anyone had any comments. **A motion was offered by Council Member Mark Phillips to approve the consent agenda as presented with a second by Council Member Cynthia Petty**, and upon being put to a vote, was carried unanimously.

RECOGNITIONS: **Mayor Marilyn P. Newell** read a Proclamation for Race Unity Week.
Chief David Hess presented **Lt. Ricky Hughes** for recognition of his AOMP Graduation.

PUBLIC COMMENT:

Mayor Marilyn P. Newell invited anyone interested in addressing Council to sign-up for the public record and to limit his/her comments to five minutes.

1) **Mr. Robert Trotter of 117 Hill Street, Roxboro, NC** came to Council with more concerns of the proposed Madison Boulevard project. His concerns included how it will effect some of the existing side streets on South Madison Boulevard.

2) **Mr. Alexander Fearman of 355 Patterson Drive, Roxboro, NC** worried about tress over the driveway down to the pump station next to his property.

PUBLIIC HEARINGS & ORDINANCE MATTERS:

1. Special Event Permit – BASIC – *Public Hearing*

Mayor Marilyn P. Newell opened the Public Hearing at 7:29 pm. Ms. Tanillya Partridge representing BASIC Council with an application for the Merritt Commons parking lot to be closed on October 12, 2019 from 2:00 pm – 8:00 pm for a youth explosion as part of Race Unity Week. Mayor Newell asked for any public comment at this time and there being none, closed the Public Hearing at 7:32 pm. After a brief discussion, **Council Member Mark Phillips offered a motion to approve the application as presented with a second by Council Member Cynthia Petty** and upon being put to a vote was carried unanimously.

2. Special Use Permit – 217 Garrett Street – Quasi-Judicial– *Public Hearing*

Mayor Newell opened the Public Hearing at 7:33 pm asking anyone wanting to speak during the Quasi-Judicial Hearing to come forward to be sworn in. City Manager Brooks Lockhart was sworn in. Mr. Lockhart reported that an application for a Special Use Permit request to place a 2,000 square foot residential double-wide mobile home at the property located at 217 Garrett Street. Clayton Homes, on behalf of the property owner Pamela Yarboro, requests a Special Use Permit for placement of a new double-wide mobile home on the lot at 217 Garrett Street, for use as a residential dwelling. The property is identified as Person County Tax Map 19, Lot 50. The property constitutes .92 acres. Double-wide mobile homes are permissible as a Special Use in the R-6 district.

The City Council shall issue a Special Use Permit only if it has evaluated an application, through a quasi-judicial process, and determined that the following statements are found in the affirmative:

- (a) The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare.
- (b) The special use will be in harmony with the existing development and uses within the area in which it is to be located.
- (c) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for use permitted in the district.
- (d) Adequate utilities, access roads, drainage, parking, or necessary facilities have been or are being provided.
- (e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) The special use shall, in all other respects, conform to all the applicable regulations of the district in which it is located.
- (g) Public access shall be provided in accordance with the recommendations of the city's land use plan and access plan or the present amount of public access and public parking as exists within the city now. If any recommendations are found to conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.
- (h) The proposed use will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the City Council.

Mayor Newell asked for any public comment and there being none closed the Public Hearing at 7:47pm

After a brief discussion, **Council Member Mark Phillips** asked that a condition be added to include a permanent brick foundation/underpinning. **Mayor Pro Tem Tim Chandler offered**

a motion to approve the Special Use request for 217 Garrett Street approving the above affirmatives (a) – (h) as presented and to include the following conditions as recommended.

(1) Applicant must provide an updated site plan, showing the following information:

- Location and dimensions of driveway,
- Water, sewer, and other applicable utility installations,
- Disturbed area and impervious surface totals for Stormwater compliance.
- Permanent brick foundation/underpinning

(2) Applicant is required to submit all necessary applications and documents for required Building Inspections permits for construction of the proposed structure. These conditions are assigned to ensure the project will meet findings (d), (e) and (f), with a second offered by Council Member Mark Phillips and upon being put to a vote was carried unanimously.

3. Rezoning – 201 S. Morgan Street – Public Hearing

Mayor Marilyn P. Newell opened the Public Hearing at 7:48 pm. URG Director Lynda Clayton presented an application for the rezoning of 201 S. Morgan Street as identified as Tax Map 31 Parcel 12 from Mr. John David Bradsher, Sr. This tract is at the corner of Gordon Street and S. Morgan Street and is approximately .15 acres in size. The parcel is currently zoned R-12 and Mr. Bradsher would like to rezone to R-6.

Mayor Newell asked if anyone from the public would like to speak.

1) Mr. John David Bradsher, Sr. of 204 S. Morgan Street reported to Council that Don Ward Builders will be building a single family dwelling on the lot if the rezoning is approved.

There being no more public comment, Mayor Newell closed the Public Hearing at 7:56 pm.

After a brief discussion, **Council Member Mark Phillips offered a motion stating that we approve the rezoning request presented in Docket #RZ2019-07 and, in doing so adopt the plan consistency statement as presented below:**

“The proposed amendment is consistent with the City’s Comprehensive Land Use Plan in that it;

- Promotes an orderly and efficient land use pattern, which allows for a variety of land uses while being sensitive to environmental concerns;
- Does not create conflicts between incompatible land uses; and
- Encourages infill development within the corporate limits.

Furthermore, this decision is in the public interest of the City of Roxboro because it allows for the appropriate redevelopment of a sizeable vacant building along the primary transportation corridor.”

With a second by Council Member Cynthia Petty and upon being put to a vote was carried unanimously.

NEW BUSINESS:

4. Set Date & Time for Halloween “Trick or Treat”

Police Chief David Hess addressed the Mayor and Council to set the time and date for Halloween. “Trick or Treat” in Roxboro will be on Thursday October 31, 2109 from 6:00 pm – 8:00pm.

OLD BUSINESS:

Committee Reports:

Mayor Marilyn P. Newell asked for any committee reports at this time. The Kerr Tar Banquet was attended by all the Council Members, Mayor and Staff in honor of Mr. Byrd Blackwell and Mr. Sandy Stigall.

- Council Member Mark Phillips, Council Member Reggie Horton the East Roxboro Neighborhood Watch meeting.
- Mayor Pro Tem Tim Chandler – no meeting for United Way, but did attend a Cub Scout presentation.
- Mayor Marilyn P. Newell – toured the Piedmont Community College Child Development Center.
- Council member Cynthia Petty – attended BASIC meeting
- As a reminder, Mayor Newell mentioned the Mayor's Reception to be held on Wednesday, October 9, 2019 at 4:00 pm.

ADMINISTRATIVE REPORTS

5. Financial & Tax Report

Finance Director Dan Craig presented Council with Financial reports for months ending August 31, 2019 and tax reports for September 30, 2019. **Clerk's Note: A copy of said financial and tax report is hereby incorporated into the minutes of this meeting.**

6. Assistant Manager's Report

City Manager Brooks Lockhart reported for Assistant Manager Tommy Warren that the City received a permit extension from the state for discharge of the effluent at the treatment plant. This will keep the City in compliance until the construction is completed. The project is approximately 67 days behind schedule. Most of this is due to the concrete work at the oxidation ditch. The mechanical rough-in inspection was performed and passed. The contractor continues to work on installing the piping, valves and pumps.

Staff is continuing to pump out of Lake Roxboro to Lake Issac Walton (City Lake). The normal operating procedure is to turn off the pumps when Lake Issac Walton is back up to one foot below normal. This allows the lake to catch the runoff from any rain events and not waste that water over the spillway.

Public Works has started painting the parking spaces, turn arrows and lane stripes in uptown. The work is performed on Saturdays when there is less traffic.

Mr. Lockhart continued to report that the City received a grant of \$150,000 for the study of Inflow and Infiltration (I&I) of the City's sewer system. The grant was approved by City Council in June. The grant will focus on the Marlowe's Creek area north of the intersection of Tanyard Branch and Marlowe's Creek. Hydrostructures will be conducting the study and will start work this month and present a report in July 2020.

10. Manager's Report

City Manager Brooks Lockhart offered some upcoming dates.

- Race Unity Week, October 6-13
- Rox N' Roll Friday October 18th at 6:00 pm in Uptown Roxboro
- Community Leader Training by the Racial Equity Institute October 10-11 at PCC
- Empowerment Day 2019, 2:00pm Sunday, October 20th at Allen Chapel AME
- Council interviews October 30th at 7:00 pm
- Special Called City Council Meeting for Council Nominations, 7:00 pm Tuesday, November 12th
- Local Government Day 9:00 am Monday, November 18, 2019

City Staff is working to become more actively involved in the NCDOT's Strategic Transportation Investments process. The Kerr-Tar COG serves our community as our Rural Transportation Planning Organization (RPO). All submittals, done bi-annually, to the STI must flow through the RPO via a process called Prioritization 6.0. The City Manager stated that he had volunteered to serve the RPO on its Prioritization 6.0 committee. The City of Roxboro will be submitting a pedestrian safety project for South Elementary and Southern Middle Schools.

Mr. Lockhart also reported that there have been some recent developments with our Inter-local partners on the Dan River Intake project regarding the engineers cost estimate on the transmission line. Staff will report more on this as information is received.

The Tower Modification Design to account for the placement of Verizon on the Tower is expected to be completed by October 11, 2019. Upon completion of the design, the City will need to approve a construction contract to authorize the modifications. The current budget has allocated \$230,000 for this project and staff believes this contract will cost approximately \$200,000 to \$250,000; if the project exceeds the current budgeted amount, the contract will require board approval. Tower Engineering Professionals are uniquely positioned to undertake this project (sole source). Per our purchasing policy and NC General Statues, construction projects under \$500,000 do not require the RFQ process. The contract approval would allow the vendor to place the order of the steel fabrications, which can have a lead time of one to two months. The lease with Verizon calls for their placement on the Tower as of January 1, 2020. If delays are encountered, A vote may be needed to amend the lease. Mr. Lockhart asked that this report to serve as public notice that the Council may need to take a vote on the contract or lease at either a special called meeting or as a part of the October 30, 2019 meeting already scheduled.

COUNCIL DISCUSSION:

Member of Council asked that information about fall leaf collection information be sent to the public, asking if an ad should be run in the paper or information sent out in the monthly water bills. Staff will work on sending out more information regarding the leaf collection.

Mayor Pro Tem Tim Chandler took this opportunity to thank all of the emergency services agencies in their quick and efficient response to the capture of the escapee.

ADJOURNMENT:

There being no further business to discuss, **A motion was offered by Mayor Pro Tem Tim Chandler with a second by Council Member Cynthia Petty to adjourn this meeting** and, upon being put to a vote, was carried unanimously. Meeting adjourned at 8:41 p.m.

Submitted by:

Trevie Adams, MMC/NCCMC
City Clerk

October 9, 2019

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL
WEDNESDAY, OCTOBER 23, 2019 at 5:30 P.M. SPECIAL MEETING
CITY HALL IN THE COUNCIL CHAMBERS - ROXBORO, NC**

Members Present: Mayor Merilyn P. Newell
Mayor Pro-Tem Tim Chandler
Council Member Mark Phillips
Council Member Reggie Horton
Council Member Cynthia Petty

Others Present: City Manager Brooks Lockhart
Assistant City Manager Tommy Warren
City Clerk Trevie Adams
Finance Director Dan Craig

CALL TO ORDER:

Mayor Merilyn P. Newell called the meeting to order at 5:31 p.m. welcoming everyone in attendance.

AGENDA ADOPTION:

Mayor Merilyn P. Newell presented the agenda and asked for any additions or corrections at this time. **Council Member Mark Phillips offered a motion to approve the agenda as presented with a second by Council Member Cynthia Petty** and upon being put to a vote was carried unanimously.

ORDINANCES AND PUBLIC HEARINGS:

1. Budget Amendment

Interim Finance Director Dan Craig presented Council with Budget Amendment #2 to appropriate additional expense amount for tower renovation upgrade contract and additional revenue for tower rent. After a brief discussion, **Council Member Mark Phillips offered a motion to approve Budget Amendment #2 as presented with a second by Council Member Reggie Horton** and upon being put to a vote was carried unanimously. **Clerk's Note: A copy of said budget amendment is hereby incorporated into the minutes of this meeting.**

2. Contract Agreement

City Manager Brooks Lockhart presented the Mayor and Council with a TEP Design Build (TEPDB) quote of \$316,350 to include all labor, mobilization, rigging plan and closeout documentation per TEP drawings date October 9, 2019, and includes all materials per TEP drawings dated October 9, 2019. This quote is valid for 90 days, material ETA – 3 weeks ARO and installation – 8 weeks after receipt of materials. Mr. Lockhart asked for approval of the contract for the contractors to begin work. After some discussion, **Council Member Reggie Horton offered a motion to approve TEP Design Build contract of \$316,350 to begin work on the tower with a second from Council Member Cynthia Petty** and upon being put to a vote was carried unanimously.

COUNCIL DISCUSSION:

Mayor Merilyn P. Newell asked that Council review the interview questions from the last interviews and to revise and add any additional questions they would like to ask. Mayor Newell would like the questions by Friday October 25, 2019 so that she can compile any

revisions or additions. Also, the order this time will be in reverse alphabetical order since some of the applicants were also interviewed for Mr. Blackwell's seat.

ADJOURNMENT:

There being no further business to discuss, **A motion was offered by Mayor Pro Tem Tim Chandler with a second by Council Member Cynthia Petty to adjourn this meeting at 5:50 p.m.** upon being put to a vote, was carried unanimously.

Trevie Adams, MMC/NCCMC
City Clerk

October 23, 2019

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL
WEDNESDAY, OCTOBER 30, 2019 – 7:00 P.M. SPECIAL MEETING
CITY COUNCIL CHAMBERS, CITY HALL, ROXBORO, NC**

Members Present: Mayor Marilyn P. Newell
Mayor Pro Tem Tim Chandler
Council Member Reggie Horton
Council Member Mark Phillips
Council Member Cynthia Petty

Others Present: City Manager Brooks Lockhart
Finance Director Dan Craig
City Clerk Trevie Adams

CALL TO ORDER:

Mayor Marilyn P. Newell called the meeting to order at 7:00 p.m. welcoming everyone in attendance.

AGENDA ADOPTION:

Mayor Marilyn P. Newell presented the agenda asking for any additions or corrections and there being none, **Mayor Pro Tem Tim Chandler offered a motion to approve the agenda as presented with a second by Council Member Reggie Horton** and upon being put to a vote was carried unanimously.

Mayor Marilyn P. Newell welcomed everyone in attendance explaining that the candidates would be waiting in the conference room until their interview time. Each candidate will have two minutes to introduce themselves and then the Mayor and Council would spend ten minutes with questions for each candidate. The nominations will be conducted on Tuesday, November 12, 2019 at the regular August meeting, and the oath will be administered at the Monday, November 18, 2019 regular meeting (Local Government Day).

The following candidates were interviewed in reverse alphabetical order:

1. Mr. Alva (Marshall) Slaughter
2. Ms. Tanillya Wilkerson Partridge
3. Mr. Alfred Charles Palmer
4. Mr. Benji Gault
5. Ms. Linda Oakley Ford
6. Mr. Henry Samuel Daniel, Jr.
7. Ms. Myra Lunsford Booker
8. Mr. Tim Bonafair (did not attend for interviews)
9. Mr. Peter L. Baker

Council Discussion: None at this time.

There being no further business to discuss, Council Member Reggie Horton offered a motion to adjourn this meeting at 9:27 p.m. with a second by Council Member Cynthia Petty and upon being put to a vote was carried unanimously.

Trevie Adams, MMC/NCCMC
City Clerk

October 30, 2019

**MINUTES/MEETING OF THE ROXBORO CITY COUNCIL
TUESDAY, NOVEMBER 12, 2019 – 7:00 P.M. SPECIAL MEETING
CITY COUNCIL CHAMBERS, CITY HALL, ROXBORO, NC**

Members Present: Mayor Marilyn P. Newell
Mayor Pro Tem Tim Chandler
Council Member Reggie Horton
Council Member Mark Phillips
Council Member Cynthia Petty

Others Present: City Manager Brooks Lockhart
Assistant City Manager Tommy Warren
City Clerk Trevie Adams

CALL TO ORDER:

Mayor Marilyn P. Newell called the meeting to order at 7:00 p.m. welcoming everyone in attendance.

AGENDA ADOPTION:

Mayor Marilyn P. Newell presented the agenda asking for any additions or corrections and there being none, **Council Member Cynthia Petty offered a motion to approve the agenda as presented with a second by Mayor Pro Tem Tim Chandler** and upon being put to a vote was carried unanimously.

1. Nominations and Appointment for Vacant Council Seat

Mayor Marilyn P. Newell opened the floor for nominations. **Council Member Reggie Horton** nominated Mr. Benji Gault. **Council Member Mark Phillips** nominated Mr. Henry Daniel. Mayor Newell asked for anymore nominations and there being none asked for a motion to close the nominations. **Council Member Mark Phillips offered a motion to close the nominations with a second by Council Member Reggie Horton** and upon being put to a vote was carried unanimously.

Mayor Newell asked for a show of hands for Mr. Henry Daniel. One vote for Mr. Daniel.

Mayor Newell asked for a show of hands for Mr. Benji Gault. Three votes for Mr. Gault. Mayor Newell appointed Mr. Benji Gault to the vacant Council seat explaining the oath will be administered on Monday, November 18, 2019 at the regular meeting which is also Local Government Day.

