

Proposed Text Amendment

Case #25-12-PLBD-00152

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SUBSEC. 2 – ADMINISTRATION

2.8 FLOODPLAIN ADMINISTRATOR

A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

1. The Planning Director or his/her designee shall serve as the Floodplain Administrator and shall administer and implement the Flood Damage Prevention provisions of this Ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement the Flood Damage Prevention provisions of this Ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the Flood Damage Prevention provisions of this Ordinance.
2. The Planning Director and the Floodplain Administrator may assign or designate other staff persons to carry out in whole or in part powers and duties of the Floodplain Administrator, including but not limited to the Floodplain Administrator's powers to enforce state and local laws related to flood damage prevention, including but not limited to Subsec. 9.3 – Flood Damage Prevention and N.C.G.S. Chapter 143, Article 21, Part 6.

B. POWERS AND DUTIES

1. ~~The Planning Director or his/her designee shall serve as the Floodplain Administrator and shall administer and implement the provisions of this Ordinance.~~ The Floodplain Administrator shall perform, but not be limited to, the following duties:
 - a. ~~To review~~ Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of Subsec. 9.3 – Flood Damage Prevention and other Subsections of this Ordinance referenced therein have been satisfied.
 - b. ~~To advise~~ Advise permittees that additional federal or state permits (Sections 401 & 404 of the Clean Water Act for impacts to U.S. Waters, Streams, Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required. Copies of such permits shall be provided and maintained on file with the Floodplain Development Permit.
 - c. ~~To notify~~ Notify adjacent communities and the North Carolina Department of ~~Crime Control and~~ Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
 - d. ~~To assure~~ Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - e. ~~To prevent~~ Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.S – Floodways and Non-encroachment Areas are met.

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- f. ~~To obtain~~ Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new ~~or~~ and substantially improved structures, in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.L.3 – Certification Requirements.
- g. ~~To obtain~~ Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.L.3 – Certification Requirements.
- h. ~~To obtain~~ Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.L.3 – Certification Requirements.
- i. When floodproofing is utilized for a particular structure, ~~to~~ obtain certifications from a registered professional engineer or architect, in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.L.3 – Certification Requirements and Subsec. 9.3.P.2.b – Non-Residential Construction.
- j. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (-e.g., where there appears to be a conflict between a mapped boundary and actual field conditions), ~~to~~ 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 Subsection.~~
- k. When Base Flood Elevation (BFE) data has not been provided in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.D.2 – Basis for Establishing the Special Flood Hazard Area, ~~to~~ obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a federal, state, or other source, including data developed pursuant to ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.Q – Standards for Floodplains Without Established Base Flood Elevations, in order to administer the Flood Damage Prevention provisions of this Ordinance.
- l. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with ~~Subsec. 9 – Environmental Regulations~~ Subsec. 9.3.D.2 – Basis for Establishing the Special Flood Hazard Area, ~~to~~ 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 Flood Damage Prevention provisions of this Ordinance.
- m. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation (BFE), ~~to~~ advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. A copy of the Letter of Map Amendment (LOMA) issued by FEMA shall be kept in the Floodplain Development Permit file.
- n. ~~To permanently maintain~~ Maintain all records that pertain to the administration of the Flood Damage Prevention provisions of this Ordinance in accordance with applicable record retention requirements, including permanently when required, and make these records available for public inspection in accordance with public record laws.

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- o. ~~To make~~ 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 Flood Damage Prevention 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.
- p. ~~To issue~~ Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of the Flood Damage Prevention provisions 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 the work 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.
- q. ~~To revoke~~ 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, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any Floodplain Development Permit mistakenly issued in violation of an applicable state or local law also may be revoked.
- r. ~~To make~~ Make periodic inspections throughout all 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.
- s. ~~To follow~~ Follow through with corrective procedures of Subsec. 9.3.N – Corrective Procedures and Subsec. 10 – Enforcement.
- t. ~~To review~~ Review, provide input, and make recommendations for variance requests.
- u. ~~To maintain~~ Maintain a current map repository to include, but not limited to, the historical and effective Flood Insurance Study (FIS) Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with ~~Subsec. 9 – Environmental Regulations of this Ordinance~~ the provisions of Subsec. 9.3.D.2 – Basis for Establishing the Special Flood Hazard Area, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- v. ~~To coordinate~~ Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).
- w. ~~To maintain~~ Maintain and administer the County's Community Rating System (CRS) program.

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- x. Appeals from final administrative decisions of the Floodplain Administrator may be made by any party with standing and are governed by Subsec. 3.5.C. – Appeals, N.C.G.S. 160D-405, N.C.G.S. 160D-406, and N.C.G.S. 160D-1402, as they may be amended. For purposes of Subsec. 3.5.C. – Appeals, decisions of the Floodplain Administrator are treated as decisions of the Planning Director. Such appeals are deemed filed when received by the Planning Director in his or her role as Clerk to the Board of Adjustment.

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