

Proposed Text Amendment

Case #25-12-PLBD-00152

The underlined text is to be added; the ~~strike-through~~ text is to be deleted.

SUBSEC. 12 – DEFINITIONS

12.01 GENERAL

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12.03 ACRONYM ABBREVIATIONS

ADU – Accessory Dwelling Unit

BFE – Base Flood Elevation

BUA – Built Upon Area

CLOMR – Conditional Letter of Map Revision

DBH – Diameter at Breast Height

DFIRM – Digital Flood Insurance Rate Map

FEMA – Federal Emergency Management Agency

FIRM – Flood Insurance Rate Map

FIS – Flood Insurance Study

GFA – Gross Floor Area

HAG – Highest Adjacent Grade

LAG – Lowest Adjacent Grade

LOMA – Letter of Map Amendment

LOMC – Letter of Map Change

LOMR – Letter of Map Revision

LOMR-F – Letter of Map Revision Based on Fill

MHP – Mobile Home Park

NCDEQ – The North Carolina Department of Environment Quality

NCGS or GS - North Carolina General Statutes

NCDOT - North Carolina Department of Transportation

NAVD – North American Vertical Datum

NEA – Non-Encroachment Area

NFIP – National Flood Insurance Program

NGVD - National Geodetic Vertical Datum

RFPE – Regulatory Flood Protection Elevation

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RV – Recreational Vehicle

SCM – Stormwater Control Measures

SFHA – Special Flood Hazard Area

WSE – Water Surface elevation Elevation

12.04 DEFINITIONS

BUILDINGS AND STRUCTURES

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BUILDING. See definition for “structure” in Subsec. 12.04 Definitions – Buildings and Structures. ~~definition.~~

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STRUCTURE. The term “structure” shall mean any of the following:

- Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, commercial, agricultural, or other purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, sewage treatment plants, sheds, barns and similar accessory construction.
- For the purpose of the Flood Damage Prevention ~~provision~~ provisions of this ordinance, a ~~structure~~ “structure” shall mean a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

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DRAINAGE AND WATERSHED PROTECTION

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DEVELOPMENT. The term “development” shall mean any of the following:

- Construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- The excavation, grading, filling, clearing, or alteration of land.
- The subdivision of land as defined in N.C.G.S. 160D-802~~2~~.
- The initiation or substantial change in the use of land or the intensity of use of land.
- For the purpose of the Flood Damage Prevention provisions of this ordinance, “development” shall mean 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.

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FLOOD DAMAGE PREVENTION

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ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms and may or may not be located on the same parcel as the farm dwelling or shop building (This definition applies only with respect to Flood Damage Prevention regulations).

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

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

ALTERATION OF A WATERCOURSE. 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. A written request for the Board of Adjustment to ~~a~~ review a final administrative decision of the Floodplain Administrator, including but not limited to the Floodplain Administrator's final interpretation of any provision of this Ordinance. (This definition applies only with respect to ~~flood hazard regulations.~~ Flood Damage Prevention regulations).

AREA OF FUTURE-CONDITIONS FLOOD HAZARD. The land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

AREA OF SHALLOW FLOODING. A designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

~~**BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood hazard regulations.)~~

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

(File No. 21-08-GCPL-07440, 11/04/2021)

Effective on: 11/4/2021

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

~~**BASEMENT.** See definition for "basement" in Subsec. 12.04 Definitions – General.~~

BUILDING. See definition for "structure" in Subsec. 12.04 Definitions – Buildings and Structures.

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

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DESIGN FLOOD. See definition for “Regulatory Flood Protection Elevation (RFPE)” in Subsec. 12.04 Definitions – Flood Damage Prevention.

DEVELOPMENT. See definition for “development” in Subsec 12.04 Definitions – Drainage and Watershed.

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

DIGITAL FLOOD INSURANCE RATE MAP (DFIRM). The digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

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

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

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, ~~permanent~~ structures or development into a ~~floodplain~~ Special Flood Hazard Area, which may impede or alter the flow capacity of a floodplain. (This definition applies only with respect to ~~flood hazard regulations~~. Flood Damage Prevention regulations).

EXISTING BUILDING AND EXISTING STRUCTURE. Any building and/or structure for which the “start of construction” commenced before the effective date of the Flood Damage Prevention regulations adopted by the community (This definition applies only with respect to Flood Damage Prevention regulations).

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the ~~floodplain management~~ Flood Damage Prevention regulations adopted by the community.

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

FLOOD or FLOODING. 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 of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM)

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FLOOD HAZARD BOUNDARY MAP (FHBM). 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. The insurance coverage provided under the National Flood Insurance Program.

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

FLOOD INSURANCE STUDY (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

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

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the Flood Damage Prevention regulations.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the Flood Damage Prevention provisions of this Ordinance, prior to the commencement of any development activity.