Council Discussion: **City Manager Brooks Lockhart** along with **Council Member Cynthia Petty** attended the Public Comment session in Yanceyville for the proposed rock quarry. Mr. Lockhart offered a prepared letter explaining the City of Roxboro's concerns and asked that Council approve this to be sent. After some discussion, it was the consensus of Council for Mr. Lockhart to send the letter as presented.

There being no further business to discuss, Council Member Reggie Horton offered a motion to adjourn this meeting at 9:27 p.m. with a second by Council Member Cynthia Petty and upon being put to a vote was carried unanimously.

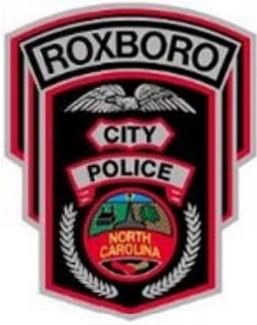


**City of Roxboro
Fire and Rescue Department**

Date: November, 2019
To: Mayor Newell
Roxboro City Council
From: Kenneth M. Torain, Fire Chief

Highlight

- **Responses** - During the month of October the City of Roxboro Fire Department responded to 18 fire calls and 92 EMS calls. During the month we also responded to 15 hazardous conditions and 1 service call. Over the course of October we responded to 94 calls in the city and 57 in the county plus 17 mutual aid calls. Eighteen percent of the time we had two or more calls going at the same time with a total of 1 full alarm.
- **Fire Prevention Day** Roxboro Fire Department had fire prevention day held at Lowes Home Improvement. We had car seat checks, vendors and others. During the event we had a frozen turkey demo on putting it in hot grease.
- **Daycare visited.** Here are a list of daycares that were visited during the month of October. Lester's Toddler Care, Creative Days, Roxboro Christian Academy, PCC Preschool, Mother Goose, Long Memorial (2days), Roxboro Baptist (2 days) and Learn and Play.
- **Fire Extinguisher Training** We conducted fire extinguisher trainings for Canterbury House, PATS and Person County Employees.
- **Senior Fire Safety** This month we visited Canterbury House and Person County Group Home.
- **Schools** Roxboro Fire Department taught fire safety at Earl Bradsher, South Elementary and Progressive Learning Academy.
- **Trick or Treat** During the evening of trick or treat, the Roxboro Fire Department give out ten of the extra large bags of candy with over 200 pieces per bag.



ROXBORO POLICE DEPARTMENT



109 North Lamar Street
Roxboro, North Carolina 27573

Office 336 599 8345

www.cityofroxboro.com

City Council Report

October 2019

Patrol Division

Highlighted Events

- The department has less than 10 employees remaining to obtain Crisis Intervention Team (CIT) training. The department is on schedule to have 100% of sworn staff CIT certified by December 31st.
- Command Staff completed Racial Equity Institute training.
- Participated with GHSP at the State Fair earning 100 points toward equipment through GHSP.
- Detectives Howe and Wright attended a Constitutional policing Risk Management class as part of our department's Risk Management accreditation.
- All mandatory state in-service training is complete.
- Lt. Hughes received the Light to Empower award from Allen Chapel AME Church.
- Successfully oversaw joint public safety operation to bring an escaped DOC inmate into custody without use of force.



Community Policing

- Sergeant Ford was the guest speaker for the MADD VIP class.
- Sgt. Ford represented the department at Fishing with a Cop hosted by the Person-Caswell Lake Authority.
- Hosted the "donut on a string" competition at South Elementary School's Fall Festival
- Host site for Toys for Tots.
- Tanya and Lori greeted Trick or Treaters visiting the PD for Uptown Trick or Treat and passed out candy.
- Hosted the "donut on a string" competition at South Elementary School's Fall Festival.

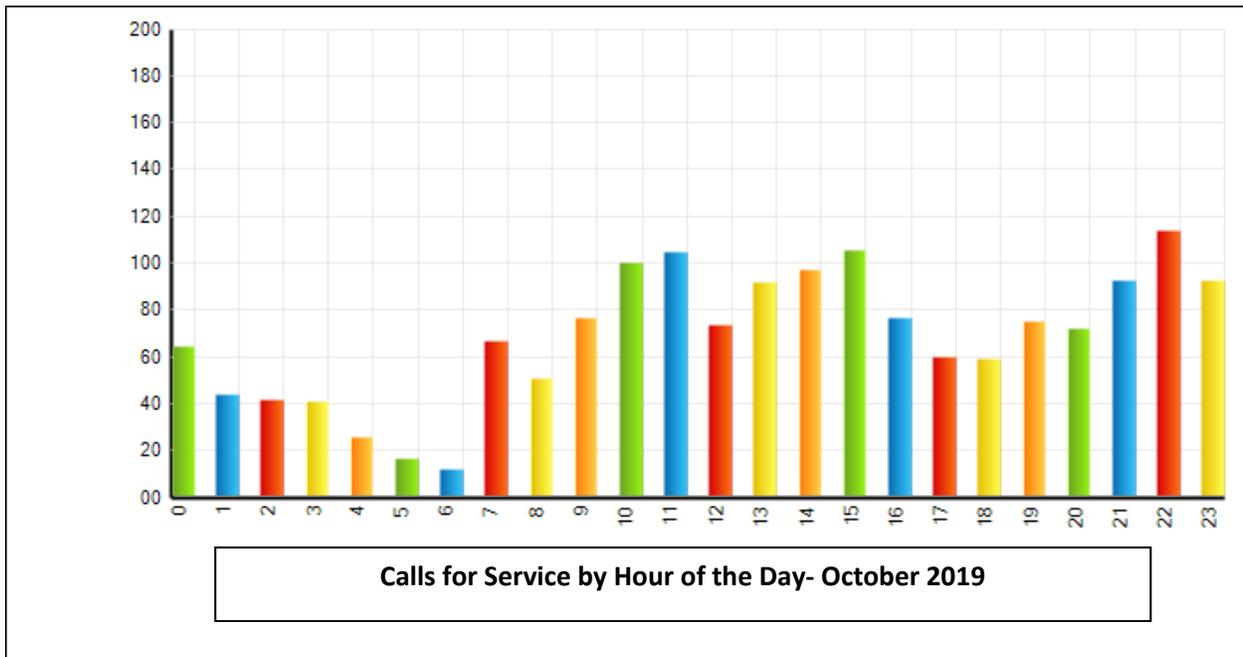




- Host site for an American Red Cross blood drive.
- Patrol participated in Community Helper day at PCC.
- The Cops coaching the Northern Middle School football team personally paid for retired NFL Football player Marques Ogden to provide a leadership speech to players of Northern and Southern Middle School football teams.

September 2019 Monthly Activities

Calls for Service: 1659	Incident Reports: 183
Traffic Enforcement Requests: 29	Traffic Stops: 316
Traffic Crashes: 62	Citations Issued: 175
Total Arrests: 46	Warnings: 72
Directed/Foot Patrol: 375	K-9 Utilizations: 1



Criminal Investigations Division

- Lt. Dickerson and Det. Wright met with the homicide victim family and ABC 11 to highlight the case.
- CID continues to work leads in the homicide case. No arrests.
- Lt. Dickerson provided Drug Recognition Expert presentation for the Governor's Highway Safety Safe City at the State Fair.

Total Numbers for the Month

Cases Assigned: 17

Call Outs: 4

Felony Warrants Obtained: 15

Total Arrests: 8

Cases Closed: 11

Court Hours: 15

Out of Town Follow Ups: 10

Search Warrants Executed: 1

Misdemeanor Warrants Obtained: 1

Interviews Conducted: 43

Total Forensics Cases: 12

Total Forensics Hours: 17

Street Crimes Unit

- **No report**

Administrative Services Unit

- Meetings: Daily with Command Staff; departmental meeting; Shop with a Cop planning; Toys for Tots planning; Completed Inservice training for personnel; various administrative tasks requiring daily meetings with vendors and acquisition of equipment.
- Community Engagement: South Elementary School Harvest festival; tour of PD building for German Foreign Exchange students.

Administration

Meetings

- Daily meetings with Command Staff.
- Completed monthly Risk Management Accreditation review.
- Meetings: City Manager; Finance Director; Human Resources; Department Head; Staff meeting; Chaplain; Mental Health Partners; NC Chiefs of Police conference committee planning; NCFBINAA Training committee teleconference; met with a Graduate student for a criminal justice interview school project;
- Community Engagement: Rotary; Buckle Up Person PSA on live Radio with UNC Traffic Safety Research team; Chief was the guest speaker at Kiwanis representing PAAL; Chief participated as a panelist for the PCC & Averett College Criminal Justice forum.

****Retirement Notice****

- Sergeant Cash announced his retirement to all police department personnel. He will retire on November 29th after serving the City honorably for 25 years.

****Upcoming Events****

- Police Department Christmas Party, Friday, December 6th at Tunnel Creek Vineyard at 6:30 PM. All council members are invited.
- Christmas Parade: December 14th
- Waiting on finalized Shop with a Cop date.

THANK YOU FOR YOUR CONTINUED SUPPORT

City of Roxboro, North
 Distribution of Gas
 30-Sep-19

LM
 WD
 CS
 GC
 Lawn Mowers
 Weed Eaters
 Chain Saws
 Gas Cans, ETC.

Shell
 Account Number: 80-001-3945-4

Gas 0.5580
 Diesel 0.6200
 0.05
 2.00%
 2.00%
 Net
 Cost

Card Number	Dept Number	Make	Model	Gallons	Total Cost	Tax Adjust	per gallon Discount	2.00% Discount	Net Cost	Average Cost Per Gallon
Summary										
1	4120	City Hall		35.39	92.25	19.99	2.86	0.71	68.69	2.607
2	4130	Finance		-	-	-	-	-	-	#DIV/0!
3	4160	Public Buildings		95.55	249.07	53.98	7.72	1.92	185.45	2.607
4	4180	Purchasing		-	-	-	-	-	-	#DIV/0!
17	4910	Planning & Zoning		-	-	-	-	-	-	#DIV/0!
		Total Administrative		130.94	341.32	73.97	10.58	2.63	254.14	2.607
5	4310	Police		2,053.91	5,353.87	1,160.26	165.97	41.20	3,986.44	2.607
6	4311	CID		104.68	272.86	59.13	8.46	2.10	203.17	2.607
26	4312	Narcotics		-	-	-	-	-	-	#DIV/0!
9	4380	Animal Control		-	-	-	-	-	-	#DIV/0!
		Total Police		2,158.59	5,626.73	1,219.39	174.43	43.30	4,189.61	2.607
7	4340	Fire		1,283.86	3,346.61	725.25	103.75	25.75	2,491.85	2.607
8	4341	Fire Inspections		61.88	161.31	34.96	5.00	1.24	120.11	2.607
		Total Fire Dept.		1,345.75	3,507.92	760.21	108.75	26.99	2,611.96	2.607
10	4510	Public Services		80.16	208.95	45.28	6.48	1.61	155.58	2.607
11	4511	Streets		375.96	980.00	212.38	30.38	7.54	729.70	2.607
12	4512	Street Cleaning		27.19	72.37	16.69	1.40	0.59	53.69	2.662
13	4513	Garage		26.95	70.26	16.24	1.52	0.57	51.93	2.607
14	4710	Residential Garbage		1,307.57	3,408.41	738.65	105.66	26.23	2,537.87	2.607
15	4711	Commercial Garbage		850.96	2,218.17	480.71	68.76	17.07	1,651.63	2.607
16	4740	Cemetery		160.48	418.32	90.66	12.97	3.22	311.48	2.607
		Total Public Services		2,829.28	7,376.49	1,600.60	227.17	56.83	5,491.88	2.607
		Total General Fund		6,464.55	16,852.45	3,654.17	520.93	129.75	12,547.60	2.607
18	7112	Meter Reading		260.23	678.33	147.00	21.03	5.22	505.08	2.607
19	7114	Lake Warden		68.66	178.98	38.79	5.55	1.38	133.26	2.607
25	7118	Pump Stations		-	-	-	-	-	-	#DIV/0!
20	7120	Water Plant		101.28	263.99	57.21	8.18	2.03	196.57	2.607
21	7121	Water Line Mainten		857.76	2,235.91	484.55	69.31	17.21	1,664.84	2.607
22	7130	WWTP		56.46	147.17	31.89	4.56	1.13	109.58	2.607
23	7131	Sewer Line Mainten		560.66	1,461.44	316.71	45.31	11.25	1,088.18	2.607
24	7132	WWTP II		104.82	273.23	59.21	8.47	2.10	203.44	2.607
		Total Enterprise Fund		2,009.86	5,239.05	1,135.37	162.41	40.32	3,900.95	2.607
		Total All Funds		8,470.83	22,080.67	4,785.18	684.51	169.92	16,441.06	2.607

Public Services Department Monthly Report



City of Roxboro

October 2019

Public Utilities Department	Public Works Department																																																									
<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Water Repairs:</td><td style="text-align: right;">21</td></tr> <tr><td>Hydrant Repairs and Maint:</td><td style="text-align: right;">3</td></tr> <tr><td style="padding-left: 20px;">Meters Changed:</td><td style="text-align: right;">108</td></tr> <tr><td style="padding-left: 20px;">New Water Services:</td><td style="text-align: right;">4</td></tr> <tr><td>Broken Meters Replaced:</td><td style="text-align: right;">9</td></tr> <tr><td colspan="2"> </td></tr> <tr><td style="padding-left: 20px;">Sewer Repairs:</td><td style="text-align: right;">9</td></tr> <tr><td style="padding-left: 20px;">Sewer Blockages:</td><td style="text-align: right;">23</td></tr> <tr><td style="padding-left: 20px;">New Sewer Services:</td><td style="text-align: right;">1</td></tr> <tr><td colspan="2"> </td></tr> <tr><td>Locate Services Provided:</td><td style="text-align: right;">161</td></tr> <tr><td></td><td style="text-align: right;">40 Hrs</td></tr> </table> <p>Remarks:</p>	Water Repairs:	21	Hydrant Repairs and Maint:	3	Meters Changed:	108	New Water Services:	4	Broken Meters Replaced:	9			Sewer Repairs:	9	Sewer Blockages:	23	New Sewer Services:	1			Locate Services Provided:	161		40 Hrs	<table style="width: 100%; border-collapse: collapse;"> <tr><td style="padding-left: 20px;">Commercial Garbage:</td><td style="text-align: right;">459.15</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 20px;">Residential Garbage:</td><td style="text-align: right;">232.5</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 20px;">Brush Collected:</td><td style="text-align: right;">31.5</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 20px;">Leaves Collected:</td><td style="text-align: right;">32.8</td><td style="text-align: right;">tons</td></tr> <tr><td></td><td style="text-align: right;">0</td><td></td></tr> <tr><td style="padding-left: 20px;">Potholes Repaired:</td><td style="text-align: right;">6</td><td></td></tr> <tr><td style="padding-left: 40px;">Asphalt:</td><td style="text-align: right;">19.95</td><td style="text-align: right;">tons</td></tr> <tr><td style="padding-left: 40px;">Concrete:</td><td style="text-align: right;">0</td><td style="text-align: right;">yards</td></tr> <tr><td colspan="3"> </td></tr> <tr><td style="padding-left: 20px;">Vehicle Repairs:</td><td style="text-align: right;">37</td><td></td></tr> <tr><td>Garage Materials:</td><td style="text-align: right;">\$13,657.49</td><td></td></tr> </table> <p>Remarks:</p>	Commercial Garbage:	459.15	tons	Residential Garbage:	232.5	tons	Brush Collected:	31.5	tons	Leaves Collected:	32.8	tons		0		Potholes Repaired:	6		Asphalt:	19.95	tons	Concrete:	0	yards				Vehicle Repairs:	37		Garage Materials:	\$13,657.49	
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November 13, 2019

To: Mayor Newell
Roxboro City Council

From: Lauren Johnson, Planning & Development Director

Subject: November Council Report

Uptown Development Group:

- Rox N' Roll Cruise-In Series: We had another successful cruise-in season and can't wait to start planning for the 2020 season.
- Uptown Events: We continue to work toward meeting our 2019 Goals for NC Main Street as we plan out for 2020. I continue to attend and support area events. This year UR Group board members assisted the annual Uptown Business Trick or Treating by acting as crossing guards for an added safety measure. We held a successful Merchant's Meeting at the new Person County Visitor Center on October 24. UR Group board members and local business owners viewed a Roger Brooks video on how to get customers in your door. If you missed the Veterans Day Uptown Roxboro Chili Cook-off on November 9th, shame on you! We had 7 different varieties of chili prepared by some of Roxboro's finest (Roxboro Fire Department, Roxboro Police Department, Person Co. Sheriff's Department and Person Co. EMS. Roxboro Police Department won 1st Place, both 2nd & 3rd Places went to the Person Co. Sheriff Department. Special thanks to Jessica Wesley (owner of "The Room" and her son Preston, Jody Blackwell of PCC Workforce Development and Mark Phillips for judging. We were able to have discussion about design ideas and how to better build comradery between our businesses. We are in the swing of planning Jingle on Main and are excited to see Uptown Roxboro transform into our "Hallmark Edition".
- Uptown Developments:
 - 108 & 110 N. Main Street (formerly NTYCE) exterior has been painted and new windows have been ordered. He did utilize the services from NC Main Street Design Service for a rendering.
 - 103/105 N. Main Street (PCC Small Business Center) has gotten quotes for a new, improved awning.
 - 117 Depot Street has been leased and equipped for a new restaurant. We are excited to announce the Depot Southern Bistro plans to open before the Christmas Holiday.
 - 23 Reams Avenue has been fully renovated with a dark gray façade color and new painting, flooring and carpentry. This space would be great for retail or broken up into several office spaces and offers a spacious meeting room area.
 - The Gordon Street Café, located in Hall's Way has opened for business and continues to tweak their hours and menu to meet the needs of the area.
 - We continue to work closely with Coulter-Jewell-Thames on the Desert Sands Pocket Park/Roxboro Open Space located at 208 N. Main Street, we are waiting on renderings for Phased work. No update on information for additional funding.



