

CITY OF SANFORD PLANNING BOARD

REGULAR MEETING

Tuesday, February 17, 2026, 6:00 PM

Sanford Municipal Center, 225 E. Weatherspoon Street, Sanford, NC 27330

CALL TO ORDER – 6:00 PM *(or after all of the joint public hearings have been held with the City Council)*

Introduction by Chairman: The Sanford Planning Board is an advisory council on matters relating to land development & long-range planning and provides recommendations to the Sanford City Council. All information relevant to each case should have been presented during the public hearing. The Planning Board may ask for clarification of information received during the public hearing, but may not receive new information. Recommendations made this evening will be presented to the City Council for consideration on March 3, 2026 and action may or may not be taken at that time per the discretion of the City Council.

- A. APPROVAL OF AGENDA**
- B. APPROVAL OF MINUTES** – January 20, 2026
- C. DISCLOSURE OF CONFLICT OF INTEREST**
- D. OLD BUSINESS** (None)
- E. NEW BUSINESS**

PUBLIC HEARING WITH THE CITY COUNCIL TO CONSIDER ITEM 1:

- 1. **FLOOD HAZARD AREA REGULATIONS UPDATE and FLOODPLAIN MAP UPDATE;**
PB ITEM 2026-0201

Replacing Article 13 Flood Hazard Area Regulations of the Unified Development Ordinance (UDO) with the latest model Flood Damage Prevention Ordinance provided by the North Carolina Floodplain Mapping Program. Also, updating the FEMA National Flood Insurance Program map for Lee County per the latest map panels provided by the North Carolina Floodplain Mapping Program.

Note: These matters go “hand-in-hand” and will be discussed together, but will require two separate recommendations by the Planning Board and two separate votes by the City Council.

- F. OTHER BUSINESS** (None)
- G. REPORTS**
 - 1. Actions by Sanford City Council
- H. ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF SANFORD PLANNING BOARD
SANFORD, NORTH CAROLINA**

The Sanford Planning Board met with the Sanford City Council at 6:00 PM on Tuesday, January 20, 2026, for joint public hearings in the Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. 27330. At 6:56 PM, the Planning Board moved to the West End Conference Room, after the joint public hearings, to conduct a regular meeting.

ROLL CALL

Members Present: Ken Britton, Chair
 Jeff Foster, Vice-Chair
 Brooks Gage, Alternate
 Gloria Perez

Members Absent: Bill Murphy
 Gina Bycura

Staff Present: Paulette Harmon, Clerk to the Board
 Amy McNeill, Senior Planner
 Thomas Mierisch, Zoning Administrator

Brady Herman, Esquire, of the Brough Law Firm, PLLC, 1526 E. Franklin Street, Chapel Hill, N.C. 27514, also served as the board's staff and legal counsel at this meeting-

MEETING CALLED TO ORDER

Having noted the presence of a quorum, Chair Britton called the meeting to order and read the Introduction by Chair statement on the agenda cover.

APPROVAL/DISAPPROVAL OF AGENDA

Chair Britton entertained a motion to approve the agenda. Board member Gage motioned to approve the agenda, seconded by Vice-Chair Foster and carried unanimously.

APPROVAL OF MINUTES

Chair Britton entertained a motion to approve the December 16, 2025 meeting minutes. Vice-Chair Foster motioned to approve the minutes, seconded by board member Gage and carried unanimously.

DISCLOSURE OF CONFLICTS OF INTEREST

Chair Britton asked each board member to disclose any conflicts of interest in the matters to be considered by the Board this evening. There were none.

NEW BUSINESS

1. ZONING MAP AMENDMENT / REZONING APPLICATION; CASE 2026-0101

Application by Atwell, LLC d/b/a Atwell, PLLC to amend the existing Ashby Village Conditional Zoning District to provide more detail to the Office & Institutional (O&I) and the General Commercial (C-2) portions of the Ashby Village project that was approved via the site plan/subdivision plan conditional zoning process in 2021. The subject property is comprised of four parcels of land totaling 36.9 acres with frontage on Rosser Road and S. Horner Blvd. The subject property is identified as Lee County Tax Parcels 9652-90-4777-00 (O&I), 9652-90-5359-00 (O&I), 9661-09-2400-00 (C-2), and 9661-08-9921-00 (C-2) as depicted on Tax Maps 9652.20, 9662.03, 9651.08, and 9661.01.

DISCUSSION

After an overview of the rezoning application and information provided at the public hearing, Chair Britton opened the floor for discussion.

Board member Gage stated that the project is well designed overall and reflects a clear intent to be a good neighbor, including the incorporation of community-friendly features.

Chair Britton stated that he echoed Mayor Salmon’s comments during the public hearing regarding the project design and noted that the renderings provided a valuable visual representation, illustrating how the project would connect with the surrounding multifamily and residential components. He also remarked on the rapid pace of development occurring in this area of Sanford.

Chair Britton stated that he had a question for the applicant’s representative regarding the adjacency to the new Lee County sports complex. He asked whether there would be connectivity between the Ashby Village project and the sports complex or if connectivity would be restricted due to liability considerations. Mr. Jackson Hendricks of Development & Construction Insight (2054 Kildare Farm Road, Suite #167, Cary, NC 27518) the Project Manager and a Professional Engineer, replied that Ashby Village Parkway currently extends through the commercial site into the residential area. He noted that the long-term master plan anticipates connectivity extending through the sports complex. He further stated that, although he was uncertain whether D.R. Horton was implementing that connection as part of the single-family development, the traffic analysis for the Ashby Village project accounted for that level of activity.

DECISION

With no further discussion, Chair Britton opened the floor for a motion regarding consistency with the *Plan SanLee* land use plan.

Board member Perez made the motion that the proposed zoning map amendment is consistent

with the Plan SanLee long range plan designation of Mixed-Use Activity Center, because this placetype encourages projects designed as a single master-planned unit that are contextually integrated into the surrounding development pattern with strong mobility linkages within close proximity to highway interchanges and major arterials. Vice-Chair Foster seconded the motion and it carried unanimously.

Chair Britton called for a motion to recommend that the City Council approve or deny this rezoning request.

Board member Gage made the motion that the Planning Board recommend the City Council approve the proposed zoning map amendment because it is reasonable and in the public interest given that it provides more detailed information for a conditional zoning district that was approved in 2021. Board member Perez seconded the motion and it carried unanimously.

2. ZONING TEXT AMENDMENT; CASE 2026-0102

Staff-initiated text amendment to revise the Unified Development Ordinance’s (UDO’s) Appendix A, to add a legal definition for the term “outparcel,” and Appendix B, to revise the Lee County Environmental Health certificate language to align with recently changed state statutes.

DISCUSSION

After an overview of the amendment and information provided at the public hearing, Chair Britton opened the floor for discussion.

Vice-Chair Foster asked staff for clarification regarding the definition of an outparcel as an individual retail site. He cited examples of outparcels located near larger retail developments in the Jonesboro area of town, including areas near Tractor Supply and Buffalo Wild Wings. He noted that while such locations are technically considered outparcels, some consist of a single structure containing multiple retail tenants as opposed to just one tenant. He referenced the definition of “individual retail sites” and asked whether this language would limit development to a single retail use or a single structure. Staff person Mierisch replied that he would interpret the language as referring to the individual lot or site on which a structure would be located. He explained that the intent was to allow either a single-tenant building or a multi-tenant structure on a given site. He added that the language could be revised or clarified if the Board so desired.

Vice-Chair Foster stated that, from his perspective as an engineer, the language could be subject to differing interpretations. He noted that a client reviewing the provision could reasonably question whether an outparcel limited to “individual retail” would allow multiple tenants. He further remarked that future staff or officials might interpret the language differently and suggested that clarifying the language would be reasonable and beneficial.

Staff person Mierisch asked whether the Board would be comfortable with the removal of the word “individual” and noted that he would defer to the full Board for consensus. The Board agreed. Chair Britton stated that the language should be revised to read: “A parcel of land located on the perimeter of a larger commercial parcel. Outparcels are retail sites that are subordinate to the larger parcel for access, drainage, and parking purposes”.

DECISION

With no further discussion, Chair Britton opened the floor for a motion to recommend approval or denial of the zoning text amendment to the City Council.

Vice-Chair Foster made the motion to recommend approval of Zoning Text Amendment Case 2026-0102 with the language amendment to Appendix A to remove the word “individual,” and to approve Appendix B as submitted. Board member Perez seconded the motion and it carried unanimously.

3. ZONING TEXT AMENDMENT; CASE 2026-0103

Staff-initiated revisions to the Unified Development Ordinance (UDO) Article 2, Section 3 (§2.3.4) relating to Town of Broadway’s Planning Board appointments to align the language with recently updated Town of Broadway municipal code language.

DISCUSSION

After an overview of the zoning text amendment and information provided at the public hearing, Chair Britton opened deliberation for discussion.

Staff person Mierisch provided a brief statement, noting that Section 1 references to Sections 151.01 and 151.03 had been replaced with Section 2-2. He stated that he reviewed the revised language with both the Mayor and Manager for the Town of Broadway. They confirmed that, after reviewing the Broadway Municipal Code, the proposed language was appropriate.

DECISION

With no further discussion, Chair Britton opened the floor for a motion to recommend approval or denial of the zoning text amendment to the City Council.

Board member Gage made the motion to recommend approval of Zoning Text Amendment Case 2026-0103 to the City Council. The motion was seconded by Vice-Chair Foster and it carried unanimously.

4. ZONING TEXT AMENDMENT; CASE 2026-0104

Staff-initiated text amendments for Article 4 of the Unified Development Ordinance (UDO), including the following:

- The addition of an exemption from the lot width-to-depth ratio for cul-de-sac lots as a result of

a major subdivision, which shall be included as a note in Table 4.7-1's Density and Dimensional Standards.

- The removal of detached single-family dwellings (site-built and modular) and attached single-family dwellings as permitted uses within the MF-12 (multifamily) zoning district.
- Updates for development standards to the recently established Village Neighborhood Development (VND), including the expansion of lot type options, increasing the minimum number of lots that would trigger a necessary change in lot types provided from 125 to 200, replacing the 1:1 ratio for required lot types with a 5% minimum requirement, and the inclusion of new permitted lot design options for developers.

DISCUSSION

After an overview of the zoning text amendment and information provided at the public hearing, Chair Britton opened the floor for discussion.

Staff person Mierisch explained that the proposed amendment reflects practices currently applied in the County. He noted that the City is unlikely to experience significant impact, as the amendment primarily affects larger lots, typically over 12,000 square feet. In the County, such requirements can create minor obstacles for subdividers, who must apply for a Subdivision Exception to address the lot width-to-depth ratio; however, these exceptions are routinely approved without concern from the Board of Commissioners. Staff therefore recommends exempting cul-de-sac lots, noting that this would have limited implications, affecting only a small number of lots within subdivisions.

Staff person Mierisch explained the second item that the proposed text amendment specifically applies to properties currently zoned Multi-family (MF-12) or to parcels a developer may seek to rezone to MF-12. He stated that the rationale is to ensure that areas suitable for multi-family development, whether existing or proposed, are not converted to detached single-family homes by a developer; thereby maintaining the intended high-density residential use for appropriate locations. Staff person Mierisch further noted that while there is nothing inherently wrong with alternative residential uses, the amendment aims to preserve areas designated as prime for multi-family development, whether by previous Council decisions or new rezoning requests. He stated that such areas are intended to accommodate apartment units or similar high-density housing, rather than detached single-family homes. The only potential alternative considered might be townhouses, as they also represent a higher-density residential option; however, allowing townhouses could introduce additional complexities.

Chair Britton asked the Board if they had any questions regarding the third item, which addresses the standards for the Village Neighborhood Development (VND) – such as, replacing the one-to-one ratio requirement, and establishing a minimum 5% requirement for the individual product for developments exceeding 200 lots.

Board member Perez asked staff for further clarification on the third item, requesting a more detailed explanation of the calculations involved. Staff person Mierisch explained that, since the Village Neighborhood District (VND) was approved and went into effect in September 2024, a few developments had been directed toward the VND framework. He noted that the original one-to-one ratio requirement proved infeasible for large projects. For example, the Vermillion project, consisting of 1,295 lots, could not accommodate the required number of 12,000-square-foot lots, making the plan unmarketable for builders and not financially viable. Another developer expressed similar concerns regarding feasibility.

He further explained that for projects such as one with 375 lots, the original ratio - requiring 125 lots of 6,000sf, 125 lots of 9,000sf, and 125 lots of 12,000sf - was impractical. Staff determined that adjusting the threshold and requiring a minimum of 5% for one housing type while raising the base unit grouping from 125 to 200 lots would create a more realistic and marketable option. This approach maintains housing choice by allowing a mix of product types, without imposing the burdensome one-to-one ratio. The example provided for 1,000 lots (10.4.1, etc.) illustrated that all five housing types would be included under the existing formula, but the proposed amendment simplifies the requirement while preserving diversity in housing options.

Chair Britton asked for clarification regarding the threshold for required housing types. He stated that for developments of 200 lots, a minimum of two different lot types is required, with 5% of one type and 95% of another. He confirmed that for developments of 1,000 lots or more, all five housing types would be required.

Chair Britton noted that there would be no staggering of types for developments just below 1,000 lots, explaining that, for example, in a 999-lot development, 5% (approximately 50 homes) could be townhomes, with the remaining 949 lots as single-family homes. Staff person Mierisch agreed, noting that there are other options available, such as requesting a rezoning to UN-6, which staff generally seeks to steer applicants away from. He explained that the proposed standards were designed to be understandable both to engineers reviewing the plans and to staff responsible for applying the standards, while keeping the language as concise and straightforward as possible. The intent is to achieve the desired objectives without unnecessary complexity.

Chair Britton stated that, when viewed from a market and developer perspective, such a scenario is unlikely, as developers typically seek to provide housing choice, placemaking elements, and varied design aesthetics within a development. He noted that this would be especially true for larger developments approaching or exceeding 1,000 units.

Vice-Chair Foster asked Mr. Mierisch whether his interpretation was correct that, for a proposed development of 1,000 units requiring all five housing types, four of the housing types could each comprise 5% of the total. Staff person Mierisch verified that is correct.

Vice Chair Foster asked whether the cottage lot option is available exclusively within the Village Neighborhood District (VND). Staff person Mierisch verified that this is correct.

Vice-Chair Foster then asked whether there is a minimum lot threshold required for a project to qualify as a Village Neighborhood District (VND). Staff person Mierisch responded that the minimum threshold is 125 lots.

Board member Perez asked staff to review Section 4.10.6.4 for clarification, stating that she believed she understood the provision and asked whether the lots would be loaded from the rear. Staff person Mierisch verified that this is correct.

Board Member Perez then asked whether all utility easements would be located at the front of the lots. Staff person Mierisch verified that this is correct.

DECISION

With no further discussion, Chair Britton opened the floor for a motion to recommend approval or denial of the zoning text amendment to the City Council.

