



**Planning & Zoning Board
Agenda for the Regular Meeting of August 6, 2026
Assembly Hall
395 Magnolia Road
Pinehurst, North Carolina
4:00 PM**

1. Call to Order
2. Approval of Minutes
 - A. Approval of 07-09-2026 P&Z Regular Meeting Minutes
3. New Business
 - A. Flood Damage Prevention Ordinance Update
 - B. Engineering Standards and Specifications Manual Update
 - C. Text Amendment to the Pinehurst Development Ordinance for Plant Protection Devices
4. Next Meeting Date
 - A. 09-03-2026 P&Z Regular Meeting
5. Motion to Adjourn

Vision: The Village of Pinehurst is a charming, vibrant community which reflects our rich history and traditions.

Mission: Promote, enhance, and sustain the quality of life for residents, businesses, and visitors.

Values: Service, Initiative, Teamwork, and Improvement.



Approval of 07-09-2026 P&Z Regular Meeting Minutes
ADDITIONAL AGENDA DETAILS:

FROM: Jeanann Dawson, Administrative Specialist
CC: Planning & Zoning Board;
DATE OF MEMO: 07/27/2026

MEMO DETAILS

ATTACHMENTS

1. 07-09-26 Draft PZ Minutes



**PLANNING AND ZONING BOARD
REGULAR MEETING
THURSDAY, July 9th, 2026
ASSEMBLY HALL
395 MAGNOLIA ROAD
PINEHURST, NORTH CAROLINA
4:00 PM**

Board Members Present:

Matt Jones, Chair
Bill Colmer
Carol Henry
Les Fleisher
Bruce Hironimus

Board Members Absent:

Louise Mercuro
Devin Macfarlane
Ed Krogulski
Amy Foshee

Staff Present:

Alex Cameron, Planning & Inspections Director
Maria Klein, Senior Planner
Michael Mandeville, Senior Planner
Jeanann Dawson, Administrative Specialist

Approximately five members of the public were in attendance.

I. Call to Order

Mr. Jones called the meeting to order at 4:00PM, confirmed a quorum was present, and explained the purpose of the meeting, and introduced board members and staff.

II. Approval of Minutes

A. 06-04-2026 Regular Meeting Minutes

Mr. Colmer moved to approve the minutes of the June 4th, 2026, Regular Meeting. Seconded by Mr. Fleisher. Approved by a vote of 4-0.

Mr. Colmer moved to enter into the Public Hearing. Seconded by Ms. Henry. Approved by a vote of 4-0.

III. Public Hearing

A. Augusta National Drive (PLN-2025-00164)

The purpose of the public hearing is to consider an Official Zoning Map Amendment for a portion of Parcel ID #00016792 totaling approximately 1.25 acres and located along Augusta National Drive. This proposed map amendment would zone the area from RD (Recreation Development) to R-30 (Medium Density Residential). The property owner and applicant is the Country Club of North Carolina.

Ms. Klein presented the request to rezone approximately 1.25 acres on Augusta National Drive from Recreation Development (RD) to R-30 Medium Density Residential. She reviewed the property's history, zoning, and consistency with the

Comprehensive Plan, noting the request is supported by the Plan's guiding principles despite not aligning with the current land use designation. She concluded by outlining the Board's options for making a recommendation to the Village Council.

Mr. Jones thanked Ms. Klein for her presentation and asked if any Board members had questions.

Ms. Henry asked about the proposal's consistency with the Comprehensive Plan, and Ms. Klein confirmed it is not consistent with the current Conservation and Growth Map designation. Mr. Hironimus asked about the intended use of the rezoning, and Ms. Klein explained it would allow the creation of a single-family residential lot. Mr. Colmer asked why the property had previously been rezoned and what had changed to warrant the current request. Ms. Klein stated she believed the previous rezoning was for the golf course maintenance purposes and referred the question to the applicant for additional background.

Mr. Jones asked the applicant to come forward.

Jim Sutton, General Manager and Chief Operating Officer of Country Club of North Carolina, explained that the lot was originally intended as a residential lot but was not marketed due to its proximity to the golf course maintenance facility. He stated that mature landscaping now provides an effective buffer, making the site more suitable for residential use. He added that the property would remain subject to the community's covenants, architectural review standards, and setback requirements, allowing only one single-family dwelling, while preserving the existing landscaped buffer.

Mr. Sutton also noted that one resident attended the community meeting with no objections, and several nearby property owners expressed support for the proposal.

Mr. Jones opened the public hearing for comments. No members of the public came forward to speak, and no public comments were received.

The Board had no further questions for the applicant, and no additional deliberation occurred.

Mr. Colmer moved that the Planning and Zoning Board recommend **approval** of the proposed zoning map amendment to the Pinehurst Village Council and find that, although the proposed amendment is **not consistent** with the Conservation and Growth Map of the 2019 Comprehensive Plan, it **is consistent** with the following Guiding Principles of the Plan: Guiding Principle 2: Balancing Conservation & Growth and Guiding Principle 3: Places to Live. Seconded by Mr. Fleisher. Approved by a vote of 4-0.

Mr. Colmer moved to close the Public Hearing at 4:17 PM. Seconded by Mr. Hironimus. Approved by a vote of 4-0.

IV. Next Meeting Date

A. 08-06-2026 Regular Meeting

V. Motion to Adjourn

Mr. Hironimus moved to adjourn the Regular Meeting at 4:20 PM. Seconded by Mrs. Henry. Approved by a vote of 4-0.

