

PLANNING & ZONING REVIEW NOTES

VI. C.

SUBJECT: Discussion of proposed text amendments to the Chatham County Flood Damage Prevention Ordinance to comply with the minimum criteria of the National Flood Insurance Program. The amendments include the incorporation of revised Flood Insurance Rate Maps (FIRMs) for Chatham County that will become effective on February 2, 2007.

ATTACHMENTS: 1. Revised text of the Flood Damage Prevention Ordinance (Copy of text is available on the Planning Department website)

INTRODUCTION AND BACKGROUND:

The Chatham County Flood Damage Prevention Ordinance was initially adopted on February 17, 1997, which allowed the County to enter into the National Flood Insurance Program (NFIP) and allows property owners the option to purchase flood insurance. Due to changes to federal and state regulations governing minimum requirements to participate in the NFIP and as part of revisions to the Flood Insurance Rate Maps for the county, amendments to the Flood Damage Prevention Ordinance are required and have been incorporated into the attached text. A public hearing was held on November 20, 2006 regarding the proposed amendments.

DISCUSSION AND ANALYSIS:

On July 13, 2005 the North Carolina Floodplain Mapping Program (NCFMP) notified the manager's office that the Flood Insurance Rate Maps (FIRMs) for Chatham County had been revised through a cooperative effort of the North Carolina Floodplain Mapping Program (NCFMP) and the Federal Emergency Management Agency. This notice initiated a review process that concluded on August 2, 2006 with another notice from the Federal Emergency Management Agency that the appeals period had elapsed and that all appeals from the county had been addressed. The notice also simultaneously initiated a 6 month period to amend the Flood Damage Prevention Ordinance to comply with Section 60.3(d) of the NFIP regulations and the NC Flood Act of 2000. The 6 month compliance period for Chatham County ends on February 2, 2007, at which time the county must have adopted a compliant Flood Damage Prevention Ordinance.

To meet the requirements of the federal and state regulations the NCFMP provides local jurisdictions with a model ordinance that is based on the minimum criteria. This model was used by planning department staff to revise the currently adopted Flood Damage Prevention Ordinance. Many of the revisions do not change current practices, but do clarify some definitions and procedures. In addition to required changes, there are also amendments that were made by staff which include the following:

- 1) Penalties were changed from a flat fee of \$50.00 per violation to a graduated scale ranging from \$50.00 to \$500.00, in compliance with a fee schedule change approved by the Board as part of the 2006-2007 budget.

DISCUSSION AND ANALYSIS

- 2) The term “structures” was added to the types of prohibited encroachments into the Special Flood Hazard Area. The current language only covers buildings, which could be interpreted to allow other encroachments, such as stormwater control structures or fill material.
- 3) Provisions were added to allow for the construction of residential dwellings on “non-conforming lots of record”. This allows for the use of lots that were subdivided prior to the adoption of flood regulations that would have no useable area outside of the Special Flood Hazard Area.
- 4) Fill material is prohibited from being placed in the Special Flood Hazard Area, except for the remediation of contaminated sites and in conjunction with certain structures, such as roads and bridges.

Approximately 2,400 public hearing notices were mailed to property owners who had any portion of their property within a Special Flood Hazard Area. At the public hearing 6 people provided comments about the ordinance amendments. Additionally, 2 sets of comments were submitted in writing prior to the hearing and are available on the planning department website. Based on the comments that were received, the text has been revised to allow for pedestrian bridges, walkways, greenway trails, and canoe and boat access points to be allowed within the Special Flood Hazard Area. These are recreational facilities and are not essential for residents to access their property during flooding events, such as roads and vehicular bridges. The text has also been amended to prohibit pedestrian crossings over the Haw River, Rocky River, and Deep River. A modification was also made to the Section H, Penalties For Violation, to further clarify the application of the graduated penalty schedule.

As previously discussed the majority of the proposed text amendments are required for the county to maintain compliance with state and federal requirements. If the text is adopted it will then have to be approved by the North Carolina Floodplain Management Branch and the Federal Emergency Management Agency. It has been indicated by the NC Floodplain Management Branch staff that it would be preferable to have the ordinance adopted before January to guarantee that FEMA will accept it for review prior to the February 2, 2007 deadline.

RECOMMENDATION: The Planning Department recommends approval of the revised text of the Flood Damage Prevention Ordinance as included in attachment 1.