Board member Perez made the motion to recommend approval of Zoning Text Amendment Case 2026-0104 to the City Council. The motion was seconded by Vice-Chair Foster and it carried unanimously.

5. ZONING TEXT AMENDMENT; CASE 2026-0105

Staff-initiated text amendment for Article 6 of the Unified Development Ordinance (UDO) to amend §6.7.1.2.1 by changing the threshold for two access points within a new subdivision from 30 lots to 100 lots to align with NC Fire Code standards.

DISCUSSION

After an overview of the zoning text amendment and information provided at the public hearing, Chair Britton opened the floor for discussion.

Chair Britton stated that during the Joint Planning Committee (JPC) meeting where this amendment was first discussed, Mayor Salmon remarked that the increase in the threshold was significant and expressed a preference to be able to use a lower number; however, because it is a requirement of the North Carolina Fire Code, the City must comply.

DECISION

With no further discussion, Chair Britton opened the floor for a motion to recommend approval or denial of the zoning text amendment to the City Council.

Board member Gage made the motion to recommend approval of Zoning Text Amendment Case 2026-0105 to the City Council. The motion was seconded by board member Perez and it carried unanimously.

6. ZONING TEXT AMENDMENT; CASE 2026-0106

Staff-initiated text amendments for Article 10 of the Unified Development Ordinance (UDO) to add the following new language:

- Clarifying language for §10.1.3.2 regarding the purpose of landscape screening for outdoor storage.
- Clarifying language for §10.1.3.7 regarding outdoor storage being permitted only as an accessory use to align with long-standing interpretations of the UDO.
- Clarifying language for §10.7.2.3 that puts commercial development’s architectural design within Sanford’s local historic districts under the purview of the Historic Preservation Commission
- Clarifying language for §10.7 that includes specific conditions in which pedestrian connectivity is required for commercial development.

DISCUSSION

After an overview of the zoning text amendment and information provided at the public hearing, Chair Britton opened the floor for discussion.

Board member Perez asked staff for clarification regarding the building structures required for outdoor storage under Section 10.1.3.7. She stated that she understood the intent of requiring more than simply designating a lot for storage, but asked whether the provision requires a building solely for office use or a building intended to house the stored items.

Staff person Mierisch explained that requiring a dedicated office structure would typically trigger additional building requirements, including plumbing, restroom facilities, and compliance with ADA standards. He stated that by requiring a “structure” rather than an office specifically, the intent is to ensure that the applicant is making a substantive investment in the site without imposing unnecessary regulatory burdens. He noted that this approach is informed in part by past approvals of self-storage facilities, many of which operate without on-site offices due to app-based management.

He further stated that both City and County elected officials have expressed a desire to prevent outdoor storage uses consisting solely of open lots, such as boat storage or pallet stacking, without permanent structures. As such, the requirement ensures that outdoor storage remains an accessory use to a primary structure, must be appropriately screened, and must be shielded from public streets and adjacent residential properties. He emphasized that this standard prevents the

establishment of open storage yards without buildings, while still allowing flexibility for uses such as warehouses and self-storage facilities that may not require office space.

DECISION

With no further discussion, Chair Britton opened the floor for a motion to recommend approval or denial of the zoning text amendment to the City Council.

Planning Board member Perez motioned to recommend approval of Zoning Text Amendment Case 2026-0106 to the City Council. The motion was seconded by Vice-Chair Foster and it carried unanimously.

NEW BUSINESS

None

STAFF REPORTS

Staff person McNeill read the Actions of the City Council staff report to the Board.

ADJOURNMENT

With no further business to come before the Board, Vice-Chair Foster made the motion to adjourn, seconded by board member Gage, and carried unanimously. The meeting was adjourned at 7:50 PM.

Adopted this _____ day of _____, 2026.

BY: _____
Ken Britton, Chair

ATTEST: _____
Paulette S. Harmon, Clerk to the Board

This is general information provided by the Lee County Attorney for inclusion in the Lee County Planning Board agenda packet as a reference for board members as of 2022-04-18. Staff has added this information to the agenda packets for the Planning Board and Board of Adjustment for Sanford and Broadway also.

Conflict of Interest Policy Related to Land Use Decisions

Pursuant to North Carolina General Statutes 160D-1-9, the following conflict of interest policies will apply to all land use decisions coming before staff, appointed boards or the governing boards as follows:

For Governing Board Members – Sanford City Council

A Sanford City Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to Chapter 160D, where the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall also not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship.

For Appointed Board Members – City of Sanford Planning Board & Board of Adjustment

Members of the appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Further, an appointed board member shall not vote on any zoning amendment of the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

For members of any board exercising quasi-judicial functions, the member shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex-parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

For Administrative Staff – Sanford/Lee County Community Development Department Staff

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under the UDO unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.



MEMORANDUM

TO: City of Sanford City Council
City of Sanford Planning Board
Hal Hegwer, City Manager

FROM: Amy McNeill, Senior Planner – Floodplain Administrator

DATE: February 17, 2026

REF: Replacing Article 13 Flood Hazard Area Regulations of the Unified Development Ordinance (UDO) with the latest model Flood Damage Prevention Ordinance provided by the North Carolina Floodplain Mapping Program. Also, updating the FEMA National Flood Insurance Program map for Lee County per the latest map panels provided by the North Carolina Floodplain Mapping Program.

Interesting Fact: The 100-year floodplain is an area that has a 1% chance of being inundated by a flood in any given year, based on historical & statistical analysis. This means that in any given year, there is a 1 in 100 chance that the areas illustrated as Special Flood Hazard on the FEMA Flood Insurance Rate Maps will flood. It is a common misconception that 100-year floodplain is an area that floods once every one hundred years. Within the 100-year floodplain, multiple floods can occur in a single year or no flooding at all may occur over 100-years.

UDO Flood Hazard Area Regulations Update/Replacement

Staff is proposing to replace Article 13 Flood Hazard Area Regulations of the Unified Development Ordinance (UDO) with the latest model Flood Damage Prevention Ordinance provided by the North Carolina Floodplain Mapping Program to ensure that all Lee County citizens who would like to participate in the National Flood Insurance are able to do so. This information was reviewed by the Director of the Lee County Office of Emergency Management (Matt Britt) and he was supportive of adopting the new model ordinance.

Floodplain regulations are routinely updated per a model ordinance provided by the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, Floodplain Management Branch. The objectives of this ordinance are to: protect human life, safety, and health; minimize expenditure of public money for costly flood control projects; minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; minimize prolonged business losses and interruptions; 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; minimize damage to private and public property due to flooding; make flood insurance available to the community through the National

Flood Insurance Program; maintain the natural and beneficial functions of floodplains; help maintain a stable tax base by providing for the sound use and development of flood prone areas; and, ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

The language within the proposed model ordinance (attached for your reference) is generally the same as our current ordinance, which was also a model ordinance, with more clarification and detail provided. The most noteworthy changes are as follows:

- The required elevation for the first finished floor of a house (the “regulatory flood protection elevation”) in Sanford will increase from two feet above the base flood elevation to four feet above the base flood elevation.
Two feet was the State recommended elevation per the last model ordinance.
- The required elevation of the first finished floor of a house (the “regulatory flood protection elevation”) in Lee County will increase from zero feet above the base flood elevation to four feet above the base flood elevation.
Two feet was the State recommended elevation per the last model ordinance; however, Lee County did not adopt this requirement and allowed houses to be built at the level of the base flood elevation. Staff suggests adopting the State recommended elevation to avoid possible problems for citizens who would like to participate in the National Flood Insurance Program and to assist in achieving the objectives of the model ordinance. Two feet is the State recommended minimum elevation. The Commissioners have the option to choose to adopt the State recommended elevation or the State minimum elevation.
- Accessory structures that are 150sf or less OR \$3,000.00 or less are exempt from the elevation/floodproofing certification requirements.
Previously, there was only an exemption for size, not for cost. Adding the minimal investment option is citizen friendly and will probably not be applicable in many situations.
- Floodplain Development Applications must include a plot plan drawn to scale that includes specific details. The model ordinance proposes that the plot plan includes specific details and be certified by a registered land surveyor or professional engineer.
Staff recommends to include his language to ensure accuracy, to ensure compliance with the local floodplain regulations, and to protect the current & future property owners from inaccurate/incorrect information being provided to staff for review/approval.

FEMA National Flood Insurance Program Map Update

Staff is also proposing to update the FEMA National Flood Insurance Program map for Lee County per the latest map panels provided by the North Carolina Floodplain Mapping Program to ensure that everyone (Lee County citizens, surveyors, engineers, insurance agents, etc.) has access to the most up-to-date flood plain mapping information.

Flooding is a common & costly natural disaster that may be caused by storms, dams breaking, new development changing how the water flows above & below ground, and more. The National Flood

Insurance Program (NFIP) was established in 1968 to protect lives and property from flooding and to reduce the financial burden of providing disaster relief. The NFIP is administered by the Federal Emergency Management Agency (FEMA). Nationwide, over 22,000 communities participate in the NFIP, including most of North Carolina's flood-prone communities. Property owners in participating communities are eligible to purchase federal flood insurance for buildings and contents.

The NFIP is based on an agreement between the federal government and participating communities. In partnership with FEMA, North Carolina produces flood maps in accordance with FEMA standards. These maps are produced & updated by the North Carolina Flood Mapping Program and are used by communities, insurance agents, and others in managing flood hazards and mitigating flood risks.

Each time the North Carolina Flood Mapping Program provides a community with a new or revised flood hazard map & study, the data must be adopted or the community will risk being suspended from the NFIP, which means that property owners will not be able to purchase new NFIP flood insurance policies, existing policies will not be renewed, no federal grants or loans for development in flood hazard areas may be approved, no federal disaster assistance may be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood, no federal mortgage insurance or loan guarantees may be provided in identified flood hazard areas and federally insured or regulated lending institutions (such as banks and credit unions) must notify applicants seeking loans for insurable buildings in flood hazard areas that there is a flood hazard and that the property is not eligible for federal disaster relief.

At this time, we are proposing to update the FEMA National Flood Insurance Program map for Lee County with the latest map panels provided by the North Carolina Flood Mapping Program. This map includes a total of 74 panels, 22 of which are proposed to be updated. The maps are in digital format and are available for viewing/downloading on the North Carolina Flood Risk Information Systems website at <https://fris.nc.gov>.

Additional information regarding areas of flooding and resources available may be found on the NC Floodplain Mapping Program website at <https://flood.nc.gov/ncflood/> and on the Flood Inundation Mapping & Alert Network (FIMAN) website at <https://fiman.nc.gov>.

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SANFORD LEE COUNTY BROADWAY
UNIFIED DEVELOPMENT ORDINANCE

Proposed
**ARTICLE 13 – FLOOD HAZARD AREA
REGULATIONS**

Summary: This Article contains comprehensive standards and procedures for the purpose of regulating development and/or land disturbing activities within Federal Emergency Management Agency (FEMA) designated flood hazard areas.

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13.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

13.1.1 STATUTORY AUTHORIZATION

13.1.1.1 The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the ~~Governing Body~~ **Lee County Board of Commissioners / City of Sanford City Council / Broadway Board of Commissioners of Community Name Lee County / City of Sanford/ Town of Broadway**, North Carolina, does ordain as follows:

13.1.2 FINDINGS OF FACT

13.1.2.1 The flood prone areas within the jurisdiction of ~~Community Name~~ **Lee County / City of Sanford / Town of Broadway** 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.

13.1.2.2 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.

13.1.3 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:

- 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;
- Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

13.1.4 OBJECTIVES

The objectives of this ordinance are to:

- Protect human life, safety, and health;
- Minimize expenditure of public money for costly flood control projects;
- Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- Minimize prolonged business losses and interruptions;
- 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;
- Minimize damage to private and public property due to flooding;
- Make flood insurance available to the community through the National Flood Insurance Program;
- Maintain the natural and beneficial functions of floodplains;
- Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

13.2 DEFINITIONS

13.2.1 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**). *Staff suggest that this language be included to assist staff in providing clear direction to citizens, designers, developers, and builders.*

"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 the ~~effective date of the floodplain management regulations adopted by a community, dated _____.~~ original effective date of the floodplain management regulations adopted by the applicable community. *This is consistent with the language that we currently have in our floodplain regulations and I recommend that we continue use this language since it will be applicable for multiple jurisdictions.*

“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) is completed before the ~~original~~ effective date of the floodplain management regulations adopted ~~by a community,~~ ~~dated _____.~~ by the applicable community *This is consistent with the language that we currently have in our floodplain regulations and I recommend that we continue use this language since it will be applicable for multiple jurisdictions.*

“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 lumbars 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 hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

“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, precipitation exceeding the base flood, 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.

“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 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://FLOODNC.GOV/NCFLOOD>) is the map repository.

“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.

“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)**

We do not current have a non-conversion agreement option on our ordinance. Given the requirements for verification of compliance (annual inspections of each structure, etc.), perhaps in the future, when we have more staff dedicated to floodplain regulation compliance, this may be a more reasonable requirement.

“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.) *I suggest that this language be included to assist staff in providing clear direction to citizens, designers, developers, and builders.*

“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. *(Optional 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 [four (4) feet (Four feet is the state recommended freeboard)] four (4) feet freeboard*). In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least *insert feet [Four (4) feet is a state recommended elevation, two (2) feet is a state recommended minimum] four (4) 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.] **(Strongly Recommended)**

None of the 3 jurisdictions regulated by the UDO are CRS communities at this time and, based on the stringent requirements for becoming & maintaining compliance with the requirements of a CRS community, staff does not recommend this option until such time as there is more staff dedicated to floodplain regulation compliance.

“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 Improvement 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 improved that is less than 50% of the market value of the structure (CRS recommends 30 %.)

None of the 3 jurisdictions regulated by the UDO are CRS communities at this time and, based on the stringent requirements for becoming & maintaining compliance with the requirements of a CRS community, staff does not recommend this option until such time as there is more staff dedicated to floodplain regulation compliance.

“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) Staff suggest that this language be included to assist staff in providing clear direction to citizens, designers, developers, and builders.*

“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 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.

13.3 GENERAL PROVISIONS

13.3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, *including Extra-Territorial Jurisdictions (ETJs), as allowed by law, [if applicable] of Community Name the Lee County / the City of Sanford / the Town of Broadway.* **[OPTIONAL Text: This ordinance shall apply to all areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) as allowed by law, of Community Name. This optional text language is not needed since the ordinance applies to all three jurisdictions.**

13.3.2 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 FIS originally dated ~~Insert effective date shown on FIS~~ **September 6, 2026** for ~~County Name~~ **Lee County / the City of Sanford / the Town of Broadway** 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, and all revisions thereto. **This is the same language that is in the current floodplain ordinance.**

13.3.3 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 Article 3, Section B of this ordinance.

13.3.4 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.

13.3.5 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.