Respectfully Submitted,

Jeanann Dawson
Clerk to the Board &
Planning Administrative Specialist
Village of Pinehurst

A recording of this meeting is located on the Village website: www.vopnc.org

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Flood Damage Prevention Ordinance Update ADDITIONAL AGENDA DETAILS:

FROM: Michael Mandeville, Senior Planner
CC: Planning & Zoning Board;
DATE OF MEMO: 07/28/2026

MEMO DETAILS

The purpose of this agenda item is to provide the Planning and Zoning Board with an overview of the proposed Flood Damage Prevention Ordinance update and receive preliminary feedback prior to the formal public hearing and recommendation process. Due to the technical nature and length of the proposed ordinance, staff believes it is beneficial to present the draft to the Planning Board prior to scheduling a formal public hearing. This meeting is intended to familiarize the Board with the overall structure and content of the ordinance and provide an opportunity for members to review the proposed changes before being asked to make a recommendation to the Village Council. No action is requested or will be taken.

Background

Flood damage prevention regulations are authorized by federal and state law and are administered locally by municipalities and counties. Communities that participate in the National Flood Insurance Program (NFIP) are required to adopt and enforce floodplain management regulations that meet or exceed minimum federal standards. These regulations help protect public health and safety, reduce property damage from flooding, maintain eligibility for federally backed flood insurance, and minimize future public expenditures related to flood events.

The Village's current Flood Damage Prevention Ordinance was adopted in 2006. Since that time, the North Carolina Department of Public Safety, Division of Emergency Management, has updated its model ordinance to reflect changes in federal requirements, current terminology, administrative procedures, and best management practices. Although Pinehurst's current Flood Insurance Rate Maps remain unchanged, updating the ordinance now will ensure the Village remains compliant with current state and federal requirements while preparing for future map revisions anticipated within the next several years.

Consistent with previous policy, the Flood Damage Prevention Ordinance will be a standalone development regulation separate from the Pinehurst Development Ordinance (PDO). This approach will simplify future amendments, allow updates to occur independently of the PDO, and maintain consistency with the State's model ordinance.

Purpose of the Update

The attached draft Flood Damage Prevention Ordinance is based on the North Carolina Division of Emergency Management's current model ordinance, with revisions to reflect Village administrative practices and local policy considerations.

The update is intended to:

- Maintain compliance with National Flood Insurance Program (NFIP) requirements.
- Incorporate current state model ordinance provisions and terminology.
- Modernize permitting, administrative procedures, and enforcement provisions.
- Improve clarity and organization of the Village's floodplain regulations.

- Position the Village for future Flood Insurance Rate Map updates.

Highlights of the Proposed Ordinance

The proposed ordinance includes a number of administrative and technical updates, including:

- Updated definitions and terminology consistent with current state and federal guidance.
- Revised permitting and administrative procedures.
- Updated construction and floodplain development standards.
- Expanded enforcement and compliance procedures.
- New provisions addressing Community Flood Hazard Areas and other requirements contained within the State's current model ordinance.

In addition to these administrative updates, staff is seeking Planning Board feedback on several policy considerations before preparing the final draft ordinance for public hearing, including:

- Whether to retain the current one-year cumulative timeframe or adopt a longer cumulative timeframe when determining Substantial Improvement and Substantial Damage.
- Whether to keep the regulatory freeboard at two (2) feet above the Base Flood Elevation.
- Appropriate enforcement provisions, penalties, and corrective procedures for violations.
- Any additional comments regarding the organization, administration, or implementation of the proposed ordinance.

Planning and Zoning Board Review

Because of the technical nature and length of the proposed ordinance, staff believes it is beneficial to present the draft to the Planning and Zoning Board prior to scheduling a formal public hearing. This discussion provides an opportunity for Board members to become familiar with the proposed regulations and provide preliminary feedback before staff prepares the final draft for formal consideration. Following the Planning and Zoning Board's review, staff will incorporate any appropriate revisions and return at a future meeting for a public hearing and recommendation to the Village Council.

ATTACHMENTS

1. Draft Flood Damage Prevention Ordinance

ORDINANCE NO. XX- XX FLOOD DAMAGE PREVENTION

1. FLOOD DAMAGE PREVENTION STANDARDS

1.1. STATUTORY AUTHORIZATION

- A. **Statutory Authorization.** In Chapter 160D of the North Carolina General Statutes, the NC Legislature has delegated to local governments the responsibility to adopt and enforce regulations meant to protect and promote public health, safety, and welfare.

1.2. FLOOD HAZARDS

- A. Flood-prone areas within the jurisdiction of the Village of Pinehurst are subject to periodic inundation which results in loss of life and damage to real property. The safety hazard posed by flooding also impair the tax base, disrupt commerce and the provision of governmental services, and may result in extraordinary public expenditures.

~~B. Flood losses are often the result of the cumulative effect of obstructions in flood-prone areas, including structures and uses of land, which can cause increases in flood velocity and severity.~~

B. These flood losses are caused by the cumulative effect of obstructions, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood prone areas by uses vulnerable to floods or other hazards. These obstructions and occupancy by uses vulnerable to floods may be hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

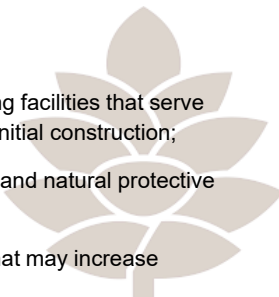


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1.3. STATEMENT OF PURPOSE

It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flooding by establishing and enforcing provisions designed to:

- A. Restrict or prohibit uses that pose dangers to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

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

1.4. OBJECTIVES

The objectives of this Ordinance are to:

- A. Protect human life;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business losses and interruptions;
- E. Minimize damage to public facilities and utilities that are located in flood-prone areas;
- F. Minimize damage to private and public property due to flooding;
- G. Make flood insurance available to the community through the National Flood Insurance Program;
- E.H. Maintain the natural and beneficial functions of floodplains;
- F.I. Help maintain a stable tax base by providing for the appropriate development of flood-prone areas; and
- G.J. Ensure that potential landowners are aware when real property is located in a special flood hazard area.