Planning & Development:

- **Future Land Use Plan Update:** Staff received 6 submittals as a part of the RFP process for the Future Land Use Plan Update. The submittals were individually reviewed by members of the County and City Planning staff. Each submittal was given a total score that reflected ratings on multiple categories, such as references, experience, overall quality of proposal, etc. The highest scoring firms were then interviewed over the phone to determine additional information that may identify a preferred firm. Staff will present the results of this work to Council at their December 10th meeting. County staff will present their results at the November 18th meeting of the Commissioners. Barring no complications on the final selection process, staff anticipates meetings will begin with the appointed steering committee in early 2020.
- **Hazard Mitigation Plan Updates:** The October meeting of the Eno-Haw Hazard Mitigation Team took place on a day that the Planning Director was unavailable to attend, due to a training meeting. Minutes from the meeting indicated no critical decisions were made that did not involve input from the City representatives. A vision statement for the plan, as well as some broad objectives were discussed and a form sent out for feedback before the next meeting. Staff will be traveling to Hillsborough on the 26th of November to attend the next meeting of the group. As always, members of the public and Council may keep up with the progress by viewing the project website; <http://www.enohawhmp.com>.
- **New Permitting Software for Planning Department:** As Council may recall, funds were placed in the 2019/2020 budget to cover expenses associated with the purchase and annual user fees for the new planning software. The City opted to partner with the County in the new software purchase in order to ensure appropriate communication among the other development departments (Person County Building Inspections, GIS, etc.). Staff has been and will continue to attend workshoping sessions for data input and transfer. Staff anticipates some strain on the response time to permits, complaints, and other matters as a result of the time commitment involved with this process. The building of the software is anticipated to span over the next 12-18 months (depending on any issues that may arise), with a potential go-live date sometime in 2021. During this time, staff has been notified of the need to devote at least 25% of their time to the conversion, data input, and questionnaire completion process of the software configuration. This will be in addition to the time that the Planning Director must devote to the New Future Land Use Plan meetings and paperwork, as well as the Hazard Mitigation Plan meetings and paperwork. The Community Planner will be assisting with some customer interactions and minor zoning work, but this will be a deviation from this individual's typical activities. Staff appreciates the patience of Council and customers during this busy time.

Additional Updates:

- Staff has begun work to clarify and simplify components of the new UDO which have proven confusing or ineffective since adoption of the new document in 2017. These items have been broken into sections within the UDO and will be brought to the Planning Board and Council throughout the beginning of 2020.
- Held Planning Board meeting on November 4th, 2019.
- Prepared items for December 2nd Planning Board review of two rezoning requests.
- Worked with Community Planner to coordinate information for final events of 2019 and prepare for changes to application/scheduling processes in 2020.



City of Roxboro Special Event Permit Application

Special Event Applications shall be submitted to the City of Roxboro no later than sixty (60) days prior to the event date, unless the event does not require a public hearing. * When a public hearing is unnecessary, applications shall be submitted no later than thirty (30) days prior to the event date. (Incomplete applications may increase the permit processing time.) If a Public Hearing is required for your application, you will be notified of the date, time and location of the hearing. There is a \$50.00 fee for all public hearings.

*Special Events not requiring a public hearing include (i) observations of national holidays (ii) annually recurring special events, which do not exceed two (2) hours and for which no admission fee is charged, and (iii) events hosted, in-part, by the City of Roxboro.

I. Applicant Information:

Organization: Uptown Roxboro Group
Address: 105 S. Lamar Street City: Roxboro State: NC Zip Code: 27573
Daytime Phone Number: 336-322-6019 Cell Number: _____ Email: director@uptownroxboro.com

Primary Contact: Lynda Clayton
Address: 105 S. Lamar Street City: Roxboro State: NC Zip Code: 27573
Daytime Phone Number: 336-322-6019 Cell Number: 336-504-9644 Email: director@uptownroxboro.com

II. General Event information:

Please provide the common name by which the event is to be known.

Jingle on Main

Please select the type of event:

- Parade
- Run/Walk Race
- Concert
- Ceremony
- Festival/Street Fair (Holiday event)
- Other _____

Please provide a brief description of the purpose of the proposed event:

This holiday event serves to "kickoff" the Christmas season in Person Co. and the City of Roxboro.

Please indicate the following:

- a. Proposed Event Date(s): _____
- b. Proposed Time Period(s) of the Event: 5:15 - 9:00 pm (street closure at 4:30 pm)
- c. Location of Event: Uptown Roxboro
- d. Approximate Number of People to Attend the Event: 500 - 800

Please provide a general description of the activities planned during the event.

This event will include live music, food vendors, snow machines, tree lighting, free movie at the Kirby

Please list below any request for special services to be provided by the City, such as Police, Fire, Public Service Personnel/Equipment, etc. (any fees are the responsibility of the individual/organizer of said event):

Police: (2) officers from 5:30 - 8:30 pm for security

Fire: _____

Public Service (i.e., streets or portions of streets to be closed and for what period, etc.): _____

Russells to Gordon St., Cart St., Abbitt St., connecting section of Lamar St and all driveways that empty into these streets & Gordon through Lamar

Other: _____

III. Venue Details:

Please indicate any streets, parking lots, or public access areas to be closed during this event, as well as the location of any barriers, traffic control devices, etc. (a map showing the event area and all barricades is also required):

Please see above, and contact if any questions

Specify number of:

1-3 Goods/Food Vendors 2-5 Animals 3-5 Recreational equipment (i.e. bounce house, rides, etc.)

Are you serving/selling food at your event? Y N Food Vendors Only

*If yes, contact the Person County Environmental Health Office to be sure all necessary permits and/or documentation are obtained.

Are you serving/selling alcohol at your event? Y / N

*If yes, be sure the perimeters of the area(s) are clearly marked, and the entrance to the area(s) shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted in the area(s). Area(s) must be located at least 150 feet from any church, mosque, synagogue or other place of worship. Be aware, **no alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area(s).** Prior to the opening of the special event, the person in charge of the event shall ensure that any and all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured. Such permits must be available for inspection by City staff at any time. (Keep on site during the Special Event.)

Please indicate which of the following staging items will be used during your event:

- Loud speakers
- Bleachers
- Stage(s)
- Dance Floor
- Microphones
- Live Entertainment
- Other: _____

Please indicate the size and location of any signs, banners, flags, or other attention-getting devices for this event:

music will be at the main St. Pavillion, Courthouse and outside the Kirby. Signs may be located along the streets for directions/sponsor advertising purposes.

Please provide copies of the following with the completed application:

- a. Proof of Liability Insurance for event
- b. ABC permit(s)*
- c. Person County Environmental Health Department permit(s)/license(s) for on-site food
- d. Sketch Map Showing All of the Following:
 - The area where the event is to take place
 - Any Streets or other rights-of-way to be closed or obstructed.
 - Any barriers or traffic control devices that will be erected.
 - Location of vendor booths, platforms, benches, stages, or bleachers
 - Location of alcohol selling/consumption area
 - Toilet Facilities (i.e., porta johns)
 - Garbage Facilities (dumpsters, roll out carts)

****Please note the City of Roxboro does NOT provide garbage or waste removal services for the proposed event. The event organizer is responsible for arranging for these services, if necessary.**

IV. Cancellation Policy

The City Manager, Roxboro Police Department, or their designee, has the authority to end the event prior to schedule based on any of the following:

- violation of any section of the permit or City Ordinance,
- security and protection concerns of event participants and the community,
- if the conditions required for approval, including insurance coverage, of the event are not met,
- if any significant change in conditions would, or may adversely affect the public health or safety of the community, or
- for any condition that would place City facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.

If an event organizer, for any reason, must cancel their event they must notify the City of Roxboro. Cancellations must be in written form. Fees are non-refundable. (If the event organizer would like to request a rain-date, please indicate this in section II under the "event date(s)."

The undersigned persons certify that all information in this application (including attachments) is complete and accurate to the best of their knowledge, that the information contained in this application form shall constitute conditions of an issued permit, that the City will be notified of any changes or revisions to the event plans as described in this application, and that the undersigned persons have received and reviewed a copy of Chapter 95 of the Roxboro City Code and agree to comply with all permit conditions and understand that failure to comply with any condition, or any violation of law, may result in the immediate cancellation of the event, revocation of the permit, denial of future events, criminal prosecution and/or administrative citations/fines.

FUTHERMORE, the undersigned persons hereby authorize the City Manager or designated representative to enter upon the above-referenced activity site for the purpose of inspecting and determining/verifying compliance with the City's ordinance provisions.

Lynda Clayton
Applicant Signature

Date: 10/1/2019

Responsible Planner/On-Site Manager

Date: _____

**RELEASE AND HOLD HARMLESS
AGREEMENT**

STATE OF NORTH CAROLINA

COUNTY OF PERSON

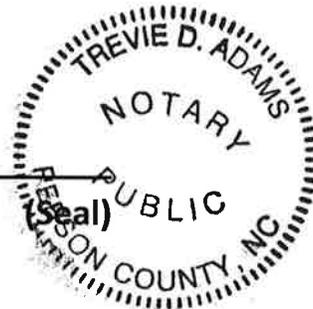
The undersigned, having received permission from the City of Roxboro to conduct Jingle on Main on Dec. 5, 2019, do hereby release and forever hold harmless the City of Roxboro from any personal injuries or property damage related to the permitted use.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal:

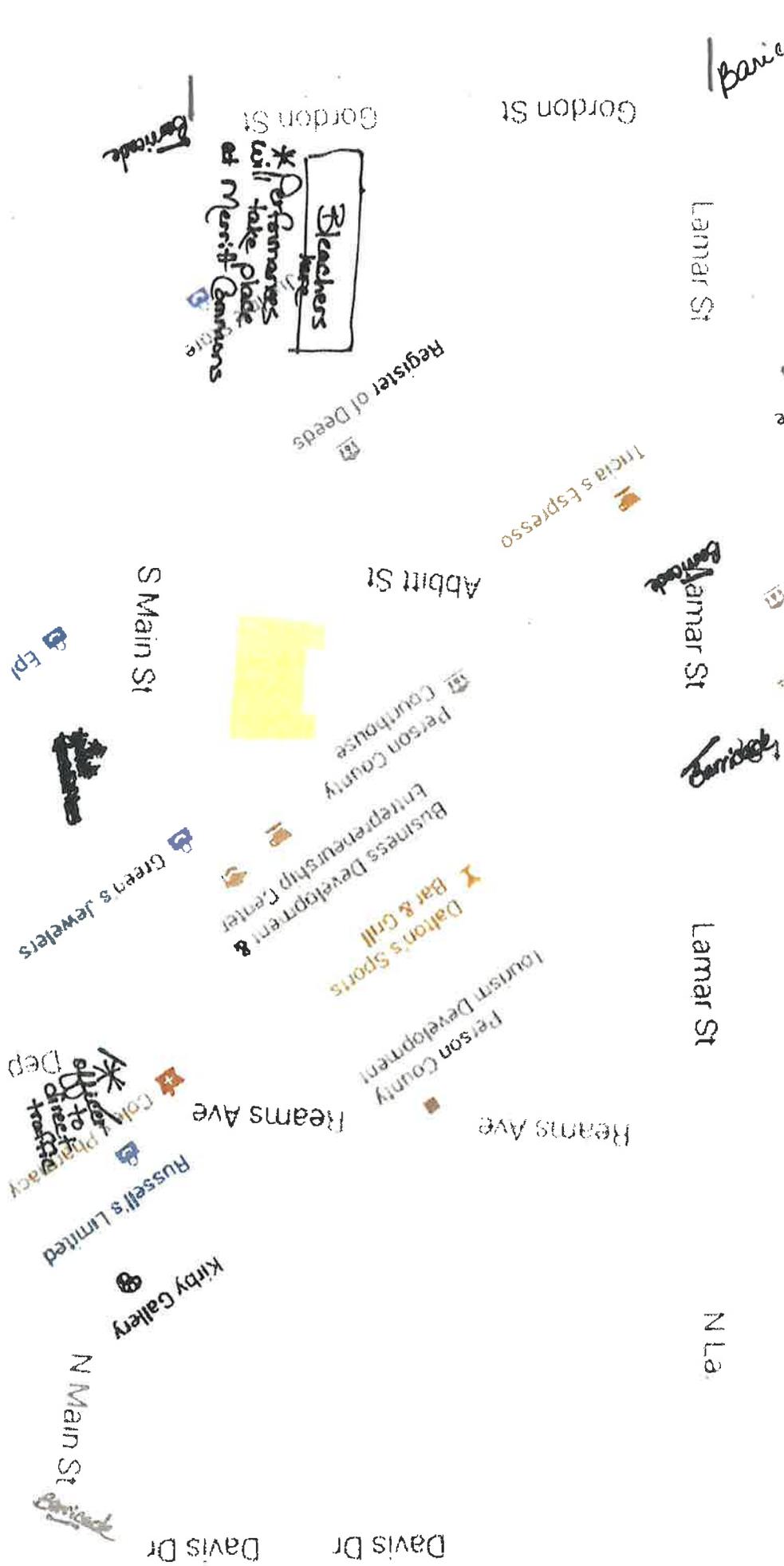
This the 1st day of October, 2019

Rynda D Clayton
(Signature)

Notary Witness: Trevie D. Adams
My Commission expires: February 11, 2022



* Food vendors will be located near courthouse, but exact locations have yet to be determined



* Carriage rides will circle the courthouse on Abbitt and Court Sts. or to Capitol Hill
 * Parade train will go up and down Main St.



City of Roxboro Merritt Commons Rental Agreement

I. Applicant Information:

Organization: Uptown Roxboro Group
Address: 105 S. Lamar Street City: Roxboro State: NC Zip Code: 27573
Daytime Phone Number: 336-322-6019 Cell Number: _____ Email: director@uptownroxboro.com

Primary Contact: Lynda Clayton
Address: 105 S. Lamar Street City: Roxboro State: NC Zip Code: 27573
Daytime Phone Number: _____ Cell Number: 336-504-9644 Email: director@uptownroxboro.com

II. General Event information:

Please provide the common name by which the event is to be known.

Jingle on Main

Please provide a brief description of the purpose of the proposed event:

Holiday event that serves as the "kick off" for the Christmas season in Roxboro and Person County.

Please indicate the following:

- Proposed Event Date(s): 12/5/2019
- Proposed Time Period(s): 5:15pm - 9:00pm
- Approximate Number of People to Attend the Event: 500-800

Please provide a general description of the activities planned during the event.

At Merritt Commons there will be live music and dance performances.

Is this usage a FOR PROFIT or NOT FOR PROFIT activity (circle one)?

Security Deposit \$100.00

Total Fees (for-profit multiply number of hours by \$50) _____

III. Usage Agreement:

THIS AGREEMENT IS BETWEEN THE City of Roxboro AND Uptown Roxboro Group
ON THE DATES AND TIMES INDICATED ON THIS FORM.

Make all checks payable to the City of Roxboro and remit to the Planning & Development Director.

It is agreed that the rules governing the use of the Merritt Commons property, County of Person, North Carolina, a copy of which has been received by the User and is an integral part of this agreement and is incorporated herein.

I/We release, absolve and agree to hold harmless and indemnify the City of Roxboro, their staff, sponsors and representatives from and against any and all liability, and from and against any claims, demands, costs or expenses, or causes of actions arising out of or in connection with the use of the facility.

WE THE UNDERSIGNED, HAVE READ AND FULLY UNDERSTAND THIS CONTRACT AND WILL ASSUME THE AFOREMENTIONED RESPONSIBILITIES.

This agreement is entered into this _____ day of _____, _____. In keeping with our good faith, I hereby submit a check in the amount of \$_____ to the City of Roxboro.

Lynda D. Clayton
Signature/Date (User)

Signature/Date (Planning & Development Director)



City of Roxboro Special Event Permit Application

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*Special Events not requiring a public hearing include (i) observations of national holidays (ii) annually recurring special events, which have previously gone through the public hearing process, and which do not exceed two (2) hours and for which no admission fee is charged, and (iii) events hosted, in-whole or in-part, by the City of Roxboro.

I. Applicant Information:

Organization:

Roxboro J.C.'s

Address:

PO Box 1035

City: Roxboro

State: NC

Zip Code: 27573

Daytime Phone Number:

336-599-1751

Cell Number:

336-503-3603

Email: robbie@waka-insurance.biz

Primary Contact:

Robby Jones

Address:

PO Box 1035

City: Roxboro

State: NC

Zip Code: 27573

Daytime Phone Number:

336-599-1751

Cell Number:

336-503-3603

Email: robbie@waka-insurance.biz

II. General Event information:

Please provide the common name by which the event is to be known.

Roxboro Christmas Parade

Please select the type of event:

- Parade
- Run/Walk Race
- Concert
- Ceremony
- Festival/Street Fair
- Other _____

Please provide a brief description of the purpose of the proposed event:

So people can see Santa

Please indicate the following:

- a. Proposed Event Date(s): Dec 14, 2019
- b. Proposed Time Period(s) of the Event: 2:00 PM
- c. Location of Event: Main St
- d. Approximate Number of People to Attend the Event: 5,000

Please provide a general description of the activities planned during the event.