13.3.6 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.

13.3.7 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 ~~Community Name~~ Lee County / the City of Sanford / the Town of Broadway 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.

13.3.8 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 ~~Community Name~~ Lee County / the City of Sanford / the Town of Broadway from taking such other lawful action as is necessary to prevent or remedy any violation.

13.4 ADMINISTRATION

13.4.1 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Staff Title **Senior Planner**, 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.

13.4.2 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

13.4.2.1 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:

- (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)*

Recommended to include this language to ensure accuracy, to ensure compliance with the local floodplain regulations, and to protect the current & future property owners from inaccurate/incorrect information being provided to staff for review/approval.

- (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.

13.4.3 Permit Requirements

13.4.3.1 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.
- (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (i) A statement, that all materials below BFE/RFPE must be flood resistant materials.

13.4.4 Certification Requirements

13.4.4.1 Elevation Certificate

- (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)** *This is consistent with what we currently require and I recommend that we continue to require this information prior to the start of construction. Otherwise, if there is an error in calculating the base flood elevation and/or the required first finished floor elevation, the homeowner and/or developer will not know this until the house is actually built. It is best to have this information calculated by a professional engineer or surveyor and confirmed by staff prior to the start of construction.*

- (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)** *We do not currently require a FEMA Elevation Certificate during the construction of the house, just before the start of construction and after the construction is complete. This process has worked well thus far.*
- (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" x 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.)* *This is consistent with what we currently require and I recommend that we continue to require this*

information after the construction is complete to certify / verify that the house was indeed constructed to the required elevation. As noted, this information is required for securing flood insurance, which is typically required by a lender and it also stays on file in our flood mapping repository for the reference of future home buyers.

13.4.4.2 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.

(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.) This is consistent with what we currently require and I recommend that we continue to require this information prior to the start of construction. Otherwise, if there is an error in calculating the floodproofing elevation, the builder will not know this until the structure is complete. It is best to have this information calculated by a professional engineer or surveyor and confirmed by staff prior to the start of construction.

- (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.

13.4.4.3 Manufactured Homes

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).

13.4.4.4 Alteration of a Watercourse

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.

13.4.4.5 Exemptions

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)~~ 150 square feet or less or ~~Insert Cost of Structure ((\$5,000 recommended)~~ \$3,000 or less and meeting requirements of Article 5, Section B(8).

\$3,000.00 is the recommended amount for accessory structures in Article 5, Section B(8) on page 24; therefore, I selected the lower/more conservative amount.

13.4.4.6 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.

13.5 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

13.5.1 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) 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.
- (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 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.
- (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.
- (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.
- (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.

- (18) Follow through with corrective procedures of Article 4, Section D.
- (19) Review, provide input, and make recommendations for variance requests.
- (20) 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.
- (21) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- (22) 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) It makes sense to include this language in the floodplain ordinance regulations.**

13.6 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)~~ 180 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.

13.7 VARIANCE PROCEDURES

13.7.1 The ~~Insert appeal board name (The Board of Adjustment is the recommended appeal board)~~ **Board of Adjustment** as established by ~~Community Name~~ **for the specific jurisdiction**, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance. ***suggest to use the same language that is in our current ordinance since it is applicable for multiple jurisdictions.***

13.7.2 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.

13.7.3 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.

13.7.4 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.

13.7.5 A written report addressing each of the above factors shall be submitted with the application for a variance.

13.7.6 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.

13.7.7 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.

13.7.8 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.

13.7.9 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.

13.7.10 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~~ **Lee County, the City of Sanford, or the Town of Broadway** 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. *I suggest to use the same language that is in our current ordinance since it is applicable for multiple jurisdictions.*

13.8 PROVISIONS FOR FLOOD HAZARD REDUCTION

13.8.1 GENERAL STANDARDS

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

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

13.8.1.2 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*.

13.8.1.3 All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

13.8.1.4 All new electrical, heating, ventilation, air-conditioning, plumbing, duct systems, and other building utility systems, equipment, and service facilities must be located at or above the Regulatory Flood Protection Elevation (RFPE) and/or specially designed to prevent water from entering or accumulating within the components and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Utility systems, equipment, and service facilities include, but are not limited to, HVAC equipment, water softener units, bath/kitchen plumbing fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, fuel tanks, and electric outlets/switches.

Replacements part of a substantial improvement must also meet the above provisions.

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 comply with the standards for new construction consistent with the code and requirements for the original structure.

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

13.8.1.6 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.

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

(Note: No 13.8.1.8)

13.8.1.9 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.

13.8.1.10 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).

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

13.8.1.12 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.

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

13.8.1.14 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.

13.8.1.15 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.

13.8.1.16 When a structure is located 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.

13.8.1.17 Buildings and structures that are located in more than one flood hazard area shall comply with the provisions associated with the most restrictive flood hazard area.

13.8.1.18 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) *I suggest to continue to allow fill in the special flood hazard area (floodplain area that does not include the floodway portion of the floodplain or the non-encroachment area of the floodplain) as a means of elevation since I am recommending to increase the freeboard from 2ft to 4ft in the City and from zero ft to 4 ft in Lee County. (There is no mapped flood hazard area in Broadway.) This appears to be a reasonable compromise at this time. Perhaps in the future, when we have more staff dedicated to floodplain regulation compliance, this may be a more reasonable requirement.*

13.8.2 SPECIFIC STANDARDS

13.8.2.1 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:

13.8.2.1.1 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 (RFPE), as defined in Article 2 of this ordinance.

13.8.2.1.2 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 (RFPE) 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.

13.8.2.1.3 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 (RFPE), 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.

13.8.2.1.4 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. IF YOU CHOOSE TO REMOVE THIS SENTENCE PLACE A "RESERVED" FOR (b) OR ALL REFERENCES BACK TO THIS SECTION WILL NEED TO BE REVISED.**) *We currently have this language in our floodplain regs and I recommend including it.*
- (c) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
- (d) Shall include 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.

(f) Fill/Grading (**OPTIONAL**)

(i) Fill is prohibited in the SFHA (**maximum 280 CRS points possible**) (**OPTIONAL with understanding this means all fill for all purposes**) Note: this should be consistent with Article 5, Section A(17).

(g) 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**)

(h) 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**)

I suggest to continue to allow fill in the special flood hazard area (floodplain area that does not include the floodway portion of the floodplain or the non-encroachment area of the floodplain) as a means of elevation since I am recommending to increase the freeboard from 2ft to 4ft in the City and from zero ft to 4 ft in Lee County. (There is no mapped flood hazard area in Broadway.) This appears to be a reasonable compromise at this time. Perhaps in the future, when we have more staff dedicated to floodplain regulation compliance, this may be a more reasonable requirement.

13.8.2.1.5 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 in italics is OPTIONAL).* ***We currently have this language in our floodplain regs and I recommend including it.***

(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)~~ **one (1)** 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)~~ **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. *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 in italics 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.

We currently have the "one year" language in our floodplain regs and I recommend including it. Also, including the substantial damage repetitive loss language appear to be helpful to homeowners and I can see no real down-side to including it.

13.8.2.1.6 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.

13.8.2.1.7 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.

13.8.2.1.8 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)~~ 150 square foot or that is a minimal investment of ~~insert Cost of Structure (\$3,000 recommended)~~ \$3,000.00 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).

The language in the current floodplain regs includes the 150sf criteria, but does not include the option for a minimum investment amount. Given the low minimal investment amount of \$3,000.00, this option is citizen friendly – but, will probably not be used a lot. I suggest adding the minimal investment option to the floodplain regs. Also, including the low minimal investment amount of \$3,000.00 language appears to be helpful to homeowners and I can see no real down-side to including it.

13.8.2.1.9 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 ordinance 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.

13.8.2.1.10 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.
- (d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

13.8.3 RESERVED

13.8.4 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

13.8.4.1 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:

13.8.4.1.1 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.

13.8.4.1.2 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.

13.8.5 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.

13.8.6 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).

13.8.7 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 [four (4), (feet of~~

freeboard selected for Regulatory Flood Protection Elevation definition)) **four (4)** feet, above the highest adjacent grade; or at least ~~insert feet [Four (4), (A minimum of two (2) feet is required and four (4) feet is recommended where a depth is not provided)]~~ **four (4)** feet above the highest adjacent grade if no depth number is specified. *Four feet is the amount of freeboard selected for our Regulatory Flood Protected Elevation definition.)*

- (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.

13.8.8 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.

13.9 LEGAL STATUS PROVISIONS

13.9.1 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 ~~insert adoption date of the community's initial Flood Damage Prevention Ordinance~~ August 21, 1989 (for Lee County) and May 16, 1978 (for the City of Sanford) 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~~ Lee County and the City of Sanford enacted on ~~insert adoption date of the community's initial Flood Damage Prevention Ordinance~~ August 21, 1989 and May 16, 1978 respectively, as amended, which are not reenacted herein are repealed. *This language and dates is/are the same as in our current floodplain regulation ordinance.*

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~~ August 21, 1989 (for Lee County) and May 16, 1978 (for the City of Sanford) *This language and dates is/are the same as in our current floodplain regulation ordinance.*

13.9.2 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.

13.9.3 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.

13.9.4 EFFECTIVE DATE

This ordinance shall become effective ~~insert upon adoption or a specific date.~~ *Date(s) pending.*

13.9.5 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 ~~Lee County Board of Commissioners / City of Sanford City Council~~ of ~~Community Name~~ Lee County / Sanford, North Carolina, on the Day (number or text) day of Month, Year. *Date(s) pending.*

WITNESS my hand and the official seal of ~~insert Name, Title,~~ this the Day (number or text) day of Month, Year. *This information is jurisdiction specific and will be inserted at the time of adoption.*

(signature)

(Seal)

UDO Flood Hazard Area Regulations Update

Staff is proposing to replace Article 13 Flood Hazard Area Regulations of the Unified Development Ordinance (UDO) with the latest model Flood Damage Prevention Ordinance provided by the North Carolina Floodplain Mapping Program to ensure that all Lee County citizens who would like to participate in the National Flood Insurance are able to do so.

Floodplain regulations are routinely updated per a model ordinance provided by the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, Floodplain Management Branch. The objectives of this ordinance are to: protect human life, safety, and health; minimize expenditure of public money for costly flood control projects; minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; minimize prolonged business losses and interruptions; 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; minimize damage to private and public property due to flooding; make flood insurance available to the community through the National Flood Insurance Program; maintain the natural and beneficial functions of floodplains; help maintain a stable tax base by providing for the sound use and development of flood prone areas; and, ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

The language within the proposed model ordinance (attached for your reference) is generally the same as our current ordinance, which was also a model ordinance, with more clarification and detail provided. The most noteworthy changes are as follows:

- The required elevation for the first finished floor of a house (the “regulatory flood protection elevation”) in Sanford will increase from two feet above the base flood elevation to four feet above the base flood elevation.
Two feet was the State recommended elevation per the last model ordinance.
- The required elevation of the first finished floor of a house (the “regulatory flood protection elevation”) in Lee County will increase from zero feet above the base flood elevation to four feet above the base flood elevation.
Two feet was the State recommended elevation per the last model ordinance; however, Lee County did not adopt this requirement and allowed houses to be built at the level of the base flood elevation. Staff suggests adopting the State recommended elevation to avoid possible problems for citizens who would like to participate in the National Flood Insurance Program and to assist in achieving the objectives of the model ordinance. Two feet is the State recommended minimum elevation. The Commissioners have the option to choose to adopt the State recommended elevation or the State minimum elevation.

- Accessory structures that are 150sf or less OR \$3,000.00 or less are exempt from the elevation/floodproofing certification requirements.

Previously, there was only an exemption for size, not for cost. Adding the minimal investment option is citizen friendly and will probably not be applicable in many situations.

- Floodplain Development Applications must include a plot plan drawn to scale that includes specific details. The model ordinance proposes that the plot plan includes specific details and be certified by a registered land surveyor or professional engineer.

Staff recommends to include his language to ensure accuracy, to ensure compliance with the local floodplain regulations, and to protect the current & future property owners from inaccurate/incorrect information being provided to staff for review/approval.

Interesting Fact: The 100-year floodplain is an area that has a 1% chance of being inundated by a flood in any given year, based on historical & statistical analysis. This means that in any given year, there is a 1 in 100 chance that the areas illustrated as Special Flood Hazard on the FEMA Flood Insurance Rate Maps will flood. It is a common misconception that 100-year floodplain is an area that floods once every one hundred years. Within the 100-year floodplain, multiple floods can occur in a single year or no flooding at all may occur over 100-years.

FEMA National Flood Insurance Program Map Update

Flooding is a common & costly natural disaster that may be caused by storms, dams breaking, new development changing how the water flows above & below ground, and more. The National Flood Insurance Program (NFIP) was established in 1968 to reduce the financial risk for property owners and renters through insurance; in exchange, communities adopt floodplain management regulations that reduce future flood damages.

The basis of all community's floodplain management regulations is the flood hazard data provided by the Federal Emergency Management Agency (FEMA). In support of the National Flood Insurance Program (NFIP), FEMA identifies flood hazards nationwide and publishes flood hazard data, which is periodically updated. This data is provided to communities in the form of a Flood Insurance Rate Map (FIRM) and a Flood Insurance Study (FIS) report, both typically prepared in a countywide format. (The Town of Broadway has no mapped floodplain within its jurisdiction.)

The FIRM and FIS report provide states and communities with some of the information they need for land use planning, to reduce the risk of floodplain development, and to protect residents' health & safety through codes & regulations. States and communities also use the information for emergency management.

In 2000, the State of North Carolina, FEMA, and numerous other federal, state, and local agencies entered into a Cooperating Technical State agreement, whereby the State assumed primary ownership of the responsibility for the NFIP maps for all North Carolina communities. This includes conducting flood hazard analyses & producing updated flood maps (FIRMs) and FIS studies. This State agency is the North Carolina Floodplain Mapping Program (NCFMP).