1.5. DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this section of the ordinance its most reasonable application.

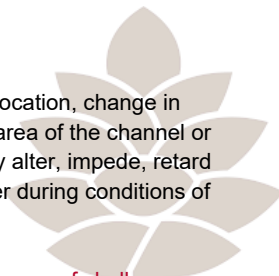
"A Zone" is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have NOT been determined.

“AE Zone” is the Special Flood Hazard Area subject to inundation by the 1% annual chance flood where base flood elevations have been determined by detailed or limited detailed methods.

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

Addition (to an Existing Building). An extension or increase in the floor area or height of a building or structure.

“AH Zone” is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually areas of ponding), where average depths are between one (1) and three (3) feet. Base flood elevations derived from detailed hydraulic analyses are shown in this zone.



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

"AO Zone" is the Special Flood Hazard Area with a 1% annual chance of shallow flooding (usually sheet flow on sloping terrain) where average depths are between one (1) and three (3) feet. Average flood depths derived from detailed hydraulic analyses are shown in this zone.

Appeal - a request for a review of the ~~Village Engineer~~/Floodplain Administrator's interpretation of any provision of this Ordinance.

Area of Shallow Flooding. A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one 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. Such flooding is characterized by ponding or sheet flow.

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.

Artificial Obstruction. Any object or material which is not a natural obstruction, including any which, while not a significant obstruction, is capable of accumulating debris and thereby reducing the flood-carrying capacity of a stream.

Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a special flood hazard area, it may be obtained from engineering studies available from a federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the minimum freeboard, establishes the regulatory flood protection elevation (RFPE).

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Building. See Structure.

Chemical Storage Facility. A building, portion of a building, or exterior area adjacent to

a building used for the storage of any chemical or chemically reactive products.

“Community” means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

“Community Flood Hazard Area (CFHA)” is an area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical flood information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

“Community Floodplain Management Map” means any map produced by the community utilizing best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source.

“Community Rating System (CRS)” means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

“Critical facility (also called critical action)” means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire, and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use, or store hazardous materials or hazardous waste.

Design Flood. See “Regulatory Flood Protection Elevation.”

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

Disposal. As defined in G.S. 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.

"Dry Floodproofing" means a combination of measures that make a building and attendant utilities and equipment watertight and substantially impermeable to floodwater, with structural components having the capacity to resist flood loads. Please refer to Technical Bulletin 3, Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings, and available from the FEMA.

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

Encroachment. The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing Building and Existing Structure. Any building and/or structure for which the "start of construction" commenced before the effective date of the floodplain management regulations.

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

Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

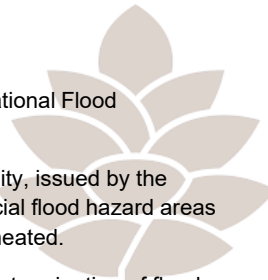
~~**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~A. The overflow of inland or tidal waters; and/or~~

~~B. The unusual and rapid accumulation or runoff of surface waters from any source.~~

Flood Boundary and Floodway Map (FBFM). An official map of a community, issued by the Federal Emergency Management Agency (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). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.



Flood Insurance. The insurance coverage provided under the National Flood Insurance Program (NFIP).

Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

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

Flood-Prone Area. See Floodplain.

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

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

Floodplain Administrator/Village Engineer. The individual appointed to administer and enforce the floodplain management regulations.

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

Floodplain Management Regulations. This Ordinance and other 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. 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.

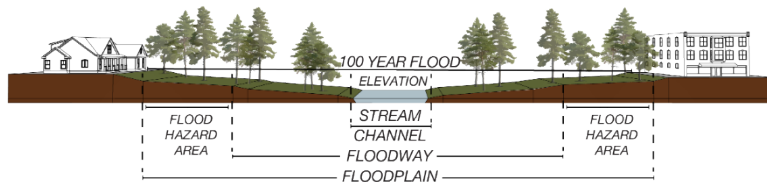
Flood-Resistant Material. Any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic

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. The channel of a river or other watercourse 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 foot.

Floodway Encroachment Analysis. An engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirements of the National Flood Insurance Program.

Flood Hazard Area. The area designated by a local government as an area where development must be regulated to prevent damage from flooding. The flood hazard area must include and may exceed the base floodplain.

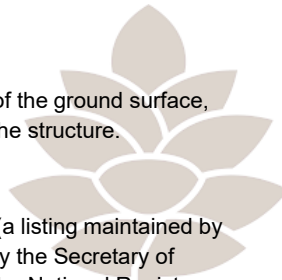


Freeboard. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation (BFE) plus the freeboard establishes the regulatory flood protection elevation (RFPE). The minimum freeboard to be established is ~~one (1)~~ two (2) ~~feet~~ feet.

"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. As defined in G.S. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.



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

Historic Structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. 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.

E. Certified Local Government (CLG) Programs are approved by the U.S. 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). 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. 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. 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). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest Floor. 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 to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

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

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Map Repository. The location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products has 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 Flood NC website (<http://FLOODNC.GOV/NCFLOOD>) and the FEMA Flood Map Service Center website (<https://msc.fema.gov/portal/home>), is the map repository.