Fire trucks, Antique cars, Bands + Santa

Please list below any request for special services to be provided by the City, such as Police, Fire, Public Service Personnel/Equipment, etc. (any fees are the responsibility of the individual/organizer of said event):

- Police: Blk Rds
- Fire: Blk Rds
- Public Service (i.e., streets or portions of streets to be closed and for what period, etc.): close street along main st + Court.
- Other:

III. Venue Details:

Please indicate any streets, parking lots, or public access areas to be closed during this event, as well as the location of any barriers, traffic control devices, etc. (a map showing the event area and all barricades is also required):

Main St. closed

Specify number of:

0 Goods/Food Vendors 15 Animals 0 Recreational equipment (i.e. bounce house, rides, etc.)

Are you serving/selling food at your event? Y (N)

*If yes, contact the Person County Environmental Health Office to be sure all necessary permits and/or documentation are obtained.

Are you serving/selling alcohol at your event? Y (N)

*If yes, be sure the perimeters of the area(s) are clearly marked, and the entrance to the area(s) shall be constructed so as to allow ready control of patrons, including the viewing of identification to prevent underage persons from being permitted in the area(s). Area(s) must be located at least 150 feet from any church, mosque, synagogue or other place of worship. Be aware, **no alcoholic beverages may be sold or consumed as a part of a special event outside of the designated area(s)**. Prior to the opening of the special event, the person in charge of the event shall ensure that any and all necessary state or other permits relating to the sale and consumption of alcoholic beverages have been secured. Such permits must be available for inspection by City staff at any time. (Keep on site during the Special Event.)

Please indicate which of the following staging items will be used during your event:

- Loud speakers
- Bleachers
- Stage(s)
- Dance Floor
- Microphones
- Live Entertainment
- Other: _____

Please indicate the size and location of any signs, banners, flags, or other attention-getting devices for this event:

N/A

Please provide copies of the following with the completed application:

- a. Proof of Liability Insurance for event
- b. ABC permit(s)*
- c. Person County Environmental Health Department permit(s)/license(s) for on-site food
- d. Sketch Map Showing All of the Following:
 - The area where the event is to take place
 - Any Streets or other rights-of-way to be closed or obstructed.
 - Any barriers or traffic control devices that will be erected.
 - Location of vendor booths, platforms, benches, stages, or bleachers
 - Location of alcohol selling/consumption area
 - Toilet Facilities (i.e., porta johns)
 - Garbage Facilities (dumpsters, roll out carts)

****Please note the City of Roxboro does NOT provide garbage or waste removal services for the proposed event. The event organizer is responsible for arranging for these services, if necessary.**

IV. Cancellation Policy

The City Manager, Roxboro Police Department, or their designee, has the authority to end the event prior to schedule based on any of the following:

- violation of any section of the permit or City Ordinance,
- security and protection concerns of event participants and the community,
- if the conditions required for approval, including insurance coverage, of the event are not met,
- if any significant change in conditions would, or may adversely affect the public health or safety of the community, or
- for any condition that would place City facilities, grounds, or other natural resources at risk of damage or destruction if the event were permitted to take place.

If an event organizer, for any reason, must cancel their event they must notify the City of Roxboro. Cancellations must be in written form. Fees are non-refundable. (If the event organizer would like to request a rain-date, please indicate this in section II under the "event date(s).")

The undersigned persons certify that all information in this application (including attachments) is complete and accurate to the best of their knowledge, that the information contained in this application form shall constitute conditions of an issued permit, that the City will be notified of any changes or revisions to the event plans as described in this application, and that the undersigned persons have received and reviewed a copy of Chapter 95 of the Roxboro City Code and agree to comply with all permit conditions and understand that failure to comply with any condition, or any violation of law, may result in the immediate cancellation of the event, revocation of the permit, denial of future events, criminal prosecution and/or administrative citations/fines.

FUTHERMORE, the undersigned persons hereby authorize the City Manager or designated representative to enter upon the above-referenced activity site for the purpose of inspecting and determining/verifying compliance with the City's ordinance provisions.



Applicant Signature

Date: 11-5-19

Responsible Planner/On-Site Manager

Date: _____

**RELEASE AND HOLD HARMLESS
AGREEMENT**

STATE OF NORTH CAROLINA

COUNTY OF PERSON

The undersigned, having received permission from the City of Roxboro to conduct ROXBORO JAYCEES CHRISTMAS PARADE on DEC. 14, 2019 do hereby release and forever hold harmless the City of Roxboro from any personal injuries or property damage related to the permitted use.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal:

This the 6 day of November, 2019



(Signature)

Notary Witness: Deann L. Blalock

(Seal)





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/06/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Walker Insurance Agency, Inc. PO Box 1035 Roxboro NC 27573		CONTACT NAME: DeAnn Bialock PHONE (A/C, No, Ext): (336)599-1751 E-MAIL: deann@walkerinsurance.biz ADDRESS:		FAX (A/C, No): (336)599-5288	
INSURED Roxboro Jaycees Inc Roxboro Jaycees P O Box 473 Roxboro NC 27573		INSURER(S) AFFORDING COVERAGE INSURER A: Nautilus Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:		NAIC # 00000	

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					EACH OCCURRENCE \$ 1,000,000 DAMAGE RENTED PERMITS (1/a occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS COMP/OP AGG \$ Included
A	GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	N N	NN9975678	12/14/2019	12/14/2019	COMBINED SINGLE LIMIT (1/a accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ UMBRELLA LIAB OCCUR \$ EXCESS LIAB CLAIMS MADE \$ DED RETENTION \$ \$ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below
						EACH ACCIDENT \$ DISEASE - EA EMPLOYE \$ DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required):
 2020 Roxboro Jaycee's Annual Christmas Parade

CERTIFICATE HOLDER

City of Roxboro
 105 S Lamar St
 PO Box 128

Roxboro

NC 27573

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

DeAnn A. Bialock

Fax: Email:

ACORD 25 (2016/03)

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PROCLAMATION
HONORING
MATTHEW COLE BRADSHER

WHEREAS, the Boy Scouts of America was founded on February 8, 1910, and has grown to be a vital force in the development of our youth through its many programs which encourage the ability of its members to do things for themselves and others; and

WHEREAS, one of the major objectives in the Scouting program is to develop citizenship through community involvement, and in addition to working for citizenship merit badges, Scouts are actively involved in community projects.

WHEREAS, Matthew Cole Bradsher a member of Boy Scout Troop 295, having completed the requirements for, and having been examined by an Eagle Scout Board of Review, was found worthy of the rank of **Eagle Scout**.

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor and Roxboro City Council that, on behalf of all our citizens, we do hereby extend this expression of our admiration and pride in the skills and accomplishments of Matthew Cole Bradsher.

This the 13th day of October 2019.

Mayor Marilyn P. Newell

1. Budget Amendment

**CITY OF ROXBORO
BUDGET AMENDMENT
FISCAL YEAR 2019-2020 BUDGET**

The following budget amendment is hereby requested:

Budget Amendment Number:

3

Fund 50 & 60 - Stormwater & Water Funds			INCREASE	DECREASE
Revenues	50-2900-000	Fund Balance	32,900.00	
	60-3989-950	Transfer from Stormwater fund	32,900.00	
			65,800.00	-
		Net Increase (Decrease) in Revenues	65,800.00	
Expenditures	50-9810-950	Transfer to Water Fund	32,900.00	
	60-7121-350	Contracted services	32,900.00	
			65,800.00	-
		Net Increase (Decrease) in Expenses	65,800.00	
			65,800.00	

Justification: To appropriate transfer of funds and expenditures for pipe replacment

Requested By: _____ DC _____ Date: _____ 11/13/2019

Approved to Submit to Council: _____ Date: _____

Approved by Council: _____ Date: _____

Posted to Computer: _____ Date: _____

2. Ordinance Text Amendment: National Flood Insurance

Application for

Unified Development Ordinance Text Amendment

Roxboro Planning & Development

105 S Lamar Street Roxboro, N.C. 27573 336-322-6018



TO THE PLANNING BOARD AND THE CITY COUNCIL:

I/We, the undersigned, do hereby make application and petition to the City Council of the City of Roxboro to amend the Text of the Unified Development Ordinance of the City of Roxboro as hereinafter described. (Type or Print Clearly)

Petitioner(s): City of Roxboro

Address: 105 S Lamar St

Telephone Number: 336-322-6018 Fax Number: 336-599-3774

Interest in Property: Government Agency
(I.e., Owner, Part Owner, Option holder, Governmental Agency, Etc.)

Proposed Amendment:

Type of Change: Addition OR Revision

Current Text: See attached

Proposed Text: See attached

Reason for Request Change (Attach additional sheets if necessary):

update Flood Damage Prevention Ord & supporting definitions to comply w/ new regulations from FEMA.

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.

Lauren Johnson
Applicant Signature

7/29/19
Date

Staff Use Only:

Date Received: 7/29/19

Docket #: TA2019-01

Planning Board Meeting Date: 8/3/19

City Council Meeting Date: 9/10/19

FLOOD DAMAGE PREVENTION ORDINANCE SUMMARY OF CHANGES

The following colored text identifies the changes from the 2007 model Flood Damage Prevention Ordinance to the Current 2017 model Flood Damage Prevention Ordinance:

- **Blue text = Changes from 2007 version to 2017 version**
- **Green text = Additions that are new to the 2017 version**
- **Red text = Deleted from the 2017 version**

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

Municipal: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A 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.

County: 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 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 Governing Body of Community Name, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of Community Name are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions 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.

SECTION C. STATEMENT OF PURPOSE.

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

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

the time of initial construction;

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

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

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

ARTICLE 2. DEFINITIONS.

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

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

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

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

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

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel

does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Area of Future-Conditions Flood Hazard” means the land area that would be inundated by the 1-percent-annual-chance (100- year) flood based on future-conditions hydrology (*OPTIONAL*).

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

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

“Building” see “Structure”.

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

“Design Flood”: See “Regulatory Flood Protection Elevation.”

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

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

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

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

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

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

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before date the community’s first floodplain management ordinance was adopted.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

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

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

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

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

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

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

engineering methods and models.

“Freeboard” means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Management Facility” means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

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

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

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

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

“Lowest Adjacent Grade (LAG)” means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

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

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

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

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

~~“Mean Sea Level” means, for purposes of this ordinance, the North American Vertical Datum (NAVD) as corrected in 1988, to which Base Flood Elevations (BFEs) shown on a DFIRM are referenced. North Carolina uses NAVD 1988.~~

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

“Non-Conversion Agreement” means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed. (*OPTIONAL*)

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after insert date of community’s first FIRM (OPTIONAL), the effective date of the initial Flood Insurance Rate Map.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before insert date of community’s first FIRM (OPTIONAL), the effective date of the initial Flood Insurance Rate Map.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

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

(OPTIONAL For the purpose of this ordinance, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

(Alternative acceptable language for Reference Level) "Reference Level" is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE *plus* Insert freeboard [two (2) feet (Two feet is the state recommended minimum)] feet *freeboard*. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least Insert feet [Two (2) feet is a state-recommended minimum, greater than two (2) feet is OPTIONAL] feet above the highest adjacent grade.

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

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

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

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

"Solid Waste Disposal Site" means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

"Special Flood Hazard Area (SFHA)" means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

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

"Structure" means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure during any one-year period whereby the cost of

restoring the structure to it's 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". ***[CRS communities are eligible for up to 20 CRS points for adopting OPTIONAL Text for Substantial Damage that could include one or more of the following higher standards:***

- 1.) *By choosing a timeframe that includes cumulative damages sustained over a period of time exceeding one year period. (5 or 10 year period recommended)*
- 2.) *By choosing a percent damaged that is less than 50% of the market value of the structure (CRS recommends 30 %.)*
- 3.) *By adding the following text for eligibility for Increased Cost of Compliance (ICC) benefits for repetitive losses: Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.]*

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

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

[CRS communities are eligible for up to 20 CRS points for adopting OPTIONAL Text for Substantial Damage that could include one or more of the following higher standards:

- 1.) *By choosing a timeframe that includes cumulative damages sustained over a period of time exceeding one year period. (5 or 10 year period recommended)*
- 2.) *By choosing a percent damaged that is less than 50% of the market value of the structure (CRS recommends 30 %.)*

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

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area. (**OPTIONAL**)

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

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

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

"Water Surface Elevation (WSE)" means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, *including Extra-Territorial Jurisdictions (ETJs), [if applicable]* of Community Name.

SECTION B. 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 Insert effective date shown on FIS for County Name County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Community Name 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.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

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

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION F. INTERPRETATION.

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

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

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Community Name or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or

any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a Class 1 misdemeanor pursuant to 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 Community Name from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Staff Title, hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community’s overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

(1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (i) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - (ii) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - (iv) The boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - (v) The Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C; or Article 5, Section D;
 - (vi) The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
 - (vii) *The certification of the plot plan by a registered land surveyor or professional engineer. (OPTIONAL)*
- (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - (i) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all

structures;

- (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
 - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 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.
 - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(d) when solid foundation perimeter walls are used in Zones A, AE, AH, AO, A99.
 - (e) Usage details of any enclosed areas below the lowest floor.
 - (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
 - (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
- (a) A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
 - (c) The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.
 - (d) The Regulatory Flood Protection Elevation required for the protection of all public utilities.
 - (e) All certification submittal requirements with timelines.
 - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Article 5, Section F have been met.
 - (g) The flood openings requirements, if in Zones A, AE, AH, AO, A99.

- (h) *Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only). (OPTIONAL)*
- (i) *A statement, that all materials below BFE/RFPE must be flood resistant materials. (OPTIONAL)*

(3) **Certification Requirements.**

(a) Elevation Certificates

- (i) *An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. (STATE RECOMMENDED BUT OPTIONAL)*
- (ii) *An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project. (STATE RECOMMENDED BUT OPTIONAL)*
- (iii) *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. (OPTIONAL) (THE FEMA ELEVATION CERTIFICATE IS OPTIONAL FOR FLOODPLAIN MANAGEMENT ELEVATION DATA, BUT RECOMMENDED. THE USE OF THE FEMA ELEVATION CERTIFICATE IS REQUIRED FOR THE PURCHASE OF FLOOD INSURANCE AND MANDATORY FOR CRS PARTICIPATION, AND THIS LANGUAGE SHOULD BE INCLUDED IN ITS ENTIRETY.)**

(b) Floodproofing Certificate

- (i) *If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), 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. ***(OPTIONAL) (THE FEMA FLOODPROOFING CERTIFICATE IS OPTIONAL AT THE TIME OF PERMITTING THE STRUCTURE BUT RECOMMENDED TO ENSURE COMPLIANCE WITH THIS ORDINANCE AND PROPERLY PERMIT THE STRUCTURE.)***

- (ii) 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.
- (c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zones A, AE, AH, AO, A99, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures that are Insert square foot (150 recommended) square feet or less or Insert Cost of Structure ((\$3,000 recommended) or less and meeting requirements of Article 5, Section B(8).

(4) **Determinations for existing buildings and structures.**

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

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of

substantial damage; and

- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any BFE data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to Article 5, Section D(2)(c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.

- (13) *When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file. (OPTIONAL)*
- (14) 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.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this 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.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, 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.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) 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.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (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 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:
 - (a) That the building or property is in violation of the floodplain management regulations;
 - (b) 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

- (c) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) 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 least Insert Calendar Days (One-hundred-eighty (180) calendar days or less is recommended) 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.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) 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.

SECTION E. VARIANCE PROCEDURES.

- (1) The Insert appeal board name (The Board of Adjustment is the recommended appeal board) as established by Community Name, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) 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.
- (3) Variances may be issued for:
 - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 - (b) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or
 - (c) Any other type of development provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
 - (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.
 - (d) The use complies with all other applicable federal, state and local laws.
 - (e) The Community Name has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, 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.
 - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- ~~(8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.~~

- (8) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (9) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (14) When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (15) When a 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 BFE shall apply.
- (16) Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F). **(maximum 280 CRS points possible)** **(OPTIONAL) Note: This should be consistent with Article 5, Section G (11)(e) in coastal areas.**

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where BFE data has been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- (1) **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (2) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance. Structures located in Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G (2). A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational plan and the inspection and maintenance plan.

(3) Manufactured Homes.

- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in Article 2 of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) Shall not be temperature-controlled or conditioned; (*OPTIONAL, strongly encouraged*)
- (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- (d) Shall include, in Zones A, AE, AH, AO, A99 flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;
 - (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- (e) Fill/Grading (*OPTIONAL*)

- (i) Fill is prohibited in the SFHA (*maximum 280 CRS points possible*) (*OPTIONAL*) Note: this should be consistent with Article 5, Section A(16).
- (f) Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished or otherwise converted to habitable space (*30 CRS points*); Community Name will have the right to inspect the enclosed area (*30 CRS points*). Community Name will conduct annual inspections (*30 CRS points*). This agreement shall be recorded with the County Name County Register of Deeds and shall transfer with the property in perpetuity. (*OPTIONAL for a maximum total of 90 CRS points*)
- (g) 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. (*OPTIONAL*)

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and *must not be any more non-conforming than the existing structure. (non-conforming language is OPTIONAL).*
 - (ii) A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures 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:
 - (i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.
 - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a Insert number of years (One (1) year minimum is required) year period, 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 Insert number of years (One (1) year minimum is required) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. (*The repetitive loss portion is OPTIONAL, but will be required for flood insurance policy holders to be eligible for Increased Cost of Compliance (ICC) benefits for repetitive losses.*) If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

- (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (6) **Recreational Vehicles.** Recreational vehicles shall either:
- (a) Temporary Placement
 - (i) Be on site for fewer than 180 consecutive days; or
 - (ii) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)
 - (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.
- (7) **Temporary Non-Residential Structures.** Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- (a) A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) The name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) **Accessory Structures.** When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Article 5, Section B(4)(d).