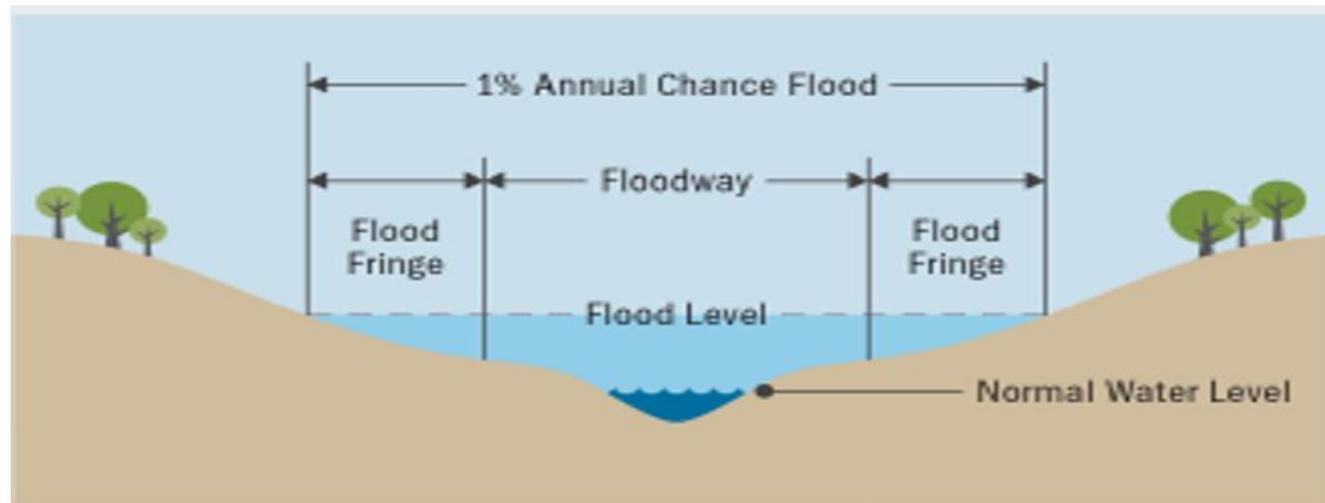
Each time the NCFMP provides a community with a new or revised flood hazard map & study, the data must be adopted or the community will risk being suspended from the National Flood Insurance Program (NFIP), which means that property owners will not be able to purchase new NFIP flood insurance policies and existing policies will not be renewed.

Interesting Fact: The 100-year floodplain is an area that has a 1% chance of being inundated by a flood in any given year, based on historical & statistical analysis. This means that in any given year, there is a 1 in 100 chance that the areas illustrated as Special Flood Hazard Area (commonly referenced as floodplain) on the FEMA Flood Insurance Rate Maps will flood. It is a common misconception that 100-year floodplain is an area that floods once every one hundred years. Within the 100-year floodplain, multiple floods can occur in a single year or no flooding at all may occur over 100-years.

Mapping of the 100-year floodplain is an important tool used by communities in managing flood hazards and mitigating flood risks. Floodplain areas are subject to specific development & construction regulations intended to protect communities from potential flood damage and safety issues.

Floodplain management regulations may include the following:

- Zoning ordinances
- Subdivision regulations
- Building codes
- Health regulations
- Special purpose ordinances (floodplain, grading, or erosion control regulations)



Per information provided by the Lee County GIS Strategic Services Department, there are 313 addressed structures / utilities that are within the mapped 100-year floodplain within Lee County. The breakdown is as follows:

2 Abandoned

1 Barn

63 Commercial

1 Gas Valve

1 Gazebo

2 Mechanical

5 Meters

3 Outbuildings / accessory

1 Park

1 Phone pedestal

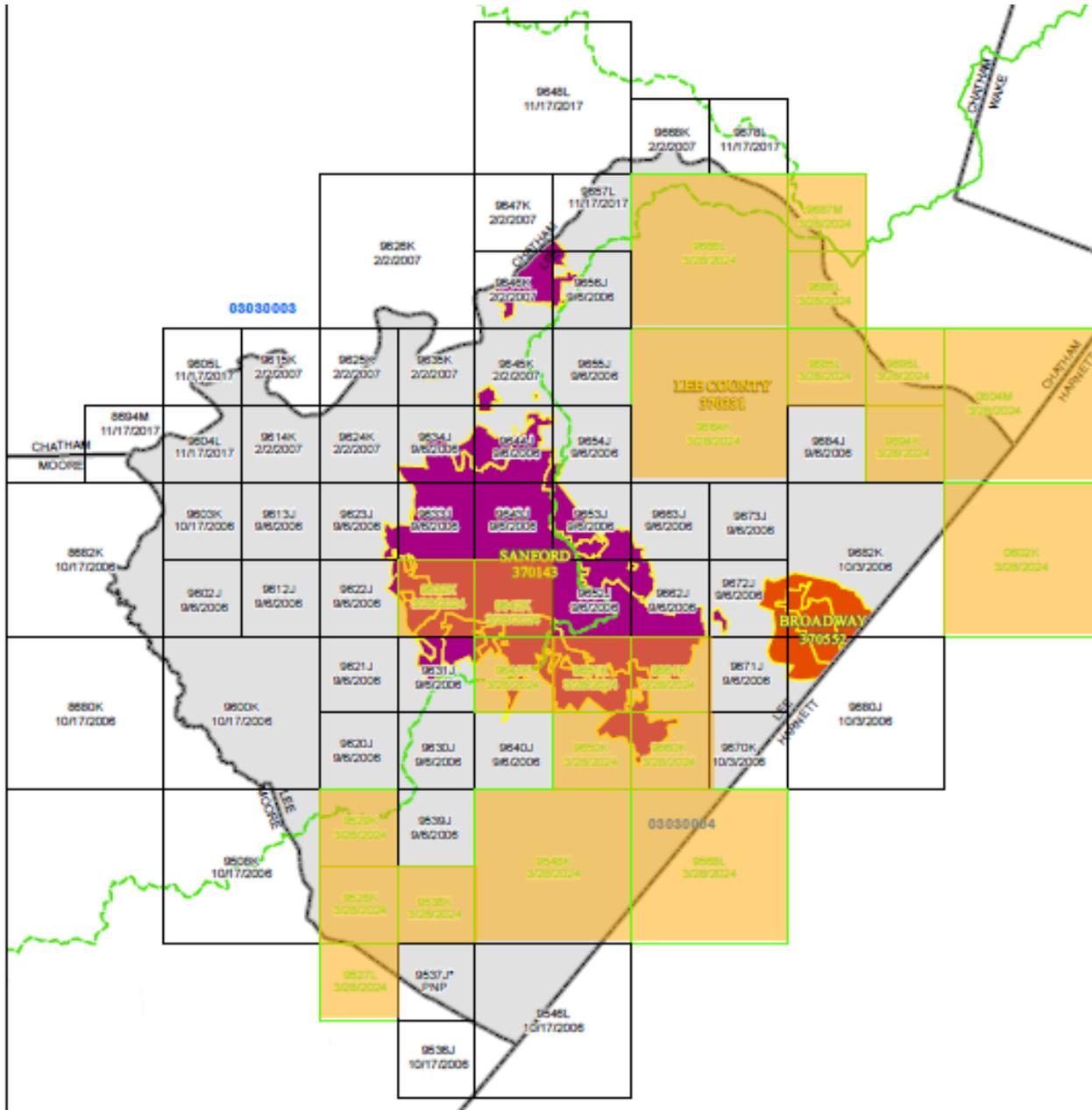
2 Recreational

1 Residential Business

228 Residences

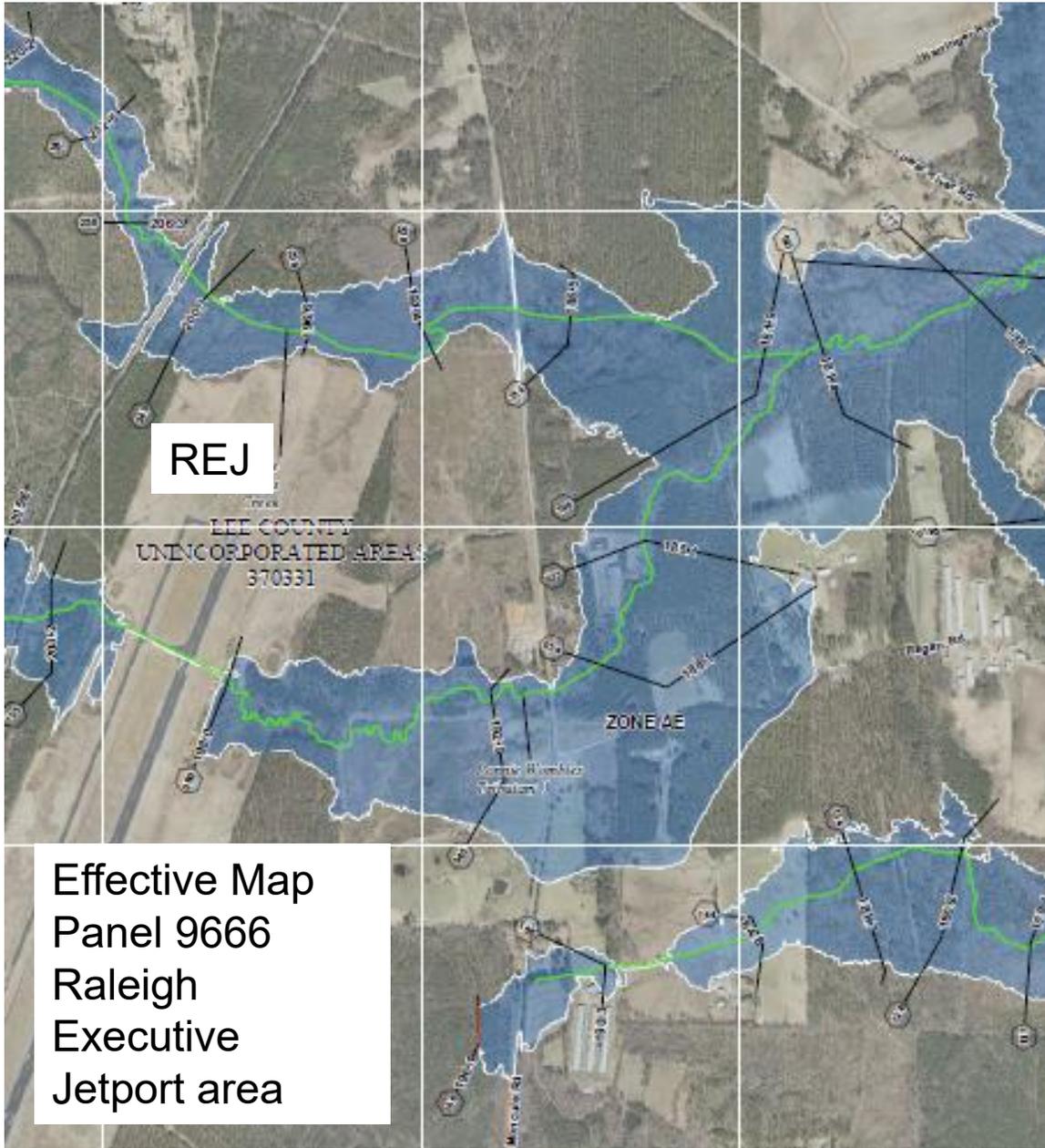
1 School

1 Water tap

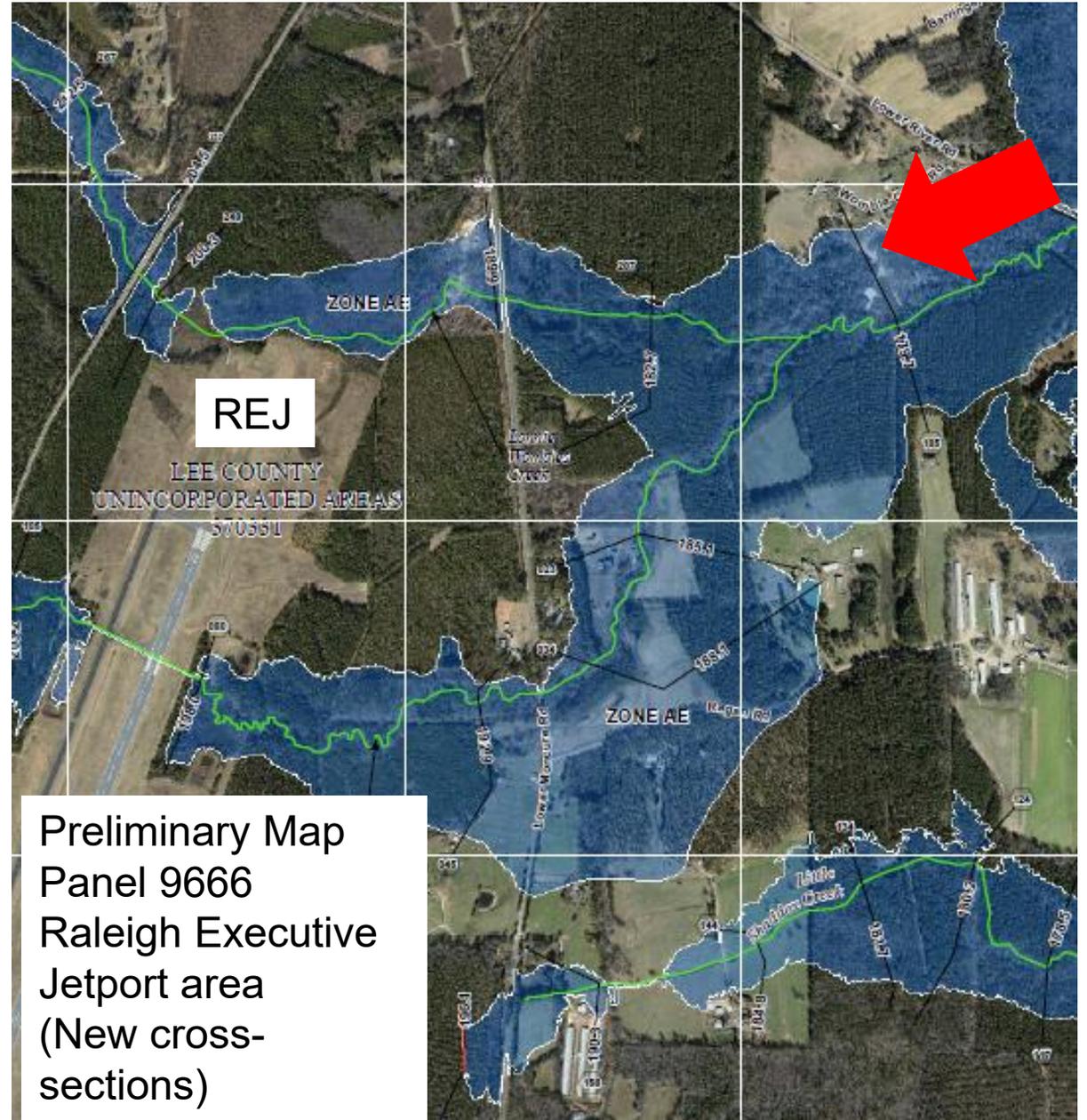


The National Flood Insurance Rate Map for Lee County (countywide map) includes 74 panels total.

22 of the panels have been updated as indicated in orange on the map.