Market Value. The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of

building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

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

Natural Obstruction. Any rock, tree, gravel, or similar natural matter which is an obstruction and has been located within the floodway by a nonhuman cause.

New Construction. 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.

New Manufactured Home Park or 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 on or after the effective date of floodplain management regulations adopted by a community.

Non-Encroachment Area (NEA). The channel of a river or other watercourse 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 foot as designated in the Flood Insurance Study report.

~~One Hundred Year Floodplain. See Special Flood Hazard Area (SFHA).~~

Post-Firm. Construction or other development for which the start of construction occurred on or after ~~the effective date of~~ 12/15/1989 the initial Flood Insurance Rate Map.

Pre-Firm. Construction or other development for which the start of construction occurred before ~~the effective date of~~ 12/15/1989 the initial Flood Insurance Rate Map.

Principally Above Ground. At least fifty-one percent (51%) of the actual cash value of the structure is above ground.

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

Recreational Vehicle (RV). A vehicle, which is:

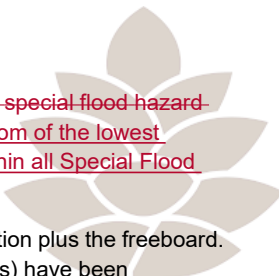
- A. Built on a single chassis (supporting frame of vehicular structure);
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

E. Is fully licensed and ready for highway use.

F. Has no attached deck, porch, or shed, and

G. Has quick-disconnect sewage, water, and electrical connectors.

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 under this ordinance.



Reference Level. The top of the lowest floor for structures within special flood hazard areas designated as Zone A1-A30, AE, A, A99 or AO. 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. The Base Flood Elevation plus the freeboard. In special flood hazard areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

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

"Repetitive Loss" means flood-related damages 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.

"Repetitive Loss Property" means any insurable building for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A RL property may or may not be currently insured by the NFIP.

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

Salvage Yard. Any nonresidential 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.

"Section 1316" means that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that FEMA finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

“Severe Repetitive Loss Structure” means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership. In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

1. Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or

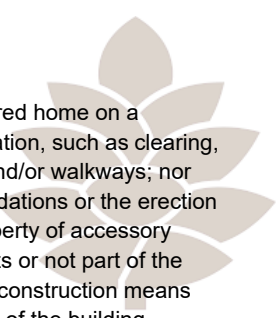
2. Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

Solid Waste Disposal Facility. Any facility involved in the disposal of solid waste, as defined in G.S. 130A-290(a)(35).

Solid Waste Disposal Site. As defined in G.S. 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). Defined by FEMA as An area having special flood, mudflow or flood-related erosion hazards and shown on a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM) Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1-A30, V1-V30, VE or V. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. For determining Community Rating System (CRS) premium discounts, all AR and A99 zones are treated as non-SFHAs.

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 one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work



beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

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

Substantial Damage. ~~Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. See definition of substantial improvement. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.~~

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period (RECOMMENDED HIGHER STANDARD: choose cumulative damage sustained over a period of time exceeding one year (i.e., 5- or 10-year period)) whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement. ~~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 fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:~~

- ~~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.~~

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any

one-year period (**RECOMMENDED HIGHER STANDARD: choose cumulative improvement sustained over a period of time exceeding one year (i.e., 5- or 10-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 **Section 2.6** of this ordinance.

"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

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

Variance. A grant of relief from the requirements of this Ordinance.

Violation. 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 *Section 2 Administration* and *Section 3 Provisions for Flood Hazard*

Reduction is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

“X Zones” means areas determined to be low to moderate risk flood zones and are located outside the community’s delineated Special Flood Hazard Area (SFHA) and include the following:

- (a) Shaded - is the area of moderate flood hazard and can represent:
 - (1) 0.2% annual chance flood hazard area (500-year flood zone),
 - (2) Areas of 1% annual chance flood with average depth less than one (1) foot, or
 - (3) Areas of 1% annual chance flood with drainage areas of less than one (1) square mile
- (b) Unshaded - is the area of minimal flood hazard determined to be outside of the 0.2% annual chance flood (500-year flood zone).

1.6. LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all special flood hazard areas within the Village of Pinehurst, including any Extra-Territorial Jurisdiction (ETJ) areas of the Village.

This ordinance shall apply to all Special Flood Hazard Areas and Community Flood Hazard Areas (CFHAs) as defined in Section 1.5 Definitions within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) and Bona Fide Farms as allowed by law, of Village of Pinehurst.

1.7. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS AND COMMUNITY FLOOD HAZARD AREAS

The special flood hazard areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Moore County dated 10/17/2006, or latest, as may be amended.

When Preliminary Flood Insurance Studies and Flood Insurance Rate Maps have been provided by FEMA to the Village of Pinehurst:

- (1) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the

preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.

(2) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administering these regulations.

When Advisory Flood Studies have been provided by the North Carolina Floodplain Mapping Program to the Village of Pinehurst

(1) The data, which are adopted by reference and declared a part of this ordinance, shall be utilized where no base flood elevations or floodway areas exist, or where the Advisory Flood Studies exceed the base flood elevations and/or floodway widths in the effective flood hazard data provided by FEMA, or

(2) The applicant shall provide a more detailed analysis of the flood hazards for the site for floodplain management purposes.