An accessory structure with a footprint less than Insert square foot (150 recommended) or that is a minimal investment

of Insert Cost of Structure ((\$3,000 recommended) or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
 - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
 - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this Article shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
 - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (10) Other Development.
- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
 - (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
 - (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3, Section B, where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided

demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (2) The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:
 - (a) When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
 - (b) When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of Article 5, Sections B and F.
 - (c) All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
 - (d) When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BASE FLOOD ELEVATIONS BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or
 - (b) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) Manufactured homes may be permitted provided the following provisions are met:
 - (a) The anchoring and the elevation standards of Article 5, Section B(3); and
 - (b) The encroachment standards of Article 5, Section F(1).

SECTION G. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of Insert freeboard [two (2), (feet of freeboard selected for Regulatory Flood Protection Elevation definition)] feet, above the highest adjacent grade; or at least Insert feet [Two (2), (A minimum of two (2) feet is required and four (4) feet is recommended where a depth is not provided)] feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section G(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(3) and Article 5, Section B(2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

SECTION H. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

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

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted insert adoption date of the community's initial Flood Damage Prevention Ordinance as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Community Name enacted on insert adoption date of the community's initial Flood Damage Prevention Ordinance, as amended, which are not reenacted herein are repealed.

Municipal: The date of the initial Flood Damage Prevention Ordinance for County Name County is insert adoption date of the community's initial Flood Damage Prevention Ordinance.

County: The date of the initial Flood Damage Prevention Ordinance for each municipal jurisdiction within County Name County is as follows:

List each municipality within the County with its initial ordinance date.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

SECTION D. EFFECTIVE DATE.

This ordinance shall become effective insert upon adoption or a specific date.

SECTION E. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the governing body of Community Name, North Carolina, on the Day (number or text) day of Month, Year.

WITNESS my hand and the official seal of insert Name, Title, this the Day (number or text) day of Month, Year.

(signature)

PROPOSED CHANGES TO
Appendix A of UDO –
Flood Damage Prevention Definitions

APPENDIX A. DEFINITIONS

children who are unrelated to the adult members of the household by blood, marriage, guardianship, or adoption.

Farm, Craft, Produce Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

Farm Stand

A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand is portable and capable of being dismantled or removed from the sales site.

Flood Damage Prevention Definitions

- (1) ***Accessory Structure (Appurtenant Structure)*** means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
- (2) ***Addition (to an existing building)*** means an extension or increase in the floor area or height of a building or structure.
- (3) ***Alteration of a watercourse*** means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.
- (4) ***Appeal*** means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.
- (5) ***Area of Shallow Flooding*** means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

APPENDIX A. DEFINITIONS

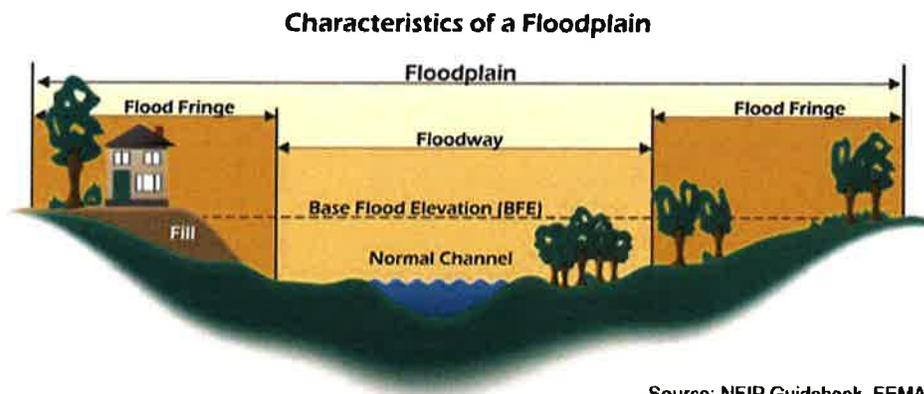
- (6) **Area of Special Flood Hazard** see Special Flood Hazard Area (SFHA).
- (7) **Base Flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (8) **Base Flood Elevation (BFE)** means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area," it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation."
- (9) **Basement** means any area of the building having its floor subgrade (below ground level) on all sides.
- (10) **Building** see "Structure."
- (11) **Chemical Storage Facility** means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
- (12) **Design Flood** See "Regulatory Flood Protection Elevation."
- (13) **Development** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- (14) **Development Activity** means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps and erosion control/stabilization measures.
- (15) **Digital Flood Insurance Rate Map (DFIRM)** means the digital official map of a community issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

APPENDIX A. DEFINITIONS

- (16) **Disposal** as defined in NCGS 130A-290(a)(6) means 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.
- (17) **Elevated Building** means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
- (18) **Encroachment** means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.
- (19) **Existing Building and Existing Structure** means any building and/or structure for which the "start of construction" commenced before February 12, 1991, the initial effective date of the floodplain management regulations adopted by the community.
- (20) **Existing Manufactured Home Park or Manufactured Home Subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before February 12, 1991, the initial effective date of the floodplain management regulations adopted by the community.
- (21) **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) the overflow of inland or tidal waters; and/or
 - (b) the unusual and rapid accumulation or runoff of surface waters from any source.
- (22) **Flood Boundary and Floodway Map (FBFM)** means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

APPENDIX A. DEFINITIONS

- (23) **Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.
- (24) **Flood Insurance** means the insurance coverage provided under the National Flood Insurance Program.
- (25) **Flood Insurance Rate Map (FIRM)** means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)
- (26) **Flood Insurance Study (FIS)** means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.
- (27) **Flood Prone Area** see "Floodplain."
- (28) **Flood Zone** means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.
- (29) **Floodplain** means any land area susceptible to being inundated by water from any source.



Source: NFIP Guidebook, FEMA

APPENDIX A. DEFINITIONS

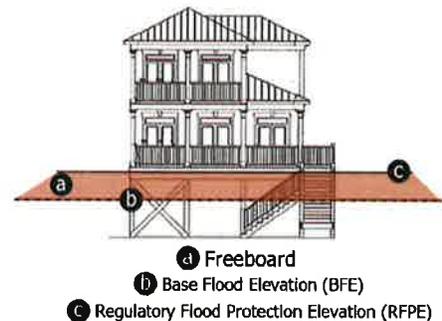
- (30) **Floodplain Administrator** means the individual appointed to administer and enforce the floodplain management regulations.
- (31) **Floodplain Development Permit** means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.
- (32) **Floodplain Management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
- (33) **Floodplain Management Regulations** means Article 9, Part VIII of 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.
- (34) **Floodproofing** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
- (35) **Flood-resistant material** means any building product [material, component, or system] capable of withstanding direct and prolonged contact (minimum of 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 lumbars are acceptable for flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable, are unacceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, available from FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.
- (36) **Floodway** means the channel of a river or other watercourse, including the area

APPENDIX A. DEFINITIONS

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.

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

(38) **Freeboard** means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the "Regulatory Flood Protection Elevation."



(39) **Functionally Dependent Facility** means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

(40) **Hazardous Waste Management Facility** as defined in NCGS 130A, Article 9 means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

(41) **Highest Adjacent Grade (HAG)** means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

(42) **Historic Structure** means any structure that is:
(a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined

APPENDIX A. DEFINITIONS

- by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program;" or
 - (d) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

- (43) **Letter of Map Change (LOMC)** means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:
- (a) Letter of Map Amendment (LOMA): An official amendment by letter to an effective National Flood Insurance Program map. A LOMA is based on technical data that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
 - (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries, and floodway delineations, and other planimetric features.
 - (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer within the special flood hazard area. In order to qualify for this determination the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
 - (d) Conditional Letter of Map Revision (CLOMR): A formal review and

APPENDIX A. DEFINITIONS

comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard area. 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.

- (44) **Light Duty Truck** means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less, which has a vehicular curb weight of 6,000 pounds or less, and which has a basic vehicle frontal area of 45 square feet or less, as defined in 40 CFR 86.082-2 and is:
- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
 - (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
 - (c) Available with special features enable off-street or off-highway operation and use.
- (45) **Lowest Adjacent Grade (LAG)** means the lowest elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.
- (46) **Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- (47) **Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- (48) **Manufactured Home Park (or Manufactured Home Subdivision)** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

APPENDIX A. DEFINITIONS

- (49) **Map Repository** means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program website 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.
- (50) **Market Value** means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.
- (51) **New Construction** refers to structures for which the "start of construction" commenced on or after September 14, 1990, the effective date of the initial Flood Insurance Rate Map.
- (52) **Non-Encroachment Area (NEA)** means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
- (53) **Post-FIRM** refers to construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.
- (54) **Pre-FIRM** refers to construction or other development for which the "start of construction" occurred before September 14, 1990, the effective date of the initial Flood Insurance Rate Map.
- (55) **Principally Above Ground** means that at least 51% of the actual cash value of the structure is above ground.
- (56) **Public Safety and/or Nuisance** means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of

APPENDIX A. DEFINITIONS

persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

- (57) **Recreational Vehicle (RV)** means a vehicle, which is:
- (a) built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) designed to be self-propelled or permanently towable by a light duty truck;
 - (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use; and
 - (e) is fully licensed and ready for highway use.
- (58) **Reference Level** means the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone AE, A, AH, A99 or AO.
- (59) **Regulatory Flood Protection Elevation** means the "Base Flood Elevation" plus the "Freeboard." In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be a least two (2) feet above the highest adjacent grade.
- (60) **Remedy a Violation** means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.
- (61) **Riverine** is relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- (62) **Salvage Yard** means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
- (63) **Solid Waste Disposal Facility** means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

APPENDIX A. DEFINITIONS

- (64) **Solid Waste Disposal Site** as defined in NCGS 130A-290(a)(36) means any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- (65) **Special Flood Hazard Area (SFHA)** means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 9.81.2 of this ordinance.
- (66) **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.
- (67) **Structure** means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
- (68) **Substantial Damage** means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10 year period, for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

APPENDIX A. DEFINITIONS

- (69) **Substantial Improvement** means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - (b) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 9.82.5. of this ordinance.
- (70) **Technical Bulletin and Technical Fact Sheet** means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.
- (71) **Temperature Controlled** means having the temperature regulated by a heating and/or cooling system, built-in or appliance.
- (72) **Variance** means a grant of relief from the requirements of this ordinance.
- (73) **Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

APPENDIX A. DEFINITIONS

- (74) **Water Surface Elevation (WSE)** means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.
- (75) **Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Forestland

Land that is devoted to growing trees for the production of timber, wood, and other forest products.

Forestry

The professional practice embracing the science, business, and art of creating, conserving, and managing forests and forestland for the sustained use and enjoyment of their resources, materials, or other forest products.

Forestry Activity

Any activity associated with the growing, managing, harvesting, and related transportation, reforestation, or protection of trees and timber, provided that such activities comply with existing State rules and regulations pertaining to forestry.

G

Garage

A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

General Business Office

A room, group of rooms, or building whose primary use is the conduct of a business that is non-retail or wholesale in nature; including administrative, record keeping, clerical and similar functions. This definition is not meant to include manufacture, processing, repair or storage of materials or products.

General Gaming Establishment

Any establishment, excluding adult gaming establishments, whose principal use is to provide entertainment services to the general public in the form of electronic or conventional gaming units, which provide either no reward to patrons, or the possibility of rewards of limited value such as children's toys, games, or novelties when all rewards can be legally obtained and used

**PROPOSED CHANGES TO
ARTICLE 9, SECTION VIII of UDO –
Flood Damage Prevention Ordinances**

ARTICLE 9. DESIGN STANDARDS

PART VIII. FLOOD DAMAGE PREVENTION

SECTION 9.77 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A 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 City Council of the City of Roxboro, North Carolina, does ordain as follows:

SECTION 9.78 FINDINGS OF FACT.

9.78.1. The flood prone areas within the jurisdiction of the City of Roxboro 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.

9.78.2. 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 of uses vulnerable to floods or other hazards.

SECTION 9.79 STATEMENT OF PURPOSE.

It is the purpose of Article 9, Part VIII 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:

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

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

ARTICLE 9. DESIGN STANDARDS

9.79.3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

9.79.4. Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

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

SECTION 9.80 OBJECTIVES.

The objectives of Article 9, Part VIII are to:

9.80.1. Protect human life, safety, and health;

9.80.2. Minimize expenditure of public money for costly flood control projects;

9.80.3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9.80.4. Minimize prolonged business losses and interruptions;

9.80.5. Minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

9.80.6. Minimize damage to private and public property due to flooding;

9.80.7. Make flood insurance available to the community through the National Flood Insurance Program;

9.80.8. Maintain the natural and beneficial functions of floodplains;

9.80.9. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

9.80.10. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

SECTION 9.81 GENERAL PROVISIONS.

ARTICLE 9. DESIGN STANDARDS

9.81.1. *Lands to Which this Part Applies.*

Article 9, Part VIII shall apply to all Special Flood Hazard Areas within the jurisdiction of the City of Roxboro.

9.81.2. *Basis for Establishing the Special Flood Hazard Areas.*

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) dated December 6, 2019 for Person County and associated DFIRM panels, including any digital data developed as a 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 the City of Roxboro are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMR) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

9.81.3. *Establishment of Floodplain Development Permit.*

A Floodplain Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of Section 9.81.2 of this Ordinance.

9.81.4. *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.

9.81.5. *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.

9.81.6. *Interpretation.*

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

9.81.6.1. Considered as minimum requirements;

9.81.6.2. Liberally construed in favor of the governing body; and

9.81.6.3. Deemed neither to limit nor repeal any other powers granted under State statutes.

ARTICLE 9. DESIGN STANDARDS

9.81.7. *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 the City of Roxboro 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.

9.81.8. *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 the City of Roxboro from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 9.82 ADMINISTRATION.

9.82.1. *Designation of Floodplain Administrator.*

The UDO Administrator, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of Article 9, Part VIII. 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 coordinate and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

9.82.2. *Floodplain Development Application, Permit and Certification Requirements.*

9.82.2.1. *Application Requirements.* Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

9.82.2.1.1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

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- 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;
- the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 9.81.2, or a statement that the entire lot is within the Special Flood Hazard Area;
- flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 9.81.2;
- the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 9.81.2;
- the Base Flood Elevation (BFE) where provided as set forth in Section 9.81.2; Section 9.82.3; or Section 9.83.4.
- the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
- the certification of the plot plan by a registered land surveyor or professional engineer.

9.82.2.1.2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
- Elevation in relation to NAVD 1988 to which any non-residential structure in Zone AE, A, AHAO, or A99 will be floodproofed; and
- Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

9.82.2.1.3. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan

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that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

9.82.2.1.4. 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:

- 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
- Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 9.83.2.4.3 when solid foundation perimeter walls are used in Zones A, AO, AE, AH, and A99.

9.82.2.1.5. Usage details of any enclosed areas below the lowest floor.

9.82.2.1.6. 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.

9.82.2.1.7. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

9.82.2.1.8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Section 9.83.2.6 and 9.83.2.7 of this Ordinance are met.

9.82.2.1.9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

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

9.82.2.2.1. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, etc.)

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9.82.2.2.2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 9.81.2.

9.82.2.2.3. The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

9.82.2.2.4. The Regulatory Flood Protection Elevation required for the protection of all public utilities.

9.82.2.2.5. All certification submittal requirements with timelines.

9.82.2.2.6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of Section 9.83.5.

9.82.2.2.7. The flood openings requirements, if in Zones A, AO, AE, AH, or A99.

9.82.2.2.8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

9.82.2.2.9. A statement that all materials below BFE/RFPE must be flood resistant materials.

9.82.2.3. Certification Requirements.

9.82.2.3.1. Elevation Certificates.

- An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of

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establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the

seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.

- 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 of the form. 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" X 3". Digital photographs are acceptable.

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9.82.2.3.2. Floodproofing Certificate.

(i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), 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.

(ii) 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 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 cause to deny a Certificate of Compliance/Occupancy.

9.82.2.3.3. If a manufactured home is placed within Zone A, AO, AE, AH, or A99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 9.83.2.3.2.

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9.82.2.3.4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

9.82.2.4. Certification Exemptions. The following structures, if located within Zone A, AO, AE, AH or A99, are exempt from the elevation/floodproofing certification requirements specified in subsection 9.82.2.3.1 and 9.82.2.3.2:

9.82.2.4.1. Recreational Vehicles meeting requirements of Section 9.83.2.6;

9.82.2.4.2. Temporary Structures meeting requirements of Section 9.83.2.7; and

9.82.2.4.3. Accessory Structures that are less than 150 square feet or \$3,000 or less in value and meeting requirements of Section 9.83.2.8.

9.82.2.5. Determination for existing buildings and structures.

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

(a) Estimate the market value, or require applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damage condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

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(d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

9.82.3. Duties and Responsibilities of the Floodplain Administrator.

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

9.82.3.1. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.

9.82.3.2. Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972; 33 U.S.C. 1334.

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

9.82.3.4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

9.82.3.5. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 9.83.5 are met.

9.82.3.6. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 9.82.2.3.