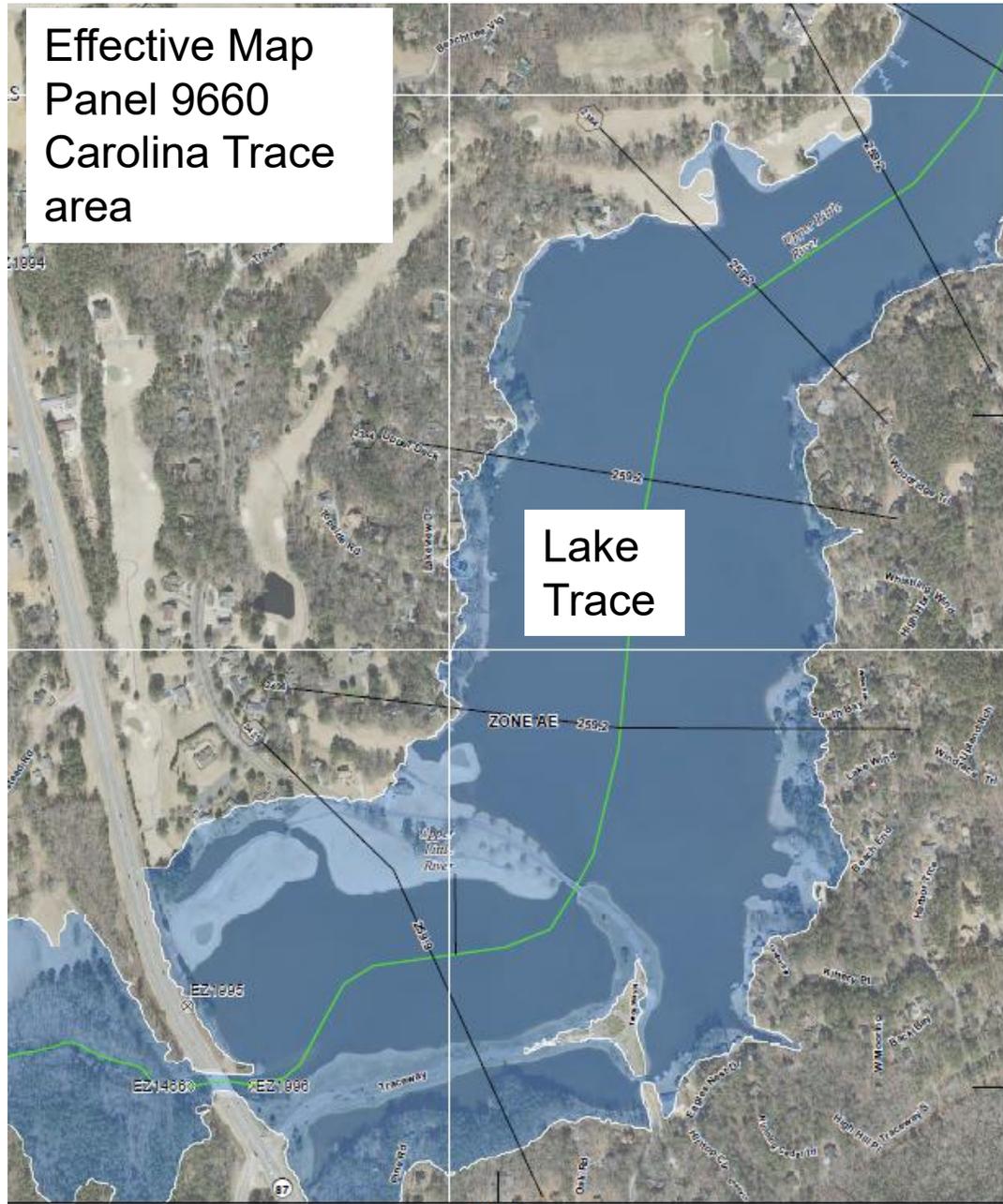


Effective Map
 Panel 9666
 Raleigh
 Executive
 Jetport area



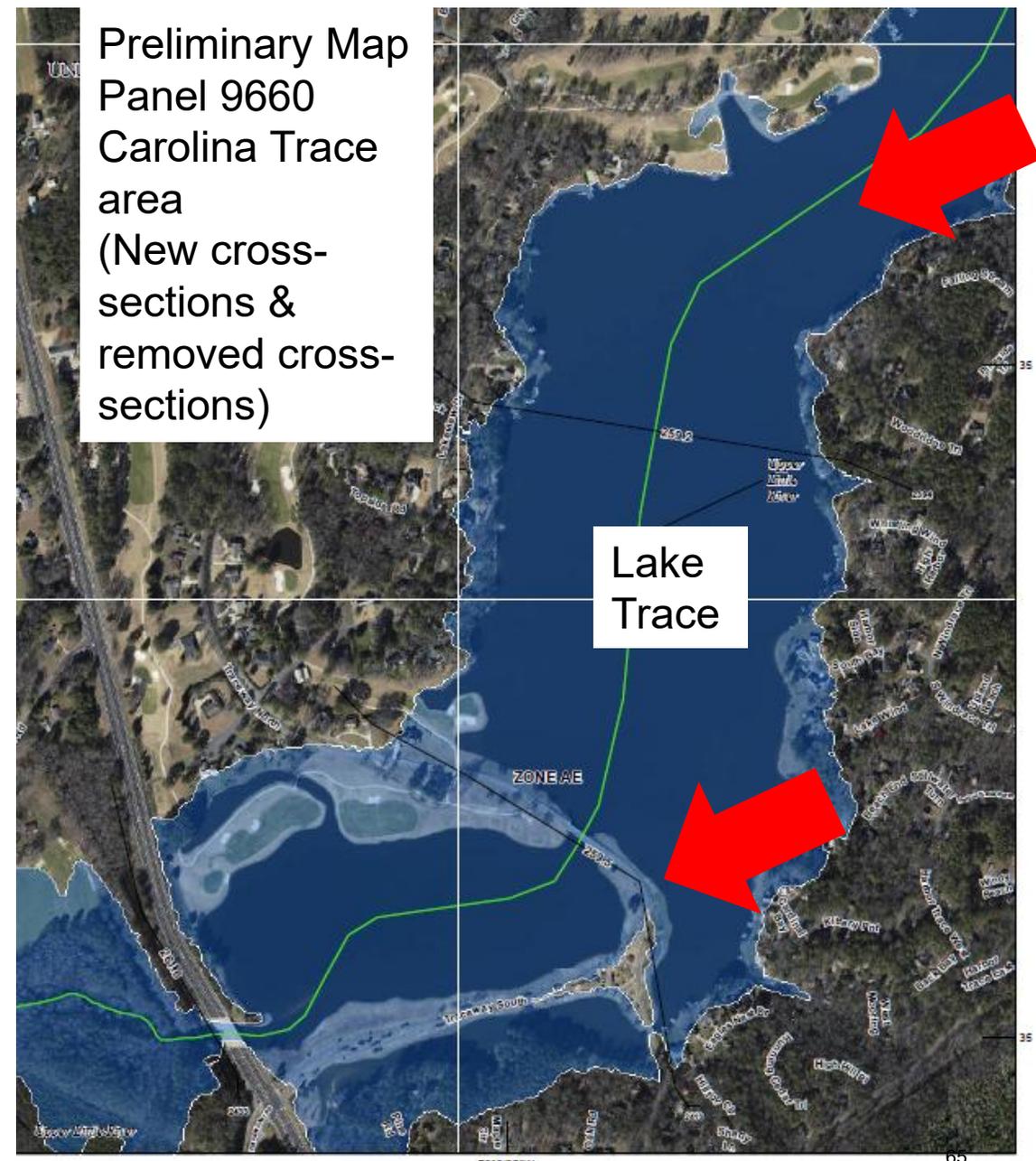
Preliminary Map
 Panel 9666
 Raleigh Executive
 Jetport area
 (New cross-
 sections)

Effective Map
Panel 9660
Carolina Trace
area

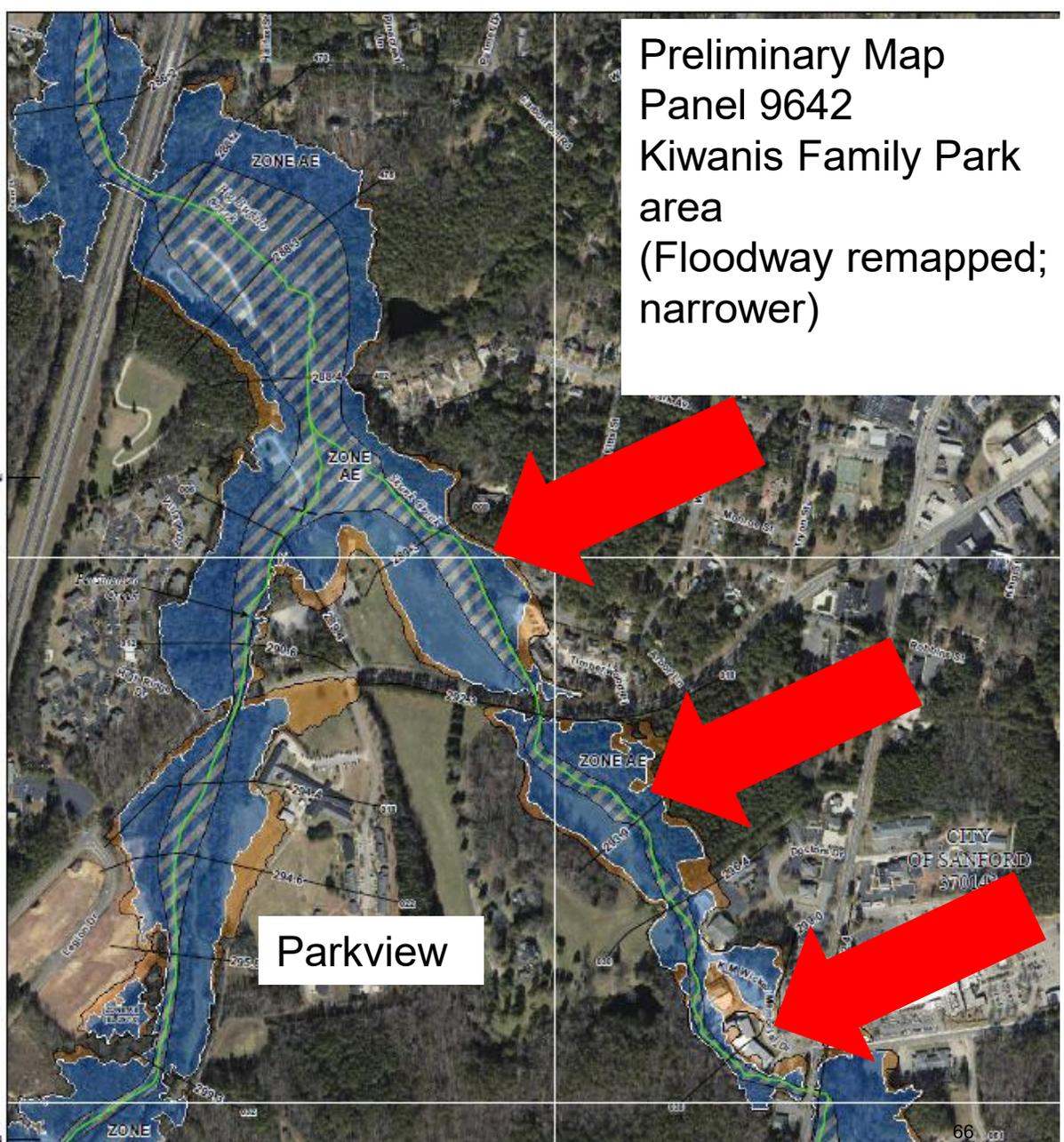
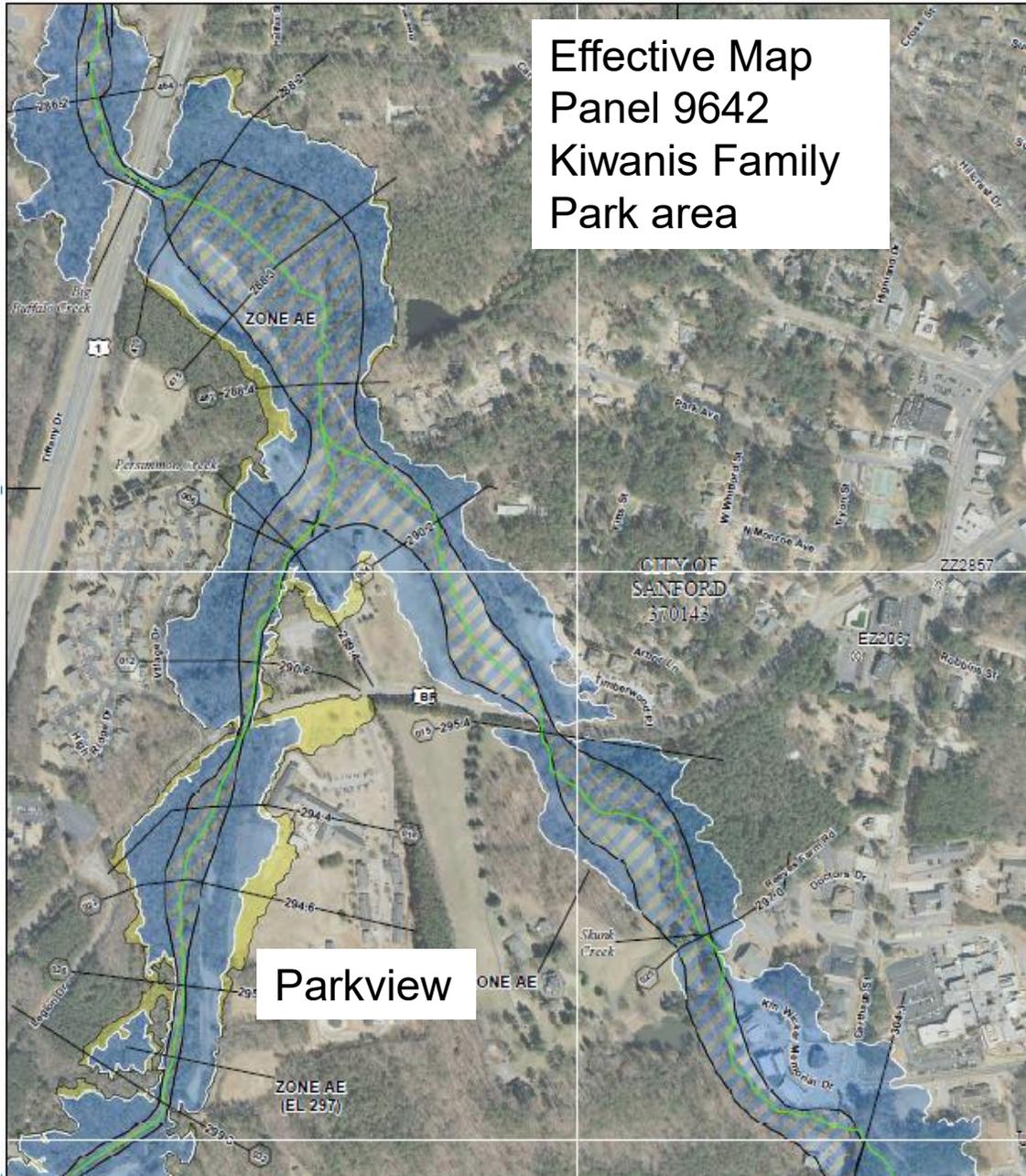


Lake Trace

Preliminary Map
Panel 9660
Carolina Trace
area
(New cross-
sections &
removed cross-
sections)



Lake Trace



Welcome to the North Carolina Flood Risk Information System (FRIS)

Am I at Risk of Flooding?