The community reserves the right to require further studies for any development within its jurisdiction, if there is evidence that a potential flood hazard exists. Studies can be used to designate Community Flood Hazard Areas (CFHA). Such evidence may include but shall not be limited to:

(1) Eyewitness accounts of historic flooding or other reports of historic flooding deemed credible by the community;

(2) Surveyed high-water marks;

(3) Geologic features observed that resemble floodplains (such as flat areas along streams);

(4) Proximity to manmade or natural constrictions in or along a watercourse (such as road crossings that can cause backwater effects), and;

(5) Drainage basin characteristics (such as drainage area, slope, percent impervious cover, land use, etc.).

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail.

1.8. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within special flood hazard areas and Community Flood Hazard Areas determined in accordance with the provisions of *Section 1.7 Basis for Establishing the Special Flood Hazard Areas* of this Ordinance.

1.9. 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.

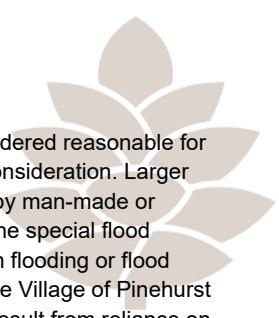
1.10. ABROGATION AND GREATER RESTRICTIONS

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.

1.11. 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.



1.12. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Village of Pinehurst 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.

2. ADMINISTRATION

2.1. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

- A. The Village Planner, ~~Village Engineer~~, or designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this Ordinance.
- B. The Floodplain Administrator shall coordinate with Moore County, the Army Corps of Engineers and any other local, State, or federal officials involved in the administration of this Ordinance.

2.2. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

- A. **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 and community flood hazard areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - 1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - (1) 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;
 - (2) The boundary of the special flood hazard area as delineated on the FIRM, Community Flood Hazard Areas, or other flood map as determined in 9.1.7 Basis For Establishing the Special Flood Hazard Areas, or a statement that the entire lot is within the special flood hazard area;
 - (3) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in 9.1.7 Basis for Establishing the Special Flood Hazard Areas;

~~(4)~~ The boundary of the floodway(s) or non-encroachment area(s) as determined in *Section 1.7 Basis For Establishing the Special Flood Hazard Areas*;

~~(4)(5)~~ (The Base Flood Elevation (BFE) where provided as set forth in *Section 1.7 Basis For Establishing the Special Flood Hazard Areas*, *Section 2.3 Duties and Responsibilities of the Floodplain Administrator*, or *Section 3.3 Standards for Floodplains Without Established Base Flood Elevations*;

~~(5)(6)~~ The old and new location of any watercourse that will be altered or relocated because of proposed development; and

7. The certification of the plot plan by a registered land surveyor or professional engineer.

2. Proposed elevation, and method thereof, of all development within a special flood hazard area or community flood hazard area including but not limited to:

(1) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure in Zone AE, A-~~or~~ AO, AH, or A99 will be floodproofed; and

(3) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed.

3. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) 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.

4. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:

(1) 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

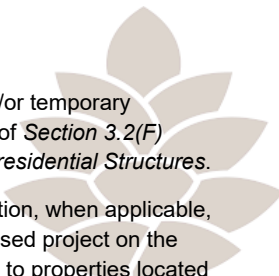
(2) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with *Section 3.2(D) Elevated Buildings* when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30:A, AE, AH, AO, and A99.

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

6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to

minimize flood damage.

7. Certification that all other local, State and federal permits required prior to floodplain development permit issuance have been received.



8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of *Section 3.2(F) Recreational Vehicles* and *Section 3.2(G) Temporary Nonresidential Structures*.
9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood- carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

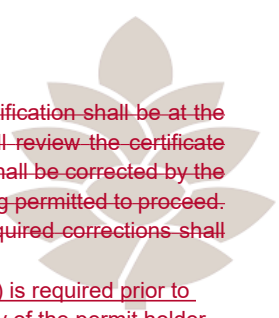
B. **Permit Requirements.** The floodplain development permit shall include, but not be limited to:

1. ~~A description of the development to be permitted under the floodplain development permit.~~ 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.) including a cost estimate.
2. The special flood hazard area determination for the proposed development in accordance with available data specified in *Section 1.7 Basis for Establishing the Special Flood Hazard Areas*.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AO, AE or A1-30.
8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
9. A statement, that all materials are BFE/RFPE must be flood resistant materials.

C. **Certification Requirements.**

1. **Elevation Certificates.**

~~(1) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within twenty-one (21) 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 mean sea level. Any work done within the twenty-one (21)~~



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 caused to issue a stop-work order for the project.

1 An Elevation Certificate (FEMA Form FF-206-FY-22-152) 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 mean sea level. 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

(2) A final as-built Elevation Certificate (FEMA Form 81-31) 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.

2 An Elevation Certificate (FEMA Form FF-206-FY-22-152) 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 mean sea level. 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.

3 A final Finished Construction Elevation Certificate (FEMA Form FF-206-FY-22-152) 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.

2. Floodproofing Certificate. If nonresidential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), 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 mean sea level. 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. (i)

- (1) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form FF-206-FY-22-153), 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 mean sea level. 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.

- 2.(2) A final Finished Construction Floodproofing Certificate (FEMA Form FF-206-FY-22-153), 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 mean sea level. 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.

3. If a manufactured home is placed within Zone A, AO, AE, AH or A1-30 A99 and the elevation of the chassis is more than thirty-six (36) inches in height above grade, an engineered foundation certification is required in accordance with the provisions of *Section 3.2(C) Manufactured Homes*.
4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream;

and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

D. **Certification Exemptions.** The following structures, if located within Zone A, AO, AE, AH or A1-30A-99, are exempt from the elevation/floodproofing certification requirements specified in items (1) and (2) of this subsection:

1. Recreational vehicles meeting requirements of *Section 3.2(F) Recreational Vehicles*.
2. Temporary structures meeting requirements of *Section 3.2(G) Temporary Nonresidential Structures*; and
3. Accessory structures less than one hundred fifty (150) square feet meeting requirements of *Section 3.2(H) Accessory Structures*.