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

FLOODPLAIN MANAGEMENT REGULATIONS. This Ordinance Subsec. 9.3 – Flood Damage Prevention and referenced Subsections therein and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOOD PRONE AREA. See definition for “floodplain” in Subsec. 12.04 Definitions – Flood Damage Prevention.

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

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FLOOD-RESISTANT MATERIAL. Any building product (material, component or system) capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood resistant. 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.

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

FLOODWAY ENCROACHMENT ANALYSIS. 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 professional engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

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

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

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

HAZARDOUS WASTE MANAGEMENT FACILITY. As defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste (This definition applies only with respect to Flood Damage Prevention regulations).

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE. See definition for "historic structure" in Subsec. 12.04 Definitions - General.

LETTER OF MAP CHANGE (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

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

LIGHT DUTY TRUCK. Any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

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

(This definition applies only with respect to Flood Damage Prevention regulations.)

LOWEST ADJACENT GRADE (LAG). The lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR. ~~Lowest~~ 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 the Flood Damage Prevention provisions of this Ordinance.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle"; ~~(This definition applies only with respect to flood hazard regulations.~~ Flood Damage Prevention regulations).

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale; ~~(This definition applies only with respect to flood hazard regulations.~~ Flood Damage Prevention regulations).

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MAP REPOSITORY. The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products have the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOOD.NC.GOV/NCFLOOD/>) is the map repository.

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

MEAN SEA LEVEL. For purposes of this Ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures. ~~(This definition applies only with respect to flood hazard regulations.~~ Flood Damage Prevention regulations).

NON-CONVERSION AGREEMENT. A document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the ordinance and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed 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.

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

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

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

PRINCIPALLY ABOVE GROUND. That at least fifty-one percent (51%) of the actual cash value of the structure is above ground.

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PUBLIC SAFETY AND/OR NUISANCE. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free

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passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin (This definition applies only with respect to Flood Damage Prevention regulations).

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

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

(This definition applies only with respect to Flood Damage Prevention regulations.)

REFERENCE LEVEL. The top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone ~~A1-A30, AE, A, or A99~~ A, AE, AH, AO, or A99.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). 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 at least two (2) feet above the highest adjacent grade.

REMEDY A VIOLATION. To bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development. ~~(This definition applies only with respect to flood hazard regulations.~~ Flood Damage Prevention regulations).

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

SALVAGE YARD. Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery (This definition applies only with respect to Flood Damage Prevention regulations).

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35) (This definition applies only with respect to Flood Damage Prevention regulations).

SOLID WASTE DISPOSAL SITE. As defined in NCGS 130A-290(a)(36), any place at which solid waste is disposed of by incineration, sanitary landfill, or any other method (This definition applies only with respect to Flood Damage Prevention regulations).

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in ~~Section 7-5.3(B) of this Ordinance~~ Subsec. 9.3 – Flood Damage Prevention.

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START OF CONSTRUCTION. ~~Substantial~~ 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 one hundred and eighty (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. ~~(This definition applies only with respect to flood hazard regulations.~~ Flood Damage Prevention regulations).

STRUCTURE. ~~A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood hazard regulations.)~~ See definition for "structure" in Subsec 12.04 Definitions – Buildings and Structures.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of "substantial improvement". Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. ~~(This definition applies only with respect to flood hazard regulations.~~ Flood Damage Prevention regulations).

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SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one (1)-year period for which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any 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.
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Subsec 9.3 – Flood Damage Prevention.

(This definition applies only with respect to ~~flood hazard regulations~~ Flood Damage Prevention regulations.)

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

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

VARIANCE. See definition for “variance” in Subsec 12.04 Definitions – General.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management Flood Damage Prevention regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 3-3.5 and 7-5.8 Subsec. 3.5.1 and Subsec. 9.3.L is presumed to be in violation until such time as that documentation is provided. (This definition applies only with respect to flood hazard regulations. Flood Damage Prevention regulations).

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

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

GENERAL

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BASEMENT. The term “basement” shall mean any of the following:

- A story of a building or structure having one-half (½) or more of its clear height below grade.
- Any area of the building having its floor subgrade (below ground level) on all sides (This definition applies only with respect to Flood Damage Prevention regulations).

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HISTORIC STRUCTURE. Any structure that is: 1) listed individually in the National Register of Historic Places (a listing maintained by the US Secretary of Interior), or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; 2) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a National Register historic district, or a district preliminarily determined by the Secretary of Interior to qualify as a National Register historic district; 3) individually listed on a state inventory of historic places; or 4) individually listed on a local inventory of historic places in communities with Certified Local Government preservation programs as determined by the Secretary of Interior.-

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VARIANCE. The term “variance” shall mean any of the following:

- An application reviewed and approved, approved with conditions, or denied by the Board of Adjustment in accordance with this ordinance.
- For the purpose of the Flood Damage Prevention provisions of this ordinance, “variance” means the grant of relief from the requirements of Subsec. 9.3 – Flood Damage Prevention.

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