Our Flood Risk Information System (FRIS) can tell you!

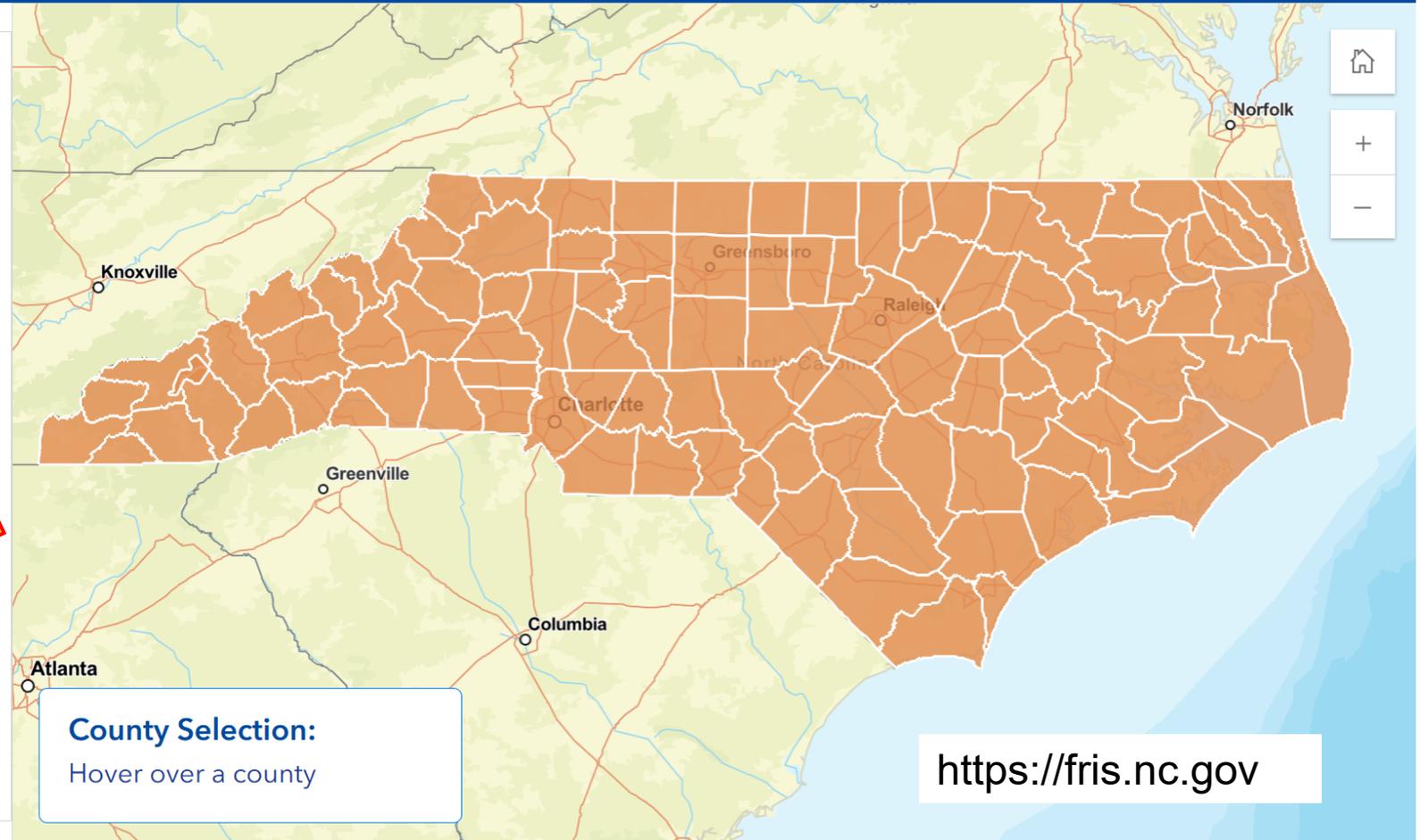
Enter your address or county below, select a county on the map, or click "Go to my location" to get started.

Smart Search...

GO



GO TO MY LOCATION



County Selection:

Hover over a county

<https://fris.nc.gov>

Tools

Map View:

Effective

Preliminary



1800 Wicker St, Sanford, NC, 27330, USA

Create Map

Draw & Export

TOOLS

Overview

Layers

Map Selection

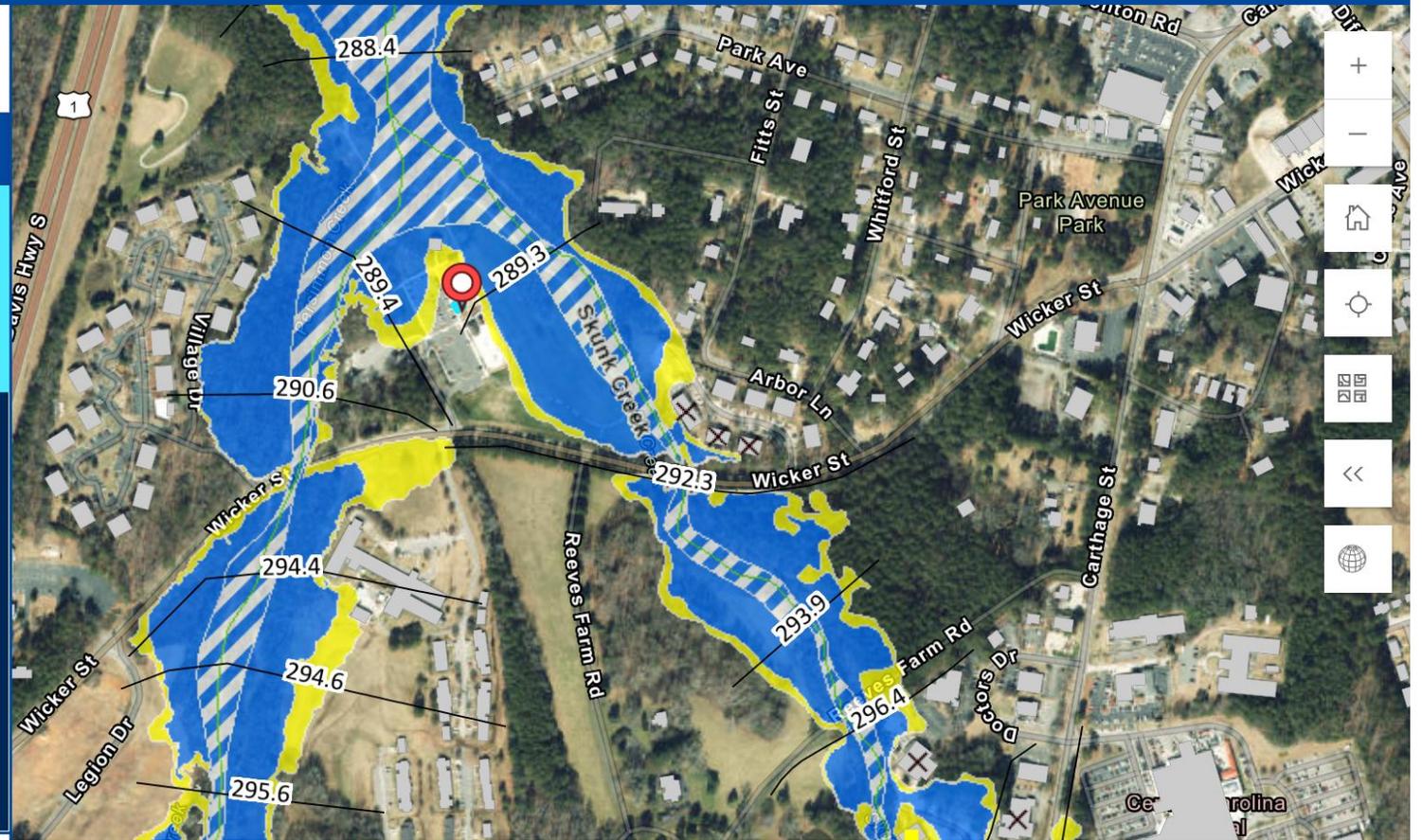
Flood Information

- Building Selection
- Preliminary Panels

**1800 Wicker St, Sanford, North Carolina,
27330**

Address locations are approximate.

This panel's status is Preliminary.



Tools

Map View:

Effective

Preliminary



1800 Wicker St, Sanford, NC, 27330, USA



Create Map

Draw & Export

TOOLS

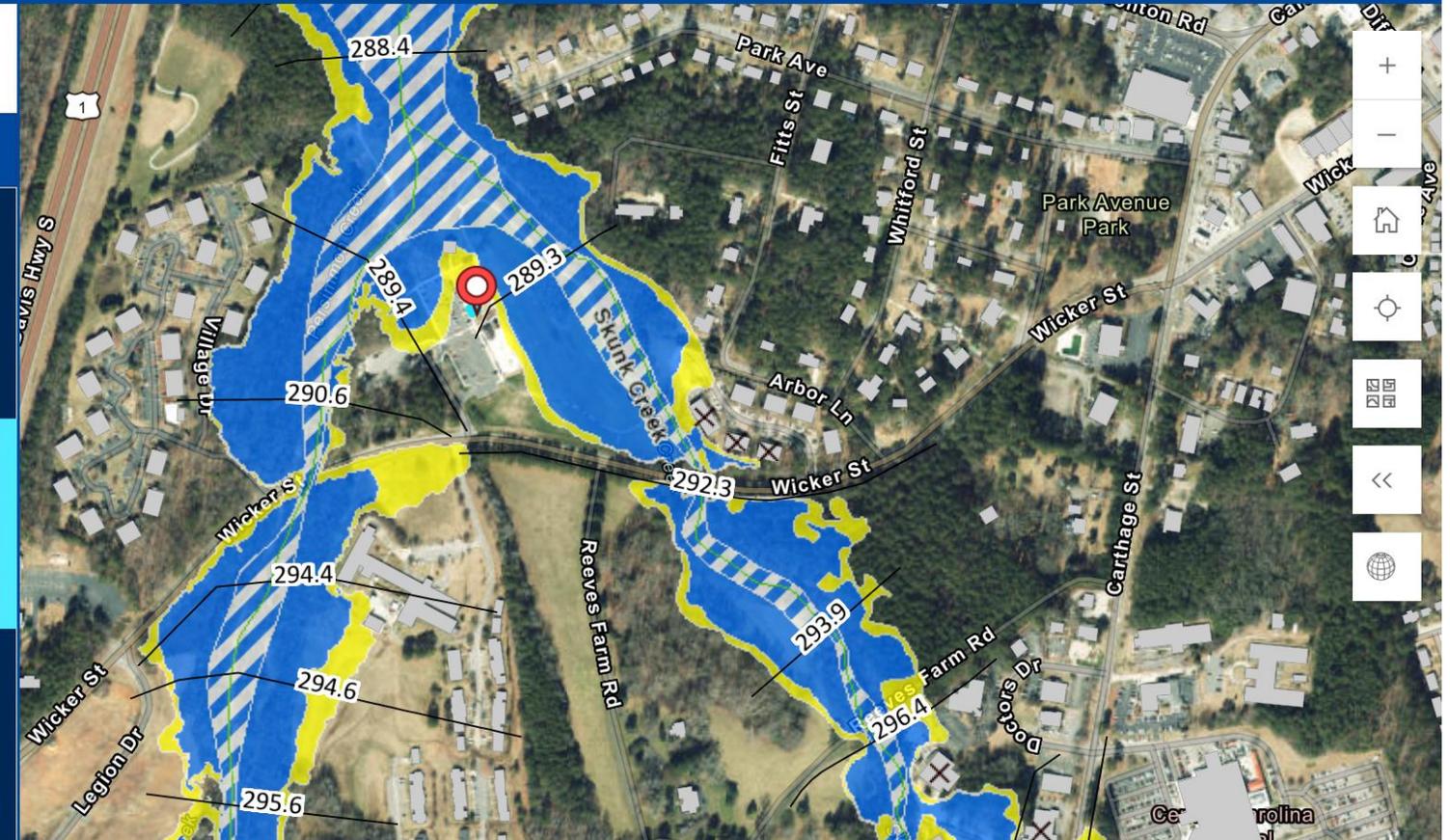
Overview

Layers

(Zone X) Minimal Flood Risk

Map marker is outside of the special flood hazard area.

Flood Source:	Skunk Creek
Base Flood Elevation:	n/a
LIMWA Area:	No
County:	Lee
Political Area:	City Of Sanford
CID:	370143
Panel:	9642 ↓
Map Number:	3710964200K
Preliminary Issuance Date:	3/28/2024
Latitude:	35.473813
Longitude:	-79.196028