(4) Substantial Improvement/Damage determinations for existing buildings and structures.

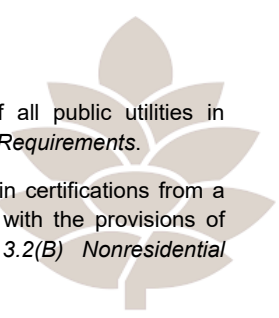
For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on 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
- 3- (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.

2.3. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

- A. Review all floodplain development applications and issue permits for all proposed development within special flood hazard areas or community flood hazard areas to assure that the requirements of this Ordinance have been satisfied.
- B. Review all proposed development within special flood hazard areas or community flood hazard areas to assure that all necessary local, State and federal permits have been received.
- C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of *Section 3.5 Floodways and Non-Encroachment Areas* are met.
- F. Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of *Section 2.2(C) Certification Requirements*.
- G. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of *Section 2.2(C) Certification Requirements*.

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- H. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of *Section 2.2(C) Certification Requirements*.
 - I. When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of *Section 2.2(C) Certification Requirements* and *Section 3.2(B) Nonresidential Construction*.
 - J. Where interpretation is needed as to the exact location of boundaries of the special flood hazard areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
 - K. When Base Flood Elevation (BFE) data has not been provided in accordance with the provisions of *Section 1.7 Basis for Establishing the Special Flood Hazard Areas*, 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 Community Flood Hazard data developed pursuant to *Section 3.5 Floodways and Non-Encroachment Areas*, in order to administer the provisions of this Ordinance.
 - L. When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of *Section 1.7 Basis for Establishing the Special Flood Hazard Areas*, 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.
 - M. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the Base Flood Elevation (BFE), advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
 - N. 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.
 - O. 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.

- P. 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.
- Q. 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.
- R. Make periodic inspections throughout the special flood hazard areas or Community Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- S. Follow through with corrective procedures of *Section 2.5 Corrective Procedures*.
- T. Review, provide input, and make recommendations for variance requests.
- U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with the provisions of *Section 1.7 Basis for Establishing the Special Flood Hazard Areas* of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).
- W. Make substantial improvement and post event damage assessments and determinations:
- Conduct damage assessments for damaged structures located within the SFHA or Community Flood Hazard Area

- Complete substantial improvement/damage determinations in accordance with the provisions of Section 3.2 *Specific Standards*.

V-X. 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

2.4. PENALTIES FOR VIOLATION

A. Violations.

1. 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. (discuss a dollar amount for violation) Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Village of Pinehurst from taking such other lawful action as is necessary to prevent or remedy any violation.

B. **Penalties.** The following penalties may be imposed:

1. **Stop Work Order.** The Floodplain Administrator, or designee, may order work on any site within a Special Flood Hazard Area to be immediately stopped whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop work order shall constitute a misdemeanor.
2. **Revocation of Permits.** The Floodplain Administrator, or designee, may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

2.5. CORRECTIVE PROCEDURES

~~A. **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.~~

~~B. **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:~~

- ~~1. That the building or property is in violation of the floodplain management regulations;~~
- ~~2. 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~~
- ~~3. That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.~~

~~C. **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 one hundred eighty (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.~~

~~D. **Appeal.** Any party with standing who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Village Planner within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within the time frame indicated in the annual calendar of meetings, and subject to any required periods of public notice, if applicable.~~

~~E. **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 following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.~~

A. **Stop Work Order:** The floodplain administrator may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedied the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to remedy such violation or violations

Commented [MM1]: Discuss corrective procedures section

B. **Notice of Violation.** If the floodplain administrator determines that an owner, occupant, applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

- The name and address of the owner or the applicant or the responsible person;
- The address or other description of the site upon which the violation is occurring;

- A statement specifying the nature of the violation;
- A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
- A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;
- A statement that the determination of violation may be appealed to the Board of Adjustment by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).

C. Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Village of Pinehurst shall first notify the owner, applicant or other responsible person in writing of its intended action. The Village of Pinehurst shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to remedy such violation. In the event the applicant or other responsible person fails to remedy such violation after such notice and remedial period, the Village of Pinehurst may take or impose any one or more of the following enforcement actions or penalties:

- Termination of utility service and/or withhold or revoke Certificate of Occupancy: The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violation or violations described therein.
- Suspension, revocation, or modifications of permit: The community may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise remedy the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- Civil penalties: 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 North Carolina General Statute § 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 **Insert Dollar Amount** (this amount should be consistent with Article 3, Section H). Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Community Name Village of Pinehurst from taking such other lawful actions, pursuant to North Carolina General Statute § 153A, 160A, and 160D, as is necessary to prevent or remedy any violation.
- Enforcement by an appropriate equitable remedy issuing from a court of competent jurisdiction may be pursued if the offender fails to remedy the violation, pays assessed fines, and/or fails to file an appeal within the prescribed period of time. In such case, the general court of justice shall have jurisdiction to issue such orders as may be appropriate.

D. Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

- Any person receiving a Notice of Violation may appeal the determination of the floodplain administrator to the local elected governing body. The Notice of Appeal must be in writing and be received by the floodplain administrator and the clerk within thirty (30) days of the date of the Notice of Violation. In the absence of an appeal, the determination of the floodplain administrator shall be final.
- All appeals shall be heard and decided by the community's designated Appeal Board, which shall be Board of Adjustment or their designees. The Appeal Board shall hear an appeal within a reasonable time and shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. In the absence of a petition for review of a

quasi-judicial decision, the decision of the Appeal Board shall be final.

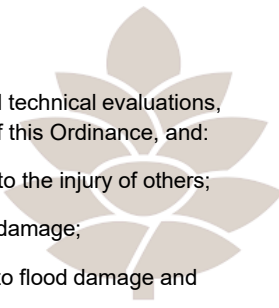
- A petition for review of a quasi-judicial decision can be requested by any person with standing aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. The petition shall be received by the clerk of superior court within 30 days of the date of the local governing body decision.

E. Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure remains noncompliant. The community must coordinate a request for Section 1316 declaration to the FEMA Regional Office through the State NFIP Coordinator.

Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied. If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by FEMA and flood insurance eligibility restored.

2.6.-VARIANCE PROCEDURES

- A. The Pinehurst Board of Adjustment as established by the Village of Pinehurst hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this Ordinance.
- B. Any person aggrieved by the decision of the appeal board may appeal such decision to the court, as provided in G.S. Ch. 7A.
- C. Variances may be issued for:
1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
 2. Functionally dependent facilities if determined to meet the definition as stated in *Section 1.5 Definitions*, provided provisions of *Section 2.6(E)(2-3) and (5) Conditions of Variance* 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
 3. Any other type of development, provided it meets the requirements of this Section.



D. 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:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location as defined under *Section 1.5 Definitions* of this Ordinance as a functionally dependent facility, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
12. A written report addressing each of the above factors shall be submitted with the application for a variance.
13. 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.
14. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to

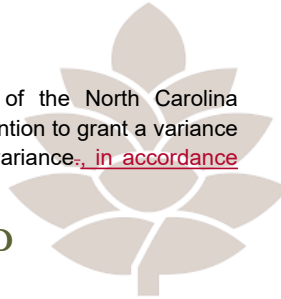
construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

15. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

E. Conditions for Variances.

1. Variances shall not be issued when the variance will make the structure in violation of other federal, State, or local laws, regulations, or ordinances.
 2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 4. Variances shall only be issued prior to development permit approval.
 5. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship; and
 - (3) 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.
- F. 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 if all of the following conditions are met:
1. The use serves a critical need in the community.
 2. No feasible location exists for the use outside the special flood hazard area.
 3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 4. The use complies with all other applicable federal, State and local laws.

5. The Village of Pinehurst has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance, in accordance with North Carolina General Statutes §143-215.54A(b).



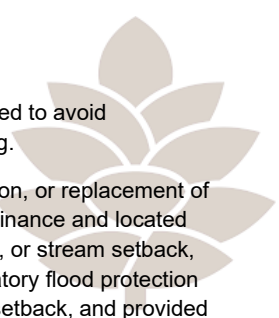
3. PROVISIONS FOR FLOOD HAZARD REDUCTION

3.1. GENERAL STANDARDS

In all special flood hazard areas, the following provisions are required:

- A. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- B. 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.
- C. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- D. 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.
 - 1. Replacements part of a substantial improvement must also meet the above provisions.
 - 2. 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.
- E. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- F. 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 floodwaters.

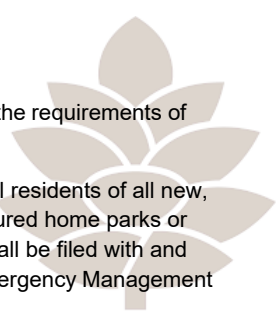
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- G. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- H. Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure 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.
- I. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in *Section 2.6 Variance Procedures*. 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 in a special flood hazard area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of *Section 2.2(C) Certification Requirements*.
- J. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- K. 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.
- L. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- M. 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.
- N. When a structure is partially 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.
- O. 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.
- P. Fill is prohibited in the special flood hazard area, 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).



3.2. SPECIFIC STANDARDS

In all special flood hazard areas where Base Flood Elevation (BFE) data has been provided, as set forth in *Section 1.7 Basis for Establishing the Special Flood Hazard Areas*, or *Section 3.4 Standards for Floodplains Without Established Base Flood Elevations*, the following provisions, in addition to the provisions of *Section 3.1 General Standards*, are required:

- A. **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in *Section 1.5 Definitions* of this Ordinance.
- B. **Nonresidential Construction.** New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in *Section 1.5 Definitions* of this Ordinance. Structures located in A, AE, AO, AH and A1-30-A-99 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with *Section 3.5 Floodways and Non-Encroachment Areas*. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in *Section 2.2(C) Certification Requirements*, along with the operational plan and the inspection and maintenance plan.
- C. **Manufactured Homes.**
 - 1. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in *Section 1.5 Definitions* of this Ordinance.
 - 2. 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 G.S. 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.



3. All enclosures or skirting below the lowest floor shall meet the requirements of *Section 3.2(D) Elevated Buildings*.
4. 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.

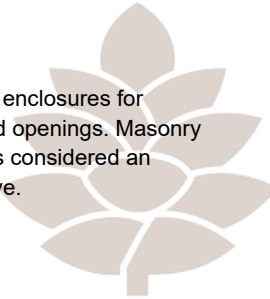
D. **Elevated Buildings.** Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation; and
3. Shall include, ~~in Zones A, AO, AE, and A1-30,~~ flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (1) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;
 - (2) 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;
 - (3) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (4) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - (5) 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

(6) 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.