9.82.3.7. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Section 9.82.2.3.

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9.82.3.8. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of Section 9.82.2.3.

9.82.3.9. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 9.82.2.3. and Section 9.83.2.2.

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

9.82.3.11. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Section 9.81.2, 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.

9.82.3.12. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

9.82.3.13. Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

9.82.3.14. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of

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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.

9.82.3.15. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

9.82.3.16. Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws, or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

9.82.3.17. Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

9.82.3.18. Follow through with corrective procedures of Section 9.82.4.

9.82.3.19. Review, provide input, and make recommendations for variance requests.

9.82.3.20. Maintain a current map repository to include, but not limited to,

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historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of Section 9.81.2 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

9.82.3.21. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

9.82.4. Corrective Procedures.

9.82.4.1. Violations to be corrected: When the Floodplain Administrator finds violations of the 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.

9.82.4.2. 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 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:

(a) That the building or property is in violation of the floodplain management regulations;

(b) That a hearing will be held before the Floodplain Administrator at a designate place and time not later than ten (10) days after the date of 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) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

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

9.82.4.4. Appeal: Any owner who has received an order to take corrective action may

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appeal the order to the Board of Adjustment 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 Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

9.82.4.5. 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 Class 1 misdemeanor pursuant to NC G.S. § 143-21.58 and shall be punished at the discretion of the court.

9.82.5. Variance Procedures.

9.82.5.1. The Board of Adjustment as established by the City of Roxboro, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of Article 9, Part VIII.

9.82.5.2. 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;

9.82.5.3. Variances may be issued in accordance with Section 4.10.2 for:

9.82.5.3.1. 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 an historic structure and that the variance is the minimum necessary to preserve the historic character and design of he structure;

9.82.5.3.2. Functionally dependent facilities if determined to meet the definition as stated in Appendix A of this Ordinance, provided provisions of Section 98.82.5.9.2, Section 9.82.5.9.3., and Section 9.82.5.9.5. 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

9.82.5.3.3. Any other type of development, provided it meets the requirements of this Section.

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9.82.5.4. 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:

9.82.5.4.1. The danger that materials may be swept onto other lands to the injury of others;

9.82.5.4.2. The danger to life and property due to flooding or erosion damage;

9.82.5.4.3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

9.82.5.4.4. The importance of the services provided by the proposed facility to the community;

9.82.5.4.5. The necessity to the facility of a waterfront location as defined under Appendix A of this Ordinance as a functionally dependent facility, where applicable;

9.82.5.4.6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

9.82.5.4.7. The compatibility of the proposed use with existing and anticipated development;

9.82.5.4.8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9.82.5.4.9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

9.82.5.4.10. 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

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

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- 9.82.5.5.** A written report addressing each of the above factors shall be submitted with the application for a variance.
- 9.82.5.6.** 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.
- 9.82.5.7.** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will 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.
- 9.82.5.8.** The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- 9.82.5.9. Conditions for Variances.**
- 9.82.5.9.1.** Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
- 9.82.5.9.2.** 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.
- 9.82.5.9.3.** Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.
- 9.82.5.9.4.** Variances shall only be issued prior to development permit approval.
- 9.82.5.9.5.** Variances shall only be issued upon:
- a showing of good and sufficient cause;
 - a determination that failure to grant the variance would result in exceptional hardship; and

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- 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.

9.82.5.10. A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

9.82.5.10.1. The use serves a critical need in the community.

9.82.5.10.2. No feasible location exists for the use outside the Special Flood Hazard Area.

9.82.5.10.3. The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

9.82.5.10.4. The use complies with all other applicable Federal, State and local laws.

9.82.5.10.5. The City of Roxboro 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.

SECTION 9.83 PROVISIONS FOR FLOOD HAZARD REDUCTION.

9.83.1. General Standards.

In all Special Flood Hazard Areas, the following provisions are required:

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

9.83.1.2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

9.83.1.3. All new construction and substantial improvements shall be constructed by

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methods and practices that minimize flood damages.

9.83.1.4. All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities 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.

(a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing air conditioning equipment, and other service equipment shall also meet the above provisions.

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

9.83.1.5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

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

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

9.83.1.8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

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9.83.1.9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 9.82.5.10. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 9.82.2.3.

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

9.83.1.11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

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

9.83.1.13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

9.83.1.14. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

9.83.1.15. When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest Base Flood Elevation (BFE) shall apply.

9.83.2. Specific Standards.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 9.81.2, or Section 9.83.3, the following provisions, in addition to the provisions of Section 9.83.1, are required:

9.83.2.1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level,

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including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Appendix A of this ordinance.

9.83.2.2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in Appendix A of this ordinance. Structures located in A, AE, AH, AO, and A99 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Section 9.83.6.2. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 9.82.2.3, along with the operational plan and the inspection and maintenance plan.

9.83.2.3. Manufactured Homes.

9.83.2.3.1. 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 Appendix A of this ordinance.

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.

9.83.2.3.2. All enclosures or skirting below the lowest floor shall meet the requirements of Section 9.83.2.4.

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9.83.2.3.3. 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.

9.83.2.4. Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

9.83.2.4.1. 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;

9.83.2.4.2. Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

9.83.2.4.3. Shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

- A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- 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;
- If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- 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;

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- 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
- 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.

9.83.2.5. Additions/Improvements.

9.83.2.5.1. 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:

- 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.
- 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.

9.83.2.5.2. Additions to pre-FIRM or post-FIRM structures with no modifications 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.

9.83.2.5.3. 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:

- not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code requirements for the original structure.

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

9.83.2.5.4. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started, must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained substantial damage, any repairs considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

(a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

(b) Any alteration of an historic structure provided that the alteration will not preclude the structure's continued designation as an historic structure.

9.83.2.6. Recreational Vehicles. Recreational vehicles shall either:

9.83.2.6.1. Be on site for fewer than 180 consecutive days;

9.83.2.6.2. Or 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

9.83.2.6.3. Meet all the requirements for new construction if intended for permanent placement.

9.83.2.7. Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a

ARTICLE 9. DESIGN STANDARDS

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:

9.83.2.7.1. 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;

9.83.2.7.2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;

9.83.2.7.3. 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);

9.83.2.7.4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

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

9.83.2.8. Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

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

9.83.2.8.2. Accessory structures shall not be temperature-controlled;

9.83.2.8.3. Accessory structures shall be designed to have low flood damage potential;

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

9.83.2.8.5. Accessory structures shall be firmly anchored in accordance with the provisions of Section 9.83.1.1;

9.83.2.8.6. All service facilities such as electrical shall be installed in accordance with the provisions of Section 9.83.1.4; and

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9.83.2.8.7. 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 9.83.2.4.3.

9.83.2.8.8. An accessory structure with a footprint of less than 150 square feet, or that has a value of \$3,000 or less and that satisfies the criteria outlined above, does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 9.82.2.3.

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

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

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

9.83.2.10. Other Development.

(a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 9.83.5. of this ordinance.

(b) Retaining walls, sidewalks, and driveways in regulated floodways and NEAs, which involve the placement of fill in regulated floodways shall meet the limitations of Section 9.83.5. of this ordinance.

(c) Roads and watercourse crossings in regulated floodways and NEAs, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into the regulated floodways shall meet the limitations of Section 9.83.5. of this ordinance.

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9.83.3. Standards for Floodplains Without Established Base Flood Elevations.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 9.81.2, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 9.83.1, shall apply:

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

9.83.3.2. The BFE used in determining the Regulatory Flood Protection Elevation shall be determined based on the following criteria:

9.83.3.2.1. When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Sections 9.83.1 and 9.83.2.

9.83.3.2.2. 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 9.83.2 and 9.83.5.

9.83.3.2.3. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Section 9.81.2 and utilized in implementing this ordinance.

9.83.3.2.4. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Appendix A. All other applicable provisions of Section 9.83.2 shall also apply.

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9.83.4. Standards for Riverine Floodplains with Base Flood Elevations but without Established Floodways or Non-Encroachment Areas.

Along rivers and streams where Base Flood Elevation (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:

9.83.4.1. Standards of Section 9.83.1 and 9.83.2; and

9.83.4.2. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

9.83.5. Floodways and Non-Encroachment Areas.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 9.81.2. 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 Section 9.83.1 and 9.83.2, shall apply to all development within such areas:

9.83.5.1. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

9.83.5.1.1. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, 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

9.83.5.1.2. 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.

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9.83.5.2. If Section 9.83.5.1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

9.83.5.3. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

9.83.5.3.1. the anchoring and the elevation standards of Section 9.83.2.3; and

9.83.5.3.2. the no encroachment standard of Section 9.83.5.1.

9.83.6. Standards for Areas of Shallow Flooding (Zone AO).

Located within the Special Flood Hazard Areas established in Section 9.81.2, 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 9.83.1 and 9.83.2, all new construction and substantial improvements shall meet the following requirements:

9.83.6.1. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade if no depth number is specified.

9.83.6.2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 9.83.6.1 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 9.82.2.3 and Section 9.83.2.2.

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

9.83.7. Standards for Areas of Shallow Flooding (Zone AH).

Located within the Special Flood Hazard Areas established in 9.81.2. of this ordinance, re 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.

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In addition to Section 9.83.1. and 9.83.2., all new construction and substantial improvements shall meet the following requirements:

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

SECTION 9.84 LEGAL STATUS PROVISIONS.

9.84.1. 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 February 12, 1991, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of the City of Roxboro enacted on February 12, 1991, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for the City of Roxboro is February 12, 1991.

9.84.2. 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.

9.84.3. Severability

If any section, clause sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

9.84.4. Effective Date

This ordinance shall become effective upon adoption.

CITY OF ROXBORO, NORTH CAROLINA
Planning Board

August 5, 2019
6:00 p.m.

MEMBERS PRESENT: Margaret Kay, Julie Jeffreys, David Bradsher, Benji Gault, Tony Cole, and Robert Trotter.

STAFF: Lauren Johnson, Planning Director

MINUTES

Chairman Trotter called the meeting to order at 6:00pm and asked everyone to sign in on the sheet passed around by Ms. Johnson.

APPROVAL OF MINUTES

Board Member, Benji Gault, motioned to approve the minutes from the July 1, 2019 meeting. Board Member, David Bradsher, seconded. Motion carried.

REPORTS OF COMMITTEES

None.

OLD BUSINESS

None.

NEW BUSINESS

Amendments to the City's Flood Damage Prevention Ordinance and by-reference adoption of new FIRM maps: Chairman Trotter asked Ms. Johnson to begin her presentation of information. Ms. Johnson asked the Board if there were any questions from the Board regarding the overall purpose or implementation of the Flood Damage Prevention Ordinance.

Board Member David Bradsher inquired how often such an update might take place. Ms. Johnson responded with an estimation of approximately 7 years. She also elaborated on the process leading to this point in the process and that any changes at the state or federal level may affect that estimation.

There being no other questions, Ms. Johnson began to proceed through the proposed amendments one-by-one. Ms. Johnson read the submitted changes

individually and gave a brief explanation of the change from the previous ordinance or how this may affect the implementation or enforcement.

When reviewing the paragraph that references the FIRM map adoption, Ms. Johnson brought the GIS layer up on the smart board to give the Board a reference of what that map looks like currently and directed the Board to the printed version of the new FIRM maps for the changes that will be effective when this new ordinance is adopted.

Board Member Margaret Kay made a comment about the comical nature of some of the spelling mistakes within the document. Ms. Johnson advised those errors would be corrected before the document went to the Council for review and adoption.

During the review of the penalties section of the ordinance, Board Member Julie Jeffreys objected to the possibility of jail time as a result of non-compliance. Ms. Johnson explained that the language in the penalties section is pulled directly from the sample ordinance provided by the Department of Public Safety. Ms. Johnson said if the Board objected to this regulation, they could see if it was possible to make changes to that penalty if they thought it necessary. Ms. Jeffreys said she very much objected to that penalty as she did not understand how someone could make any money while in prison to pay off their penalties for the violation. She stated she felt this was too harsh.

Board Member Tony Cole asked if this was a general statute requirement or just a suggestion. Ms. Johnson said she was not sure, but could research further. She did say that there were other code violations that could result in imprisonment if not followed. She also stated that it was her understanding that this was a worst case scenario situation, that all other courses to seek compliance would be exhausted before going this route and that she believed it to be quite rare.

Board Member Benji Gault communicated his understanding that this was basically just verbiage at this point, but that if not written into law the City would not have the option for a stricter penalty when/if needed. Ms. Johnson confirmed that is correct.

Board Member Margaret Kay stated that she understood this to be a violation of flood control and essentially the violation would not just affect the violator, but could also affect others. Board Member Gault concurred.

Ms. Johnson asked if any other members of the Board objected to this, beyond Ms. Jeffreys. There were none. Ms. Johnson stated she would try to obtain some additional information for Ms. Jeffreys to help clarify why his specific penalty is listed and how it might be enforced.

There was some additional discussion to reiterate this is a last resort penalty and that no one had a desire to use this lightly.

Ms. Johnson continued through the ordinance amendments.

Board Member David Bradsher inquired who is the floodplain administrator and if that was a federally appointed position. Ms. Johnson clarified that it was simply her and she was that individual as a result of her position, the federal government did not vet or appoint her to that position.

Ms. Johnson continued through the outlined ordinance amendments.

Board Member Julie Jeffreys inquired if individuals purchasing property were informed that the parcel is within the floodplain. Ms. Johnson stated that she is not a part of every transaction of land, so she could not confirm that was always the case. She did say, however, that realtors should hopefully convey this information and the maps are publicly available online or in the Planning Office. She continued by saying that there is some responsibility on the property owner to do their homework as well.

Ms. Johnson continued through the ordinance amendments.

Board Member Benji Gault inquired regarding the cumulative improvement section of the ordinance. He asked if that meant that the period only ran for a year. Ms. Johnson stated that was her understanding of the section. She continued that you could make that more restrictive but that staff opted not to recommend a more stringent requirement because of the desire to be more cognizant of property rights and allowing owners to have as much freedom with their property as reasonably possible. There was some additional discussion, but no objection or desire to modify.

Ms. Johnson continued through the ordinance amendments.

Board Member Gault inquired about the changes that would require the regulation of fences, tanks, and other such structures in the floodplain and if that would be retroactive. Ms. Johnson said it would not, but that they would have to comply with the "substantial improvements" section of the ordinance if modified. She also touched on how this change will affect their day-to-day operations within the planning offices as they will now require permits for structures that did not previously require a permit and how challenging this may be to regulate due to ignorance of the new requirement.

Ms. Johnson continued through the ordinance amendments.

Board Member David Bradsher inquired about Building Inspections involvement in the enforcement process and assisting with identification of projects that will

require permitting/compliance. Ms. Johnson stated that the department does a good job of that currently and the changes will just require even more communication between the various departments.

Board Member Benji Gault inquired if the contractors would be responsible for ensuring the necessary permits are pulled, or the property owner. Ms. Johnson said it would be the homeowner's responsibility. She outlined some examples where she has encountered issues with signage companies not pulling permits for a sign installation. Mr. Gault said he understood, but felt that was a little different since it was not an option to install tanks in some situations as opposed to choosing to install a sign and would it not fall to company/contractor that is placing the tank on the property to obtain the permit. Ms. Johnson said she felt fairly confident in any scenario the ultimate responsibility would be on the property owner to ensure the work was done with the proper permits, but speculated that they might be able to hold the contractor liable in a court case if they mislead them in some way.

Board Member Tony Cole inquired if someone installed/constructed something without a permit what would happen. Ms. Johnson stated if the structure was complaint, they would likely be required to obtain their required permits, elevation certificates, etc. She continued that if the structure did not/could not meet compliance, they would be required to remove it or tear it down and, if they refused to comply, the penalties discussed earlier may be employed to ensure compliance.

There was some additional discussion regarding liability, responsibility of compliance, and the process for handling a non-compliant situation, but no objections to any section of the ordinance.

Ms. Johnson finished reviewing the ordinance amendments from the regulatory section and asked if there were any final questions before moving to the definitions. There were none.

Ms. Johnson directed the Board's attention to the comments from Mr. Cultra's email he submitted because of his inability to attend the meeting that evening. She stated these were primarily questions/clarifications she would need to discuss with the NCDPS representative.

Ms. Johnson also directed the Board to the email from Milton Carpenter from NCDPS received just moments before the Planning Board meeting, regarding changes he would like her to make in addition to the proposed ordinance. There were some spelling errors and some changes that included making additions of dates. She stated these changes would be made before submitting to the Council. She asked if the Board would like to receive another version of the ordinance, reflecting these changes, before being submitted to the Council. They did not.

Chairman Trotter asked for clarification on the placement of the changes in the definitions section. Ms. Johnson provided that.

Ms. Johnson continued through the proposed changes to the definitions for flood plain ordinance amendments.

There were no additional questions or comments regarding the definitions or any other section of the ordinance.

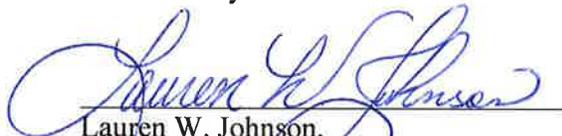
Chairman Trotter asked if there was a motion. Board Member Benji Gault made a motion to recommend approval of the text amendment as outlined in the Docket. Board Member Tony Cole seconded the motion. Motion approved unanimously.

Ms. Johnson thanked everyone for their time and directed them to the maps on the wall that could be reviewed in more detail, which outlines the new floodplains for the City of Roxboro. Board Member Tony Cole inquired if these would be online. Ms. Johnson said it would be later in the year after they were formally adopted and then added by GIS. She also added that the maps are available on the FEMA website.