Tools

Map View: Effective Preliminary



1800 Wicker St, Sanford, NC, 27330, USA

Create Map

Draw & Export

TOOLS

Overview

Layers

FIS Tables & Reports

Engineering Models & Reports

LOMR

Cross Section

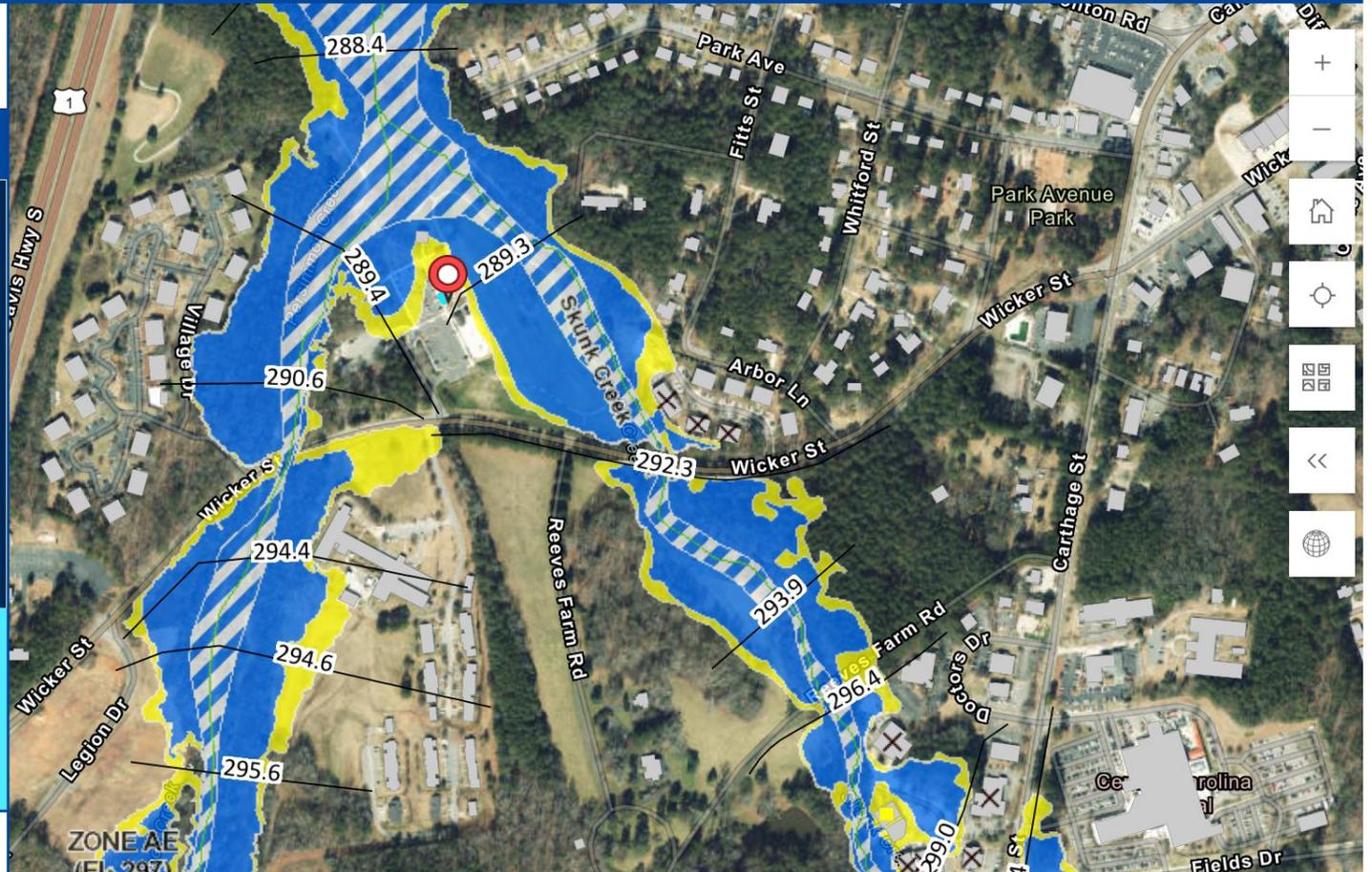
Geodetic Monuments

CBRS Area

Hydraulic Structures

Download Options

Deselect



Tools

Map View:

Effective

Preliminary



1800 Wicker St, Sanford, NC, 27330, USA



Create Map

Draw & Export

TOOLS

Overview

Layers

FIS Tables & Reports

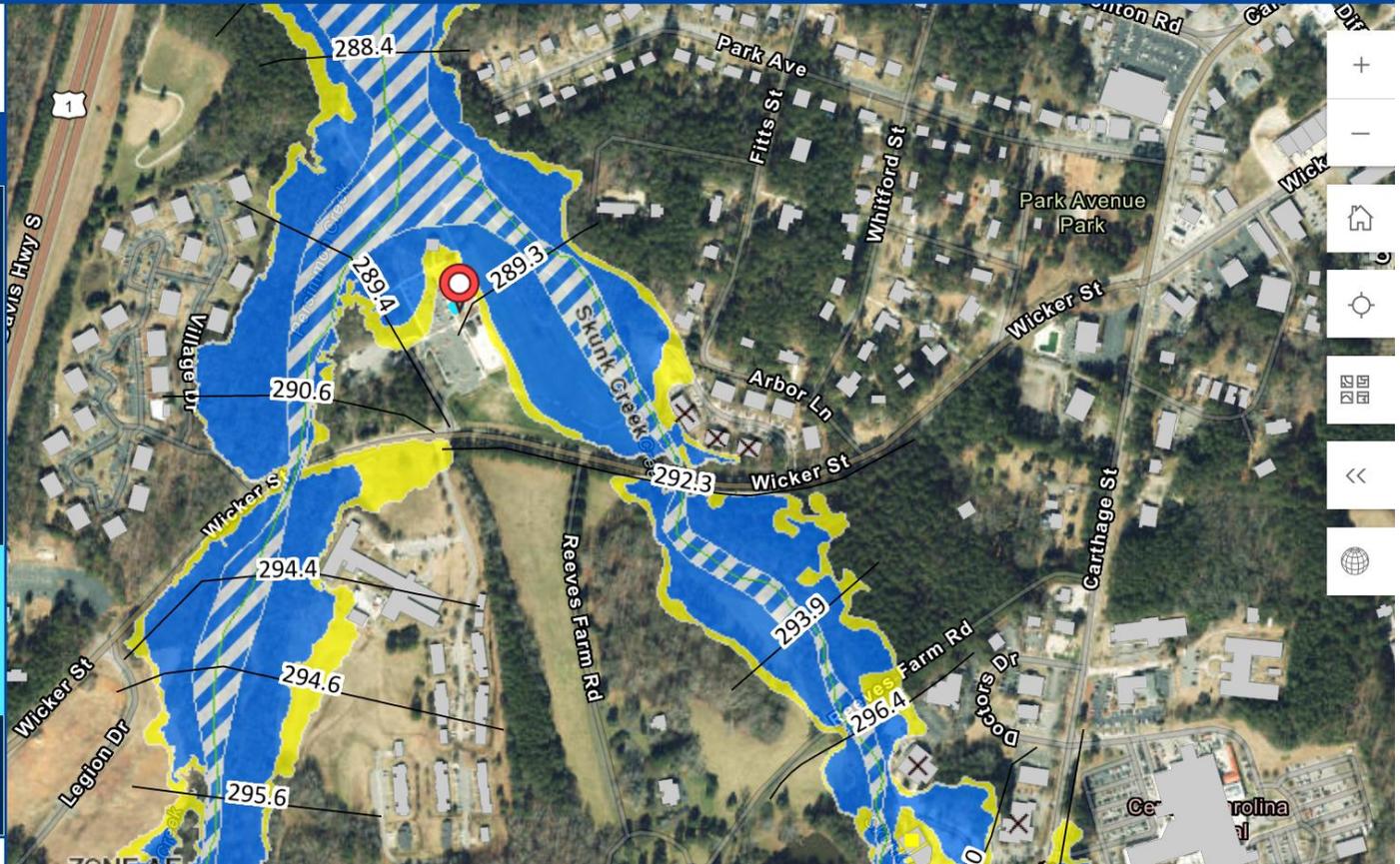
Tables:

- [Floodway Data](#)
- [Summary of Discharges](#)
- [Limited Detail Flood Hazard Data](#)

Reports:

- [Preliminary FIS Report](#)
- [Preliminary Index Map](#)

Engineering Models & Reports



Tools

Map View:

Effective

Preliminary



1800 Wicker St, Sanford, NC, 27330, USA



Create Map

Draw & Export

Floodway Data



Export PDF

Floodway Source		Floodway			Water Surface Elevation			
Cross Section	Distance	Width (ft)	Section Area (sq ft)	Mean Velocity (ft/second)	Regulatory	Without Floodway	With Floodway	Increase
Big Buffalo Creek (2)		🔍						+
Persimmon Creek (6)		🔍						+
Skunk Creek (6)		🔍						+

Engineering Models & Reports



Download Options

Deselect



Floodway Data



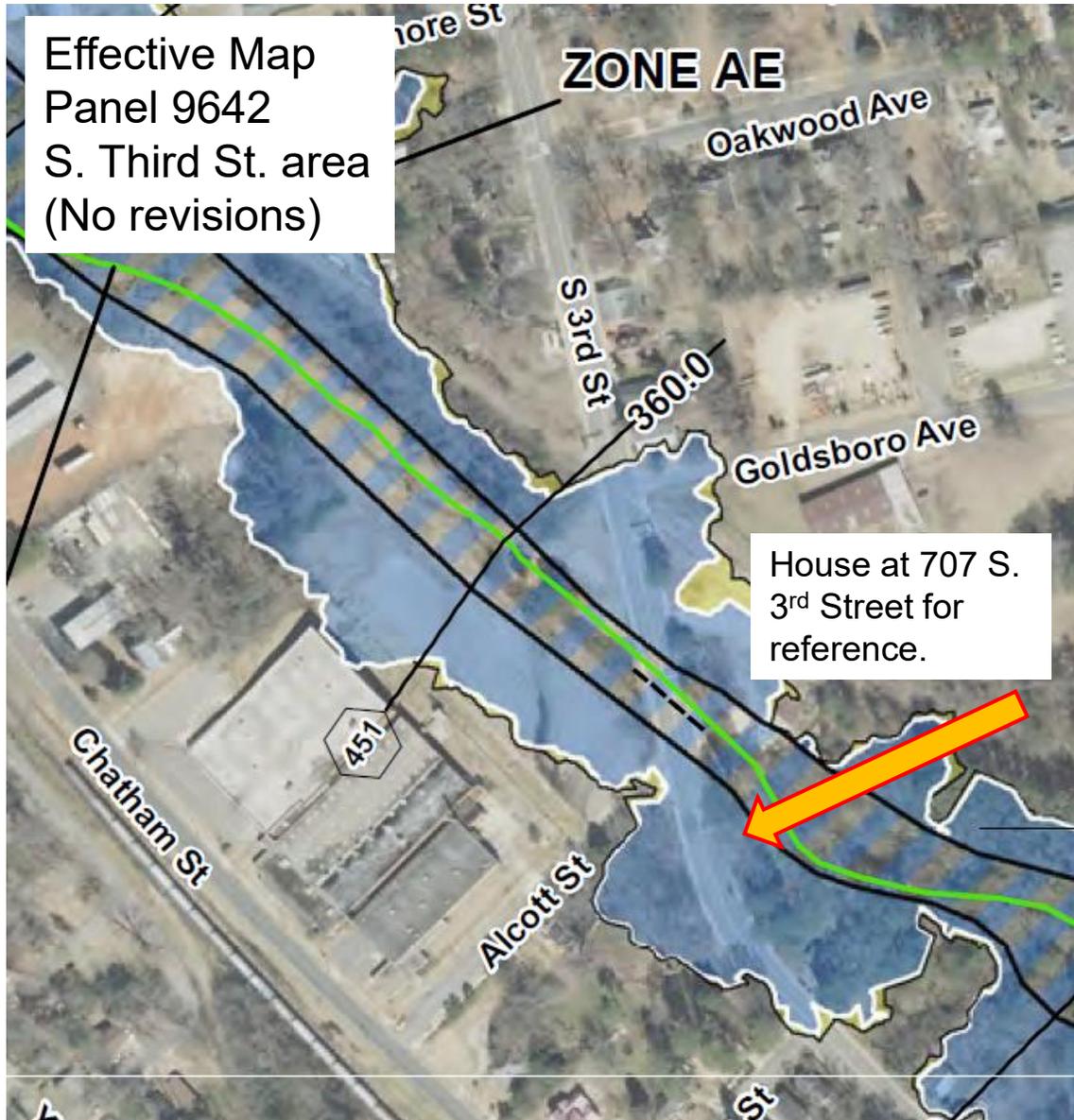
Cross Section	Distance	Width (ft)	Section Area (sq ft)	Mean Velocity (ft/second)	Regulatory	Without Floodway	With Floodway	Increase
Big Buffalo Creek (2)  								
Q 475	47,507	640	4,967	0.58	288.3	288.3	289.2	0.9
Q 482	48,165	320	1,900	1.53	288.4	288.4	289.4	1
Persimmon Creek (6)  								
Q 006	620	185	783	2.37	289.4	289.4	290.2	0.8
Q 012	1,157	85	421	4.41	290.6	290.6	291.7	1.1
Q 018	1,824	185	1,068	1.74	294.4	294.4	295.1	0.7
Q 022	2,180	180	849	2.19	294.6	294.6	295.5	0.9
Q 026	2,646	40	227	8.18	295.6	295.6	296.6	1
Q 032	3,177	50	342	5.42	299.3	299.3	300	0.7
Skunk Creek (6)  								
Q 008	820	102	320	3.7	289.3	286.4	287.1	0.7
Q 018	1,811	30	183	6.4	292.3	292.3	292.6	0.3
Q 026	2,564	48	229	5.2	293.9	293.9	294.3	0.4



Download Options

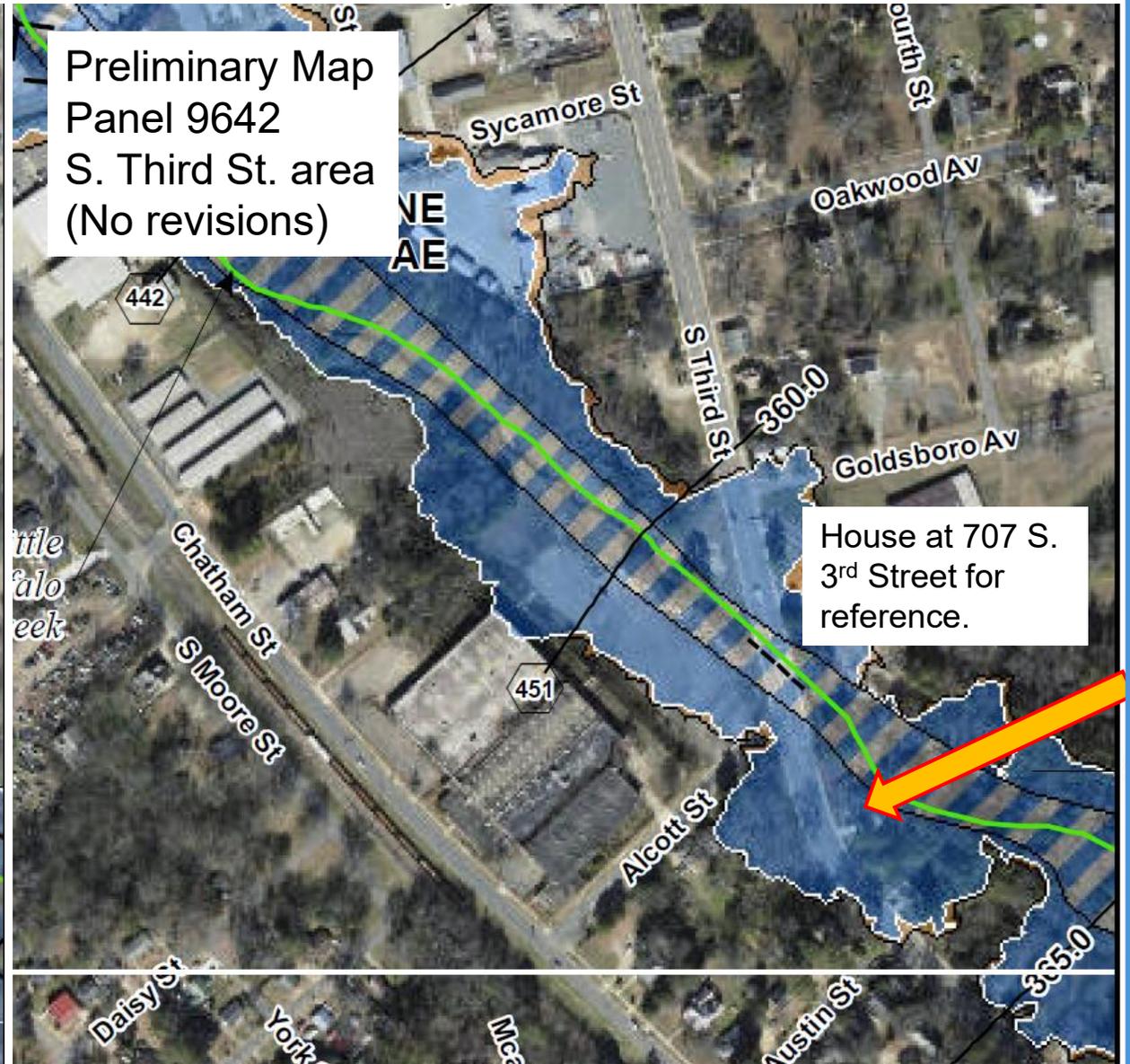
Deselect

Effective Map
Panel 9642
S. Third St. area
(No revisions)



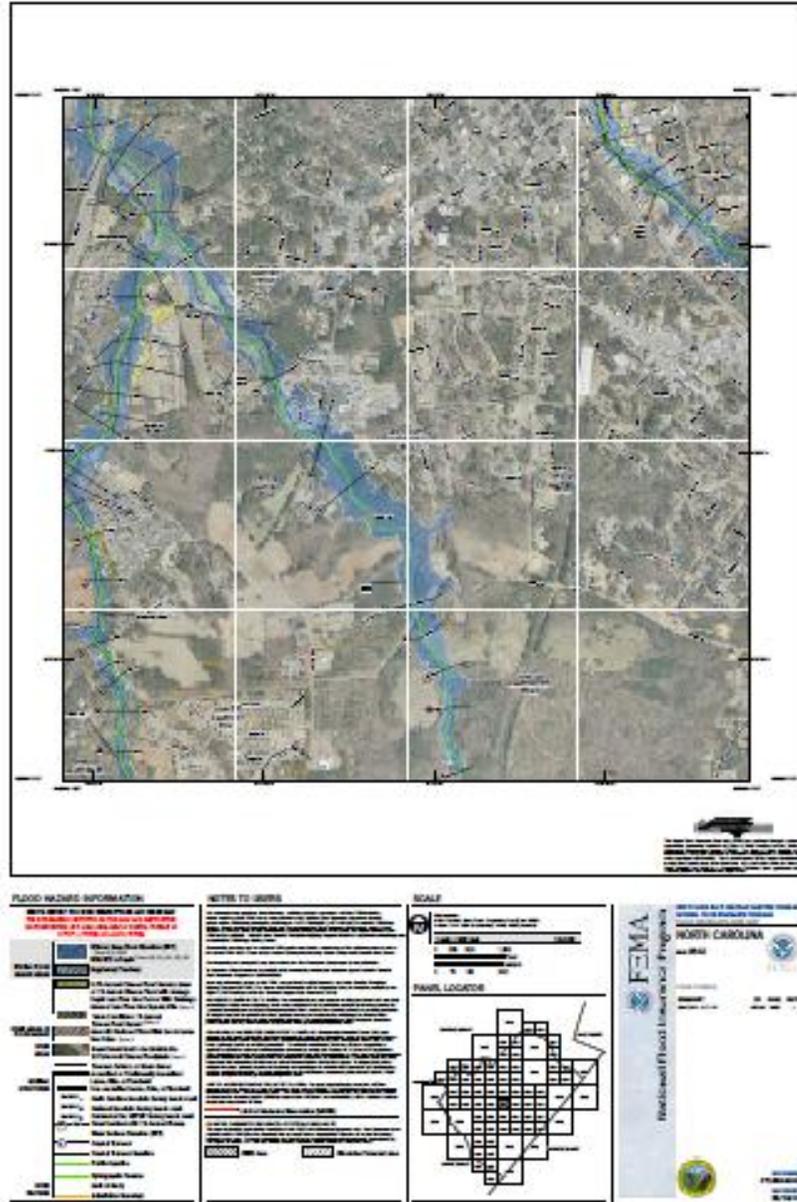
House at 707 S.
3rd Street for
reference.

Preliminary Map
Panel 9642
S. Third St. area
(No revisions)

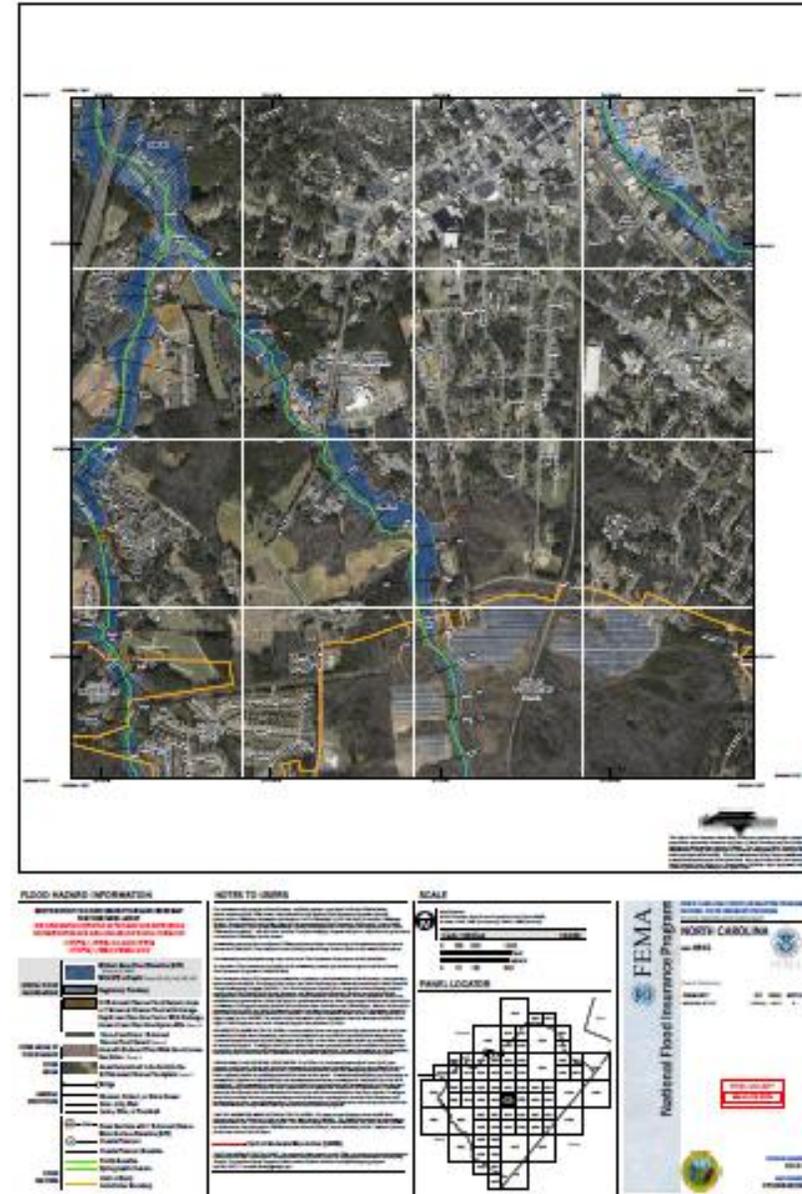


House at 707 S.
3rd Street for
reference.

Effective Map, Panel 9642, S. Third St. area



Preliminary Map, Panel 9642, S. Third St. area



At this time, we are proposing to update the FEMA National Flood Insurance Program map for Lee County with the latest map panels provided by the North Carolina Flood Mapping Program. This map includes a total of 74 panels, 22 of which are proposed to be updated. The maps are in digital format and are available for viewing/downloading on the North Carolina Flood Risk Information Systems website at <https://fris.nc.gov>.

Additional information regarding areas of flooding and resources available may be found on the NC Floodplain Mapping Program website at <https://flood.nc.gov/ncflood/> and on the Flood Inundation Mapping & Alert Network (FIMAN) website at <https://fiman.nc.gov>.

PUBLIC NOTICE

CITY OF SANFORD, LEE COUNTY, AND THE TOWN OF BROADWAY

Notice is hereby given that the Governing Boards and the Planning Boards for the City of Sanford, Lee County, and the Town of Broadway will hold joint legislative hearings to consider one (1) text amendment to the to the jointly adopted City of Sanford/Lee County/ Town of Broadway Unified Development Ordinance (UDO) and one (1) amendment to the FEMA National Flood Insurance Program map for overall Lee County, further described below:

1. FLOOD HAZARD AREA REGULATIONS and FLOODPLAIN MAP UPDATES; PB ITEM 2026-0201
Replacing Article 13 Flood Hazard Area Regulations of the Unified Development Ordinance (UDO) with the latest model Flood Damage Prevention Ordinance provided by the North Carolina Floodplain Mapping Program. Also, updating the FEMA National Flood Insurance Program map for Lee County per the latest map panels provided by the North Carolina Floodplain Mapping Program.

Note: These matters go “hand-in-hand” and will be discussed together, but will require two separate recommendations by the Planning Board and two separate votes by the Governing Board.

These public hearings provide the public an opportunity to be heard and will be held separately for each respective jurisdiction at the following locations:

Lee County: The Lee County Board of Commissioners and the Lee County Planning Board will hold a joint legislative hearing on Monday, February 16, 2026 in the Exhibition Hall of the Dennis A. Wicker Civic & Conference Center at 1801 Nash Street, Sanford, N.C. The hearing will begin at 6:00 p.m. or as soon thereafter as deemed practical by the Boards

City of Sanford: The City of Sanford City Council and the Sanford Planning Board will hold a joint legislative hearing on Tuesday, February 17, 2026 in the Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. The hearing will begin at 6:00 p.m. or as soon thereafter as deemed practical by the Boards.

Town of Broadway: The Town of Broadway Board of Commissioners and the Broadway Planning Board will hold a joint legislative hearing on Monday, February 23, 2026 in the Broadway Town Hall at 103 N. Main Street, Broadway, N.C. The hearing will begin at 6:00 p.m. or as soon thereafter as deemed practical by the Boards.

The public is cordially invited to attend. For those wishing to speak during a public hearing, there will be a speaker sign-up prior to the public hearing in the building lobby of the location for each jurisdiction.

Further information may be obtained from the Sanford/Lee County Community Development Department located at 115 Chatham Street in downtown Sanford or by contacting Amy McNeill at (919) 718-4656, ext. 5397 or amy.mcneill@sanfordnc.net. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other type of auxiliary aid. The Planning Board agendas will be posted on the website for each respective jurisdiction and may contain additional information regarding the item referenced in this notice.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

By Bonnie Bryant, Clerk - City of Sanford

By Hailey Hall - Lee County Clerk to the Board of Commissioners

By Renee Saville, Clerk - Town of Broadway Board of Commissioners

CITY OF SANFORD
PLANNING BOARD STAFF REPORT
ACTIONS OF THE CITY COUNCIL ON PLANNING BOARD RECOMMENDATIONS
February 17, 2026

1. ZONING MAP AMENDMENT / REZONING APPLICATION; CASE 2026-0101
Application by Atwell, LLC d/b/a Atwell, PLLC to amend the existing Ashby Village Conditional Zoning District to provide more detail to the Office & Institutional (O&I) and the General Commercial (C-2) portions of the Ashby Village project that was approved via the site plan/subdivision plan conditional zoning process in 2021. The subject property is comprised of four parcels of land totaling 36.9 acres with frontage on Rosser Road and S. Horner Blvd. The subject property is identified as Lee County Tax Parcels 9652-90-4777-00 (O&I), 9652-90-5359-00 (O&I), 9661-09-2400-00 (C-2), and 9661-08-9921-00 (C-2) as depicted on Tax Maps 9652.20, 9662.03, 9651.08, and 9661.01.
2026-01-06 SPB: Recommended approval.
2026-02-03 SCC: Voted to approve by a unanimous vote.

2. ZONING TEXT AMENDMENT; CASE 2026-0102
Staff-initiated text amendment to revise the Unified Development Ordinance’s (UDO’s) Appendix A, to add a legal definition for the term “outparcel,” and Appendix B, to revise the Lee County Environmental Health certificate language to align with recently changed state statutes.
2026-01-06 SPB: Recommended approval with “outparcel” definition amended.
2026-02-03 SCC: Voted to approve with “outparcel” definition amended by a unanimous vote.

3. ZONING TEXT AMENDMENT; CASE 2026-0103
Staff-initiated revisions to the Unified Development Ordinance (UDO) Article 2, Section 3 (§2.3.4) relating to Town of Broadway’s Planning Board appointments to align the language with recently updated Town of Broadway municipal code language.
2026-01-06 SPB: Recommended approval.
2026-02-03 SCC: Voted to approve by a unanimous vote.

4. ZONING TEXT AMENDMENT; CASE 2026-0104
Staff-initiated text amendments for Article 4 of the Unified Development Ordinance (UDO), including the following:
 - The addition of an exemption from the lot width-to-depth ratio for cul-de-sac lots as a result of a major subdivision, which shall be included as a note in Table 4.7-1’s Density and Dimensional Standards.
 - The removal of detached single-family dwellings (site-built and modular) and attached single-family dwellings as permitted uses within the MF-12 (multifamily) zoning district.
 - Updates for development standards to the recently established Village Neighborhood Development (VND), including the expansion of lot type options, increasing the minimum number of lots that would trigger a necessary change in lot types provided from 125 to 200, replacing the 1:1 ratio for required lot types with a 5% minimum requirement, and the inclusion of new permitted lot design options for developers.**2026-01-20 SPB: Recommended approval.**
2026-02-03 SCC: Voted to approve by a unanimous vote.

5. ZONING TEXT AMENDMENT; CASE 2026-0105

Staff-initiated text amendment for Article 6 of the Unified Development Ordinance (UDO) to amend §6.7.1.2.1 by changing the threshold for two access points within a new subdivision from 30 lots to 100 lots to align with NC Fire Code standards.

2026-01-06 SPB: Recommended approval.

2026-02-03 SCC: Voted to approve by a unanimous vote.

6. ZONING TEXT AMENDMENT; CASE 2026-0106

Staff-initiated text amendments for Article 10 of the Unified Development Ordinance (UDO) to add the following new language:

- Clarifying language for §10.1.3.2 regarding the purpose of landscape screening for outdoor storage.
- Clarifying language for §10.1.3.7 regarding outdoor storage being permitted only as an accessory use to align with long-standing interpretations of the UDO.
- Clarifying language for §10.7.2.3 that puts commercial development’s architectural design within Sanford’s local historic districts under the purview of the Historic Preservation Commission
- Clarifying language for §10.7 that includes specific conditions in which pedestrian connectivity is required for commercial development.

2026-01-20 SPB: Recommended approval.

2026-02-03 SCC: Voted to approve by a unanimous vote.