ADJOURNMENT

There being no other business for the Board, the meeting was adjourned at 7:02pm.

Submitted by:


Lauren W. Johnson,
Planning & Development Director

Planning Board Motion Format for Recommended Approval of Request:

I make a motion that we recommend approval of the text amendment presented in Docket #TA2019-01, which updates the City's Flood Damage Prevention Ordinance and acknowledges adoption of the new FIRM maps, because the amendment is consistent with the City's Comprehensive Land Use Plan in that it;

- Aligns with the goals and implementation strategies to ensure the Conservation of Environmentally Sensitive Areas (pg. 75).

Furthermore, this decision is in the public interest of the City of Roxboro because these updates are required to keep the city in good standing with FEMA and the NFIP, which allows the residents of Roxboro to obtain flood insurance for their properties.

Motion Made by: Benji Gault

Seconded by: Tony Cole

Approved: 6 to 0

This report reflects the recommendation of the Planning Board, this the 5th day of August, 2019.

Attest:

Robert Trotter
Robert Trotter, Planning Board Chair

Lauren W. Johnson
Lauren W. Johnson, Planning Director

Motion Format Requirements:

Per NCGS 153A-341, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall statement regarding plan consistency, which shall not be subject to a judicial review. Possible options of such a statement include;

A) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

B) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.

C) A statement approving the zoning amendment and containing at least all of the following:

1. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.

2. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.

3 Why the action was reasonable and in the public interest.

The Planning Board shall advise and comment on whether the proposed amendment is consistent with a comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses comprehensive plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with a comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

Planning Board Motion Format for Recommended Approval of Request:

I make a motion that we approve the text amendments presented in Docket #TA2019-01, which updates the City's Flood Damage Prevention Ordinance and corresponding definitions, and acknowledges adoption of the new FIRM maps, because the amendment is consistent with the City's Comprehensive Land Use Plan in that it;

- Aligns with the goals and implementation strategies to ensure the Conservation of Environmentally Sensitive Areas (pg. 75).

Furthermore, this decision is in the public interest of the City of Roxboro because these updates are required to keep the city in good standing with FEMA and the NFIP, which allows the residents of Roxboro to obtain flood insurance for their properties.

Motion To Adopt Made by: _____

Seconded by: _____

Approved: ____ to ____

Attest:

Merilyn P. Newell, Mayor

Trevie Adams, City Clerk

**AN ORDINANCE DETERMINING DEVELOPMENT REGULATIONS IN THE
IDENTIFIED SPECIAL FLOOD HAZARD AREAS OF THE CITY OF ROXBORO;
AMENDING ARTICLE 9, PART VIII OF THE
CITY OF ROXBORO UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the City Council of the City of Roxboro finds that it is in the public interest to amend Article 9, Part VIII of the City's Unified Development Ordinance to ensure compliance with the standards and requirements outlined by the State of NC Department of Public Safety and the Federal Emergency Management Associate (FEMA); and

WHEREAS, the City Council of the City of Roxboro, after due notice, conducted a public hearing on the _____ day of _____ 2019, upon the question of amending the Unified Development Ordinance in this respect.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROXBORO, NORTH CAROLINA THAT:

PART ONE. Article 9, Part VII of the City of Roxboro's Unified Development Ordinance be modified to read as herein described.

PART TWO. All previous ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SIX. This ordinance shall be in full force and effect from and after the date of its adoption. Adopted this _____ day of _____, 2019.

Marilyn P. Newell, Mayor

ATTEST: Approved as to form:

Trevie Adams, City Clerk

Nick Herman, City Attorney

**AN ORDINANCE DETERMINING DEFINITIONS SPECIFIC TO THE FLOOD DAMAGE
PREVENTION ORDINANCE (ARTICLE 9, SECTION VII OF THE UDO);
AMENDING APPENDIX A OF THE CITY OF ROXBORO
UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, the City Council of the City of Roxboro finds that it is in the public interest to amend the Flood Damage Prevention Definitions, located within Appendix A of the City's Unified Development Ordinance, to ensure compliance with the standards and requirements outlined by the State of NC Department of Public Safety and the Federal Emergency Management Associate (FEMA); and

WHEREAS, the City Council of the City of Roxboro, after due notice, conducted a public hearing on the _____ day of _____ 2019, upon the question of amending the Unified Development Ordinance in this respect.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROXBORO, NORTH CAROLINA THAT:

PART ONE. The Flood Damage Prevention Definitions of Appendix A of the City of Roxboro's Unified Development Ordinance be modified to read as herein described.

PART TWO. All previous ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART FOUR. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FIVE. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART SIX. This ordinance shall be in full force and effect from and after the date of its adoption. Adopted this _____ day of _____, 2019.

Merilyn P. Newell, Mayor

ATTEST: Approved as to form:

Trevie Adams, City Clerk

Nick Herman, City Attorney

3. Steering Committee Appointments

Memo



To: Mayor Newell and Roxboro City Council
From: Lauren Johnson/Planning & Development Director
cc: Trevie Adams City Clerk (for City Records)
Date: November 13, 2019
Re: Applications for consideration of appointment to steering committee

Madam Mayor and Council,

Attached are the submitted applications from individuals seeking appointment to the steering committee for the development of the City and County Joint Future Land Use Plan. Several of the applicants have previously applied, and/or been appointed, to another Land Use Board for the City of Roxboro. As such, their original applications were simply pulled and attached for your review of the requested information. The applicants are outlined below, with a reference to which Land Use Board on which they may already serve or have previously served.

- **Margaret Kay** – previous member of the BOA, current member of the Planning Board
- **James Reardon** – current member of the BOA
- **Margaret Bradsher** – has not served on any Land Use Board for the City since my involvement with the Planning Department and no known involvement in recent history
- **Gerald “Jermaine” Wallace** – previously appointed to Planning Board but did not finish term, currently serves as an alternate on the BOA
- **Margaret McMann** – current member of the BOA

**CITY OF ROXBORO
APPLICATION FOR CITIZEN ADVISORY BOARDS**

This application form is designed to protect individual rights and privacy and to insure equal opportunity. All questions are considered important and no other use is intended for the information you submit.

PERSONAL INFORMATION

Name: Margaret E. Kay

Home Address: 206 Broad St.

City, State, Zip: Roxboro, N.C.

Home Phone: 336 503-9440 Work/Day Time Phone: _____

Do you live within the city limits of Roxboro? Yes No _____

pkaymkay@gmail.com

BOARD/COMMISSION APPLYING FOR

Choice #1: Board of Adjustment

Choice #2: PLANNING BOARD

Additional Comments: INTERESTED IN THE COMMUNITY

EMPLOYMENT

Current Occupation/Title: SELF EMPLOYED

Employer Name: SELF EMPLOYED

Employer Address: _____

City, State, Zip: _____

Supervisor's Name: _____

<u>Name of School</u>	<u>Education Year Graduated</u>	<u>Degree</u>
High School: _____	_____	_____
College: <u>W^{MS} Whitfield Com College</u> <u>W^{MS} Whitfield Com College</u>	_____	<u>Nursing, Liberal Arts</u>
Graduate School: _____	_____	_____
Other: _____	_____	_____

Please describe community services, include membership on other public boards, experience and interest in serving: _____

PLANNING COMMISSION - Independence VA.

Roxboro NEIGHBORHOOD Watch

PERSONAL REFERENCES - Mark Phelps

Name: REGGIE Horton Daytime phone: _____

Address: 310 Broad St. Relationship: NEIGHBOR/FRIEND

City, State, Zip: Roxboro

Name: Ricky Wrenn Daytime phone: _____

Address: 202 Broad St. Relationship: NEIGHBOR

City, State, Zip: _____

Have you ever been convicted of an offense against the law or forfeited a bond? Yes

No. If "YES" please explain. A criminal record will not necessarily exclude you from employment. Such factors as age at time of offense, rehabilitation efforts, recent and seriousness of the crime will be taken into account. You may omit (1) traffic violations of which you paid a fine of \$30.00 or less, and (2) any offense committed before your 21st birthday, which was finally disposed of in a juvenile court or under a Youth Offender Law.

Explain:

N/A

Please return completed application to:

City of Roxboro
Office of City Clerk
PO Box 128
Roxboro, NC 27573

CITY OF ROXBORO
APPLICATION FOR CITIZEN ADVISORY BOARDS

This application form is designed to protect individual rights and privacy and to insure equal opportunity. All questions are considered important and no other use is intended for the information you submit.

PERSONAL INFORMATION

Name: JAMES REARDON

Home Address: 514 S. MAIN ST.

City, State, Zip: ROXBORO, N. C. 27573

Home Phone: 597-4876 Work/Day Time Phone: _____

Do you live within the city limits of Roxboro? Yes No

BOARD/COMMISSION APPLYING FOR

Choice #1: BOARD OF ADJUSTMENTS

Choice #2: PLANNING BOARD

Additional Comments: _____

EMPLOYMENT

Current Occupation/Title: RETIRED

Employer Name: _____

Employer Address: _____

City, State, Zip: _____

Supervisor's Name: _____

Name of School	Education Year Graduated	Degree
High School: <u>WESTBURY</u>	<u>1974</u>	
College: <u>SUNY @ CORTLAND</u>	<u>1978</u>	<u>B.S.E.</u>
Graduate School: _____	_____	_____
Other: _____		

Please describe community services, include membership on other public boards, experience and interest in serving: _____

LACROSS Coach - Community School

Knights of Columbus member

PERSONAL REFERENCES

Name: JACK HESTER Daytime phone: 599-1943

Address: 509 S. MAIN ST Relationship: Neighbor

City, State, Zip: Roxboro

Name: BLOSSOM GARDNER Daytime phone: 599-0996

Address: 1101 GARDNER RD Relationship: Friend

City, State, Zip: Roxboro NC 27574

Have you ever been convicted of an offense against the law or forfeited a bond? Yes
 No. If "YES" please explain. A criminal record will not necessarily exclude you from employment. Such factors as age at time of offense, rehabilitation efforts, recent and seriousness of the crime will be taken into account. You may omit (1) traffic violations of which you paid a fine of \$30.00 or less, and (2) any offense committed before your 21st birthday, which was finally disposed of in a juvenile court or under a Youth Offender Law.

Explain:

Please return completed application to:

City of Roxboro
Office of City Clerk
PO Box 128
Roxboro, NC 27573

CITY OF ROXBORO
APPLICATION FOR CITIZEN ADVISORY BOARDS

This application form is designed to protect individual rights and privacy and to insure equal opportunity. All questions are considered important and no other use is intended for the information you submit.

PERSONAL INFORMATION

Name: Margaret Bradsher

Home Address: 204 S. Morgan St. bradsherboe@aol.com

City, State, Zip: Roxboro, N.C. 27573

Home Phone: 336 599 0202 Work/Day Time Phone: —

Do you live within the city limits of Roxboro? Yes No

BOARD/COMMISSION APPLYING FOR

Choice #1: Comprehensive Future Land Use Steering Committee

Choice #2: _____

Additional Comments: _____

EMPLOYMENT

Current Occupation/Title: Retired

Employer Name: NA

Employer Address: NA

City, State, Zip: NA

Supervisor's Name: NA

Name of School	Education Year Graduated	Degree
High School: <u>Roxboro High School</u>	<u>1965</u>	<u>college prep</u>
College: <u>East Carolina University</u>	<u>1970</u>	<u>B.S. Education</u>
Graduate School: <u>East Carolina University</u>	<u>1983?</u>	<u>M.A. Ed. Administration</u>
Other: _____		<u>+ supervision</u>

I have submitted an application to both the city and county for the Comprehensive Future Land Use Steering Committee. I have done so for several reasons that I feel should be shared with you.

I was born and grew up in Person County. I left in 1965 when I went to college and quite frankly never anticipated returning, as is true of many young people in our community today. That is reflected in an aging community and decreasing work force. When I did return I found a community very similar to the one I left some thirty years prior. The similarity covered many factors including land use. I felt then, as I do now, that our community needed to address positive growth for its citizens and businesses. In a short time of my return I ran for and was elected to be a county commissioner. I wanted to be a part of a vision for the future. I have continued to seek opportunities for growth and sustainability for this community while offering opportunities for all of us to be a part of a productive future as Personians. While serving as the principal of what was then our only public high school in Person County I encouraged our young people to be involved in their community and especially to learn to make positive decisions for themselves and others as citizens of Roxboro and Person County. I had returned to a Person County that was not significantly different than the one I left. This, I believe factors in to the need for, among other things, the comprehensive land use in our city AND county. I hope this will be a true joint effort of these two government entities. I also hope that both steering committees will include members of a young generation who want to stay in our community, run a business, find opportunities for their families and see an opportunity to be involved in creating an equitable, healthy, and vibrant future centered on smart growth. I also hope we listen to them! We have for too long continued spot zoning rather than smart growth that encourages public engagement and a balanced community. While "it's my land and I'll do what I want to with it" has continued to exist, it does not offer the vision and action we need to be environmentally friendly as well as making efficient use of our resources. Indiscriminate placement of industry, business and residential areas has hindered our growth as a vibrant location for the future.

I submitted an application to both city and county because I live in the city and naturally want to contribute to this discussion, but as a member of the Board of Education I see the need for good decision making regarding the placement of future school sites and resources to serve such, which will spread throughout our county.

Our current facilities audit and the plans that grow from that should be considered in land use planning. I have been a member of several strategic planning groups for Person County. We have often set goals that in many cases have not come to fruition. We have been slow to move forward. We must stop putting off taking bold steps in order to be attractive as a location for residents and businesses. It's not easy, it's not free, but it is important. We only get what we are willing to pay for and an investment in our community helps all of us. ALL of us-and it must be done with acknowledgement and acceptance of who we are and who we want to be in the future. We cannot continue to exist with plans on a shelf that say "In ten years we will..."

CITY OF ROXBORO
APPLICATION FOR CITIZEN ADVISORY BOARDS

This application form is designed to protect individual rights and privacy and to insure equal opportunity. All questions are considered important and no other use is intended for the information you submit.

PERSONAL INFORMATION

Name: Gerald Jermaine Wallace

Home Address: 54 Wisteria Drive

City, State, Zip: Roxboro, NC 27573

Home Phone: (336) 504-6340 Work/Day Time Phone: (336) 583-8121

Do you live within the city limits of Roxboro? Yes No

BOARD/COMMISSION APPLYING FOR

Choice #1: Planning Board

Choice #2: _____

Additional Comments: _____

EMPLOYMENT

Current Occupation/Title: Office Manager

Employer Name: Law Office of Carolyn Thompson

Employer Address: 23 Beams Ave

City, State, Zip: Roxboro, NC 27573

Supervisor's Name: Attorney Carolyn Thompson

<u>Name of School</u>	<u>Education Year Graduated</u>	<u>Degree</u>
High School: _____	_____	_____
College: _____	_____	_____
Graduate School: _____	_____	_____
Other: <u>PCC</u>	<u>2013</u>	<u>GED</u>

Please describe community services, include membership on other public boards, experience and interest in serving: _____

MADD (Mothers Against Drunk Driving)

American Red Cross (Wake County)

Youth Minister

PERSONAL REFERENCES

Name: Lt. Cheryl Hughes (S-5) Daytime phone: (336) 583-6427

Address: _____ Relationship: Friend

City, State, Zip: Roxboro, NC 27574

Name: Cpl Chris Lynch Daytime phone: (336) 504-4904

Address: _____ Relationship: Friend

City, State, Zip: Timberlake, NC 27583

Have you ever been convicted of an offense against the law or forfeited a bond? Yes
 No. If "YES" please explain. A criminal record will not necessarily exclude you from employment. Such factors as age at time of offense, rehabilitation efforts, recent and seriousness of the crime will be taken into account. You may omit (1) traffic violations of which you paid a fine of \$30.00 or less, and (2) any offense committed before your 21st birthday, which was finally disposed of in a juvenile court or under a Youth Offender Law.

Explain:

May 2015 Assault On Female

Please return completed application to:

City of Roxboro
Office of City Clerk
PO Box 128
Roxboro, NC 27573

CITY OF ROXBORO
APPLICATION FOR CITIZEN ADVISORY BOARDS

This application form is designed to protect individual rights and privacy and to insure equal opportunity. All questions are considered important and no other use is intended for the information you submit.

PERSONAL INFORMATION

Name: Margaret Mc Mann

Home Address: 303 Windsor Drive

City, State, Zip: Roxboro NC 27573

Home Phone: 599.8123 Work/Day Time Phone: 597.2689

Do you live within the city limits of Roxboro? Yes No

BOARD/COMMISSION APPLYING FOR

Choice #1: Board of Adjustment

Choice #2: Planning Board

Additional Comments: I am very interested in regulations governing small business and regulations that can assist with economic development in the city.

EMPLOYMENT

Current Occupation/Title: Director

Employer Name: PC Tourism Development Authority

Employer Address: PO Box 1957

City, State, Zip: Roxboro NC 27573

Supervisor's Name: Charley Bullock - Chair

Name of School	Education	
	Year Graduated	Degree
High School: <u>DW High School Danville Va</u>	<u>1965</u>	<u>College Prep</u>
College: <u>Elon College/University</u>	<u>1969</u>	<u>English B.A.</u>
Graduate School: <u>Have 20 hours toward graduate degree in music from Averett University</u>		
Other: _____		

Please describe community services, include membership on other public boards, experience and interest in serving:

Current Member and Past President of the Rotary Club of Roxboro; Serve on the following Boards: Executive Roundtable; Directors' Roundtable; Chamber of Commerce; RDG; Assist with community projects thru Roxboro Presbyterian Church; work with the DAV and Am. Legion on special military projects;

PERSONAL REFERENCES

Name: Deborah Barker Daytime phone: 503-5203

Address: 206 N. Morgan St Relationship: Friend

City, State, Zip: Roxboro NC 27573

Name: Charley Bullock Daytime phone: 599.6850

Address: 110 Crestwood Dr. Relationship: Bd Chair

City, State, Zip: Roxboro NC 27573

Have you ever been convicted of an offense against the law or forfeited a bond? Yes
 No. If "YES" please explain. A criminal record will not necessarily exclude you from employment. Such factors as age at time of offense, rehabilitation efforts, recent and seriousness of the crime will be taken into account. You may omit (1) traffic violations of which you paid a fine of \$30.00 or less, and (2) any offense committed before your 21st birthday, which was finally disposed of in a juvenile court or under a Youth Offender Law.

Explain:

Please return completed application to:

City of Roxboro
Office of City Clerk
PO Box 128
Roxboro, NC 27573

4. Financial & Tax Report

City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the Three Months Ended September 30, 2019

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	25.00% Percent of Budget
General Fund (10)					
Ad Valorem Taxes	\$ 4,773,036	\$ 4,773,036	\$ 1,043,230.26	\$ (3,729,805.74)	21.86%
Local Option Sales Tax	1,789,072	1,789,072	505,283.99	(1,283,788.01)	28.24%
Other Taxes and Licenses	12,000	12,000	3,920.97	(8,079.03)	32.67%
Unrestricted Intergovernmental	1,022,781	1,022,781	17,136.53	(1,005,644.47)	1.68%
Restricted Intergovernmental	703,968	703,968	206,174.13	(497,793.87)	29.29%
Permits and Fees	7,000	7,000	2,969.00	(4,031.00)	42.41%
Sales and Services	642,120	642,120	157,183.49	(484,936.51)	24.48%
Miscellaneous	79,233	110,757	54,262.80	(56,494.20)	48.99%
Investment Earnings	4,500	4,500	7,121.73	2,621.73	158.26%
Interfund Transfers	1,236,265	1,236,265	246,760.26	(989,504.74)	19.96%
Sale of Fixed Assets	15,000	41,000	55,641.00	14,641.00	135.71%
Total Revenues	10,284,975	10,342,499	2,299,684.16	(8,042,814.84)	22.24%
Expenditures:					
Governing Body - City Council	239,215	239,215	141,278.89	97,936.11	59.06%
City Hall Administration	600,106	600,106	168,343.40	431,762.60	28.05%
Finance	277,046	277,046	79,621.22	197,424.78	28.74%
Sales Tax	88,100	88,100	26,900.82	61,199.18	30.53%
Tax Collections	65,000	65,000	13,935.22	51,064.78	21.44%
Buildings & Grounds	464,704	464,704	55,714.73	408,989.27	11.99%
Safety / Purchasing	16,149	16,149	1,293.00	14,856.00	8.01%
Police	3,292,785	3,324,309	894,953.73	2,429,355.27	26.92%
Fire	2,180,372	2,180,372	542,750.93	1,637,621.07	24.89%
Emergency Communications 911	95,800	95,800	1,291.51	94,508.49	1.35%
Transportation - Streets	1,963,857	1,989,857	591,415.04	1,398,441.96	29.72%
Environmental Protection	1,214,105	1,214,105	163,350.42	1,050,754.58	13.45%
Planning and Zoning	631,286	631,286	63,784.14	567,501.86	10.10%
Cultural & Recreational	-	-	-	-	#DIV/0!
Debt Service	468,044	468,044	97,304.69	370,739.31	20.79%
Interfund Transfers	75,000	225,000	-	225,000.00	0.00%
Total Expenditures	11,671,569	11,879,093	2,841,937.74	9,037,155.26	23.92%
Excess of Revenues Over (Under) Expenditures	(1,386,594)	(1,536,594)	(542,253.58)	994,340.42	
Other Financing Sources					
Proceeds of Capital Lease	603,672	603,672	-	(603,672.00)	0.00%
Fund Balance Appropriated	782,922	932,922	-	(932,922.00)	0.00%
Total Other Financing Sources	1,386,594	1,536,594	-	(1,536,594.00)	0.00%
Excess of Revenues Over (Under) Expenditures	\$ -	\$ -	(542,253.58)	\$ (542,253.58)	
Fund Balance Beginning of Year			4,630,075.35		
Fund Balance Current Period			\$ 4,087,821.77		

City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the Three Months Ended September 30, 2019

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	25.00% Percent of Budget
Enterprise Funds					
Revenues:					
Water & Sewer Fund 60					
Charges for Services	\$ 5,379,927	\$ 5,379,927	\$ 1,358,872.01	\$ (4,021,054.99)	25.26%
Assessments	-	-	-	-	#DIV/0!
Tapping Fees	20,000	20,000	16,510.00	(3,490.00)	82.55%
Other Operating Revenues	35,475	35,475	2,115.42	(33,359.58)	5.96%
Nonoperating Revenues	500	500	140.05	(359.95)	28.01%
Interfund Transfers-MERP	-	-	-	-	-
Interfund Transfers	670,000	670,000	-	(670,000.00)	0.00%
Sale of Fixed Assets	5,000	5,000	-	(5,000.00)	0.00%
Total Water & Sewer Fund 60	6,110,902	6,110,902	1,377,637.48	(4,733,264.52)	22.54%
Triple Tier Fund 61					
Operating Revenues	6,965	6,965	1,046.32	(5,918.68)	15.02%
Nonoperating Revenues	100	100	48.05	(51.95)	48.05%
Rural Center Engineering Grant	-	-	-	-	#DIV/0!
Capital Reserve Fund 69					
Operating Revenues	742,040	742,040	203,047.39	(538,992.61)	27.36%
Nonoperating Revenues	1,500	1,500	5,349.02	3,849.02	356.60%
Interfund Transfers	-	-	-	-	#DIV/0!
Total Revenues	6,861,507	6,861,507	1,587,128.26	(5,274,378.74)	23.13%
Expenditures:					
Public Utilities: Administration	-	-	-	-	#VALUE!
Sales Tax	-	-	-	-	#DIV/0!
Billing & Collection	137,392	137,392	30,287.81	107,104.19	22.04%
Meter Section	275,016	275,016	115,993.13	159,022.87	42.18%
Raw Water Supply	69,547	69,547	18,440.89	51,106.11	26.52%
Water Plant	1,505,536	1,505,536	386,436.20	1,119,099.80	25.67%
Water Maint and Construction	621,316	621,316	156,002.46	465,313.54	25.11%
Wastewater Plant II	149,631	149,631	31,947.41	117,683.59	21.35%
Wastewater Plant	1,154,343	1,154,343	252,505.24	901,837.76	21.87%
Pump Stations	294,756	294,756	51,353.07	243,402.93	17.42%
Wastewater Maint & Construction	371,363	371,363	123,855.29	247,507.71	33.35%
Debt Service	519,737	519,737	-	519,737.00	0.00%
Interfund Transfers-MERP	-	-	-	-	-
Interfund Transfers	1,012,265	1,012,265	246,760.26	765,504.74	24.38%
Total Water & Sewer Fund 60	6,110,902	6,110,902	1,413,581.76	4,697,320.24	23.13%
Triple Tier Fund 61	7,065	7,065	-	7,065.00	0.00%
Capital Reserve Fund 69	743,540	743,540	-	743,540.00	0.00%
Total Expenditures	6,861,507	6,861,507	1,413,581.76	5,447,925.24	20.60%
Excess of Revenues Over (Under) Expenditures	-	-	173,546.50	173,546.50	
Other Financing Sources					
Proceeds of Capital Lease	-	-	-	-	#DIV/0!
Interfund Transfers 61 TT	-	-	-	-	#DIV/0!
Fund Balance Appropriated 60 WS	-	-	-	-	#DIV/0!
Fund Balance Appropriated 61 TT	-	-	-	-	#DIV/0!
Fund Balance Appropriated 69 CR	-	-	-	-	#DIV/0!
Total Other Financing Sources	-	-	-	-	#DIV/0!
Excess of Revenues Over (Under) Expenditures	\$ -	\$ -	173,546.50	\$ 173,546.50	
Fund Balance Beginning of Year			1,969,991.78		
Fund Balance Current Period			\$ 2,143,538.28		

City of Roxboro, North Carolina
Financial Statement - Unadjusted
Modified Accrual Basis
For the Three Months Ended September 30, 2019

	Original Budget	Amended Budget	Actual	Annual Variance Favorable (Unfavorable)	25.00% Percent of Budget
<u>Central Depository</u>					
Cash		11100000	1,720,423.62		
BB&T MMA		11100001	128,399.11		
NCCMT		11100002	2,856,721.05		
Flexible Spending Account AFLAC		11100003	67,948.85		
Roxboro Savings Bank		11100004	768,235.73		
Gateway Bank MMA Finistar		11100005	-		
CD's		11130000	-		
Total Cash and Investments			\$ 5,541,728.36		\$5,541,728.36
<u>Breakdown by Fund:</u>					
General		10	\$ 3,119,804.90		
CDBG-Revolving Loan Fund		13	78,028.33		
Old Durham Road Project Fund		20	-		
Vehicle Special Revenue		26	1,260.28		
Ridge Road Capital Project		30	-		
Stormwater Capital Fund		50	207,362.62		
Enterprise		60	118,435.10		
Triple Tier Water		61	18,161.73		
Capital Reserve		69	1,523,976.95		
Wastewater Plant Capital Project		71	331,067.63		
Annexation Area Capital Project		73	-		
Christmas Club / Flex Fund		75	67,948.85		
LEO Pension Trust Fund		79	75,681.97		
Reserve for Interest Earned			-		
Total of Fund's Cash and Investments			\$ 5,541,728.36		\$5,541,728.36

**City of Roxboro, North Carolina
Fund Balance
General Fund
As of September 30, 2019**

	General Fund			
	30-Sep-19 Fund Balances	Percentage of Total Fund Balance	Percentage of Fiscal Year 2019 Budget	Percentage of Prior Year Actual Expenditures
Fund Balances				
Reserved				
Reserved for inventories	\$ 45,118	1.10%	0.38%	0.38%
Reserved by state statute	653,781	15.99%	5.50%	5.53%
Reserved for streets - Powell Bill	287,458	7.03%	2.42%	2.43%
Reserved for cemetery	30,269	0.74%	0.25%	0.26%
Reserved for drug enforcement	-	0.00%	0.00%	0.00%
Reserved for public safety	<u>134,988</u>	<u>3.30%</u>	<u>1.14%</u>	<u>1.14%</u>
Total fund balance reserved	<u>1,151,614</u>	<u>28.17%</u>	<u>9.69%</u>	<u>9.73%</u>
Unreserved				
Designated by Council	-	0.00%	0.00%	0.00%
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>2,936,208</u>	<u>71.83%</u>	<u>24.72%</u>	<u>24.82%</u>
Total fund balance unreserved	<u>2,936,208</u>	<u>71.83%</u>	<u>24.72%</u>	<u>24.82%</u>
Total equity and other credits	<u>\$ 4,087,822</u>	<u>100.00%</u>	<u>34.41%</u>	<u>34.55%</u>
Budget Ordinance for June 30, 2020, as Amended			\$ 11,879,093	
Prior Year Expenditures				\$ 11,830,440

**City of Roxboro, North Carolina
Fund Balance
Enterprise Fund
As of September 30, 2019**

	Enterprise Fund			
	30-Sep-19 Fund Balances	Percentage of Total Fund Balance	Percentage of Fiscal Year 2019 Budget	Percentage of Prior Year Actual Expenditures
Fund Balances				
Reserved				
Reserved for encumbrances	\$ 14,267	0.67%	0.28%	0.25%
Reserved by state statute	222,861	10.40%	4.37%	3.91%
Reserved for capital outlay (C89 + C91)	<u>1,706,909</u>	<u>79.63%</u>	<u>33.48%</u>	<u>29.96%</u>
Total fund balance reserved	1,944,037	90.69%	38.13%	34.12%
Unreserved				
Designated for subsequent year's expenditures	-	0.00%	0.00%	0.00%
Undesignated	<u>199,502</u>	<u>9.31%</u>	<u>3.91%</u>	<u>3.50%</u>
Total fund balance unreserved	<u>199,502</u>	<u>9.31%</u>	<u>3.91%</u>	<u>3.50%</u>
Total equity and other credits	<u>\$ 2,143,538</u>	<u>100.00%</u>	<u>42.04%</u>	<u>37.62%</u>
Budget Ordinance for June 30, 2020, as Amended			\$ 5,098,637	
Prior Year Expenditures				\$ 5,697,524

**City of Roxboro
Tax Collection Report
For the Month Ended
31-Oct-19**

	2019 Tax Levy	2018 Tax Levy	2017 Tax Levy
Original Levy	\$ 4,224,539.01	\$ 4,229,715.40	\$ 4,350,663.68
Motor Vehicles Added to Levy	0.00	0.00	0.00
Motor Vehicles Added to Levy-DMV	152,605.00	577,777.41	499,691.97
Public Utilities	-	-	-
Adjusted Original Levy	4,377,144.01	4,807,492.81	4,850,355.65
+Discoveries	110,528.09	182,028.95	106,561.33
Levy	4,487,672.10	4,989,521.76	4,956,916.98
-Releases	4,459.07	7,680.01	11,113.90
Current Levy	4,483,213.03	4,981,841.75	4,945,803.08
Collection year-to-date	\$ 1,164,829.28	\$ 4,937,627.05	\$ 4,915,467.02
Uncollected	\$ 3,318,383.75	\$ 44,214.70	\$ 30,336.06
Collection % of Current Levy	25.98%	99.11%	99.39%
Property Tax Rate Per \$100	\$ 0.670	\$ 0.670	\$ 0.670

5. Assistant City Manager's Report

Assistant City Manger's Report

ADA Study – As required by NCDOT and included in this yeas budget, the ADA study is under way. Jeff Johnson with Ally Williams Carmen and King is doing the study for the City. He has visited our facilities and checking them for compliance with the latest ADA regulations. He will prepare a report and note any deficiencies.

Marlowes Creek Study - The Marlowes Creek Study has been completed. This is a very detailed study with several options. It is recommended that the report be presented to City Council at the next work session. The study looks at the wastewater flow from the southern half of the county that is pumped through the Southside and Billy Hick Road pump stations. The study includes the existing and future capacities of the pump stations and the force main plus the capacity of Marlowes Creek Outfall.

Wastewater Treatment Plant Improvements – The contractor is currently 102 days behind schedule. This is an improvement of 19 day in the past 6 weeks. The project is currently scheduled to be completed on January 15, 2021. The original date was October 5, 2020. The major hold up has been the oxidation ditch. Two items that are the major reasons for the delay are that the contractor that supplies the rod busters, (craftsman that tie rebar) has not been able to properly staff the job and the other was shrinkage cracks in the concrete wall that had to be patched. The office/lab building and underground piping is on schedule. Both the Oxidation ditch and the office/lab building are scheduled to be in service in March 2020. The oxidation ditch had to be in operation so the existing aeration basins can be converted to equalization basins.

6. Manager's Report



City of Roxboro

MEMORANDUM

TO: Mayor Newell and City Council
FROM: Brooks Lockhart
SUBJECT: Manager's Report
DATE: November 18th, 2019

- Please take note of several upcoming dates.
 - City offices will be closed in observance of Thanksgiving on the 28th and 29th
 - Trash Collection for Thanksgiving:
 - Thursday the 28th's route will be collected on along with Wednesday the 27th's normal route
 - Friday the 29th's route will be collected along with Monday, December 2nd's normal route
 - Jingle on Main, Thursday December 5th in Uptown Roxboro
 - City Council Meeting, 7pm Tuesday December 10th at City Hall
 - City of Roxboro Christmas Luncheon, TBA
 - Council Work Session, TBA
- There are various items that require more time to review and content that would be appropriate for a Council work session. As mentioned in the Assistant Manager's Report, we need a meeting to review the results of the Marlowe's Creek sewer line study and Council could also receive updates on the Dan River. With our newly appointed members, it would be beneficial to schedule a strategic planning meeting. It would be prudent to try and schedule two meetings.
- Human Resources and Management (including Department Heads) have been working to mitigate recruitment and retention matters over the last year. Efforts have been made to internally update the language of our job advertisements to appeal to a wider applicant pool. Efforts have been made in concert with City Council to consider benefits like take home vehicles and allowing the hiring of staff to be sent for job related training prior to full employment. In December, it is the intention of Staff to present a Certification Pay Program that covers all our departments to the Council for consideration.
- There is an odd property ownership situation that was brought to our attention last year. There is a lot located underneath Lake Roxboro that Caswell County's records reflect ownership to a private individual and that individual has been paying Caswell property taxes on the parcel. The City of Roxboro and Person County Register of Deeds reflect that the City acquired the property prior to the creation of the lake. Staff and Legal Counsel attempted to have the matter resolved by communicating with the Caswell County Attorney. This did not resolve the matter. The property owner has shared their willingness to sign a quit claim deed to transfer the property to the City. They have requested the City prepare the legal documents and to waive their boat permit fees for the next several years to offset their past tax bills. I am requesting authorization (for legal fees and to negotiate terms for council) from Council to resolve this real property matter, which would require a later council vote to finalize.