4. Shall not be temperature-controlled or conditioned

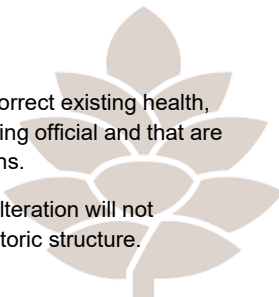
(6)



E. Additions/Improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (1) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.
 - (2) ~~A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.~~ 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.
2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (2) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during ten (10) 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 ten (10) year period begins on the date of the first improvement or repair of that building or structure after 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. 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:

- 
- (1) 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.
 - (2) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

F. Recreational Vehicles. Recreational vehicles shall either:

- ~~1. Be on site for fewer than one hundred eighty (180) consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or~~
- ~~2. Meet all the requirements for new construction.~~
1. Placement of a Recreational Vehicle in the Regulatory Floodway or Non-Encroachment Area is prohibited. This includes both temporary and permanent placement.
2. 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.)
3. Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

G. Temporary Nonresidential 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:

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one year;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);

4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

H. **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:

1. When accessory structures (sheds, detached garages, etc.) with a footprint of no more than 600 square feet are placed within A, AO, AH, AE and A99 flood zones, wet floodproofing may be permitted when the following criteria are met:

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

2-(2) Accessory structures shall not be temperature-controlled;

~~3.(3)~~ Accessory structures shall be designed to have low flood damage potential;

~~(4)~~ Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

~~4.(5)~~ Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to floodwaters.

~~5.(6)~~ Accessory structures shall be firmly anchored in accordance with the provisions of *Section 3.1 General Standards*.

~~6.(7)~~ All service facilities such as electrical shall be installed in accordance with the provisions of *Section 3.1 General Standards*.

~~(4) 8.~~ Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of *Section 3.2(D) Elevated Buildings*.

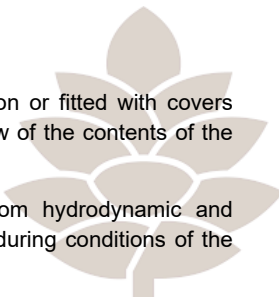
~~7. An accessory structure with a footprint of 150 square feet or less in A, AO, AH, AE and A99 zones satisfying the criteria outlined above in Article 5, Section B(8)(a) is not required to meet the elevation or floodproofing certification requirements of Section 2.2(C) Certification Requirement. All other accessory structures must comply with the elevation or floodproofing certification requirements in accordance with Section 2.2(C) Certification Requirement. An accessory structure with a footprint less than one hundred fifty (150) square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 2.2(C) Certification Requirements.~~

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

1. **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.
2. **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.
3. **Above-ground Tanks Not Elevated.** Above-ground tanks that do not meet the elevation requirements of *Section 3.2(B) Nonresidential Construction* 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.

4. **Tank Inlets and Vents.** Tank inlets, fill openings, outlets and vents shall be:

- 
- (1) 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
 - (2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

J. Other Development.

1. Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of *Section 3.5 Floodways and Non-Encroachment Areas* of this ordinance.
2. 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 *Section 3.5 Floodways and Non-Encroachment Areas* of this ordinance.
3. 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 *Section 3.5 Floodways and Non-Encroachment Areas* of this ordinance.
4. 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~~ non-residential structures.

3.3 STANDARDS FOR FLOODPLAINS OUTSIDE THE SPECIAL FLOOD HAZARD AREAS

Areas designated as X Zones (Shaded or Unshaded) on the FIRM or in the FIS report established in Article 3, Section B, are areas determined to be low to moderate risk flood zones but are not immune to inundation by flood waters. The following provisions, in addition to the provisions of Article 5, Sections A and B, shall apply to all development within such areas:

- (1) Where 0.2-percent-annual-chance water surface elevations are provided, the reference level in Zone X (Shaded) shall be elevated or floodproofed to at least the 0.2-percent-annual-chance water surface elevation or the Regulatory Flood Protection Elevation, whichever is higher.

(2) Where no flood hazard data is available or provided per Article 3, Section B:

(a) the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least Insert feet (two (2) feet to four (4) feet is recommended) 2 ft feet above the highest adjacent grade; or

(b) meet the requirements of Article 5, Section C(4).

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(3) Where Advisory Flood Studies provide base flood elevations, the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least the advisory BFE communities can also choose to adopt a higher standard (i.e., 1-percent rainfall depth plus, 0.5-percent-annual-chance, 0.2-percent-annual-chance, 0.1-percent-annual-chance, etc.) plus a freeboard of Insert feet (two (2) feet to four (4) feet is recommended) feet. 2 ft

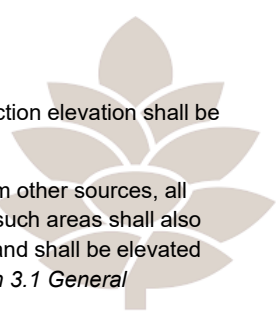
(4) Where a Community Flood Hazard Area (CFHA) is established per Article 3, Section B, the reference level shall be elevated or floodproofed, pursuant to Article 5, Section B, to at least the CFHA flood elevation plus a freeboard of 2 ft.

4.

3.3.3.4 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

A. Within the special flood hazard areas designated as Approximate Zone A and established in *Section 1.7 Basis for Establishing the Special Flood Hazard Areas*, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of *Section 3.1 General Standards*, shall apply:

1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five (5) 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.

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- (1) The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - (2) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in *Section 3.1 General Standards* and *Section 3.2 Specific Standards*.
 - (3) 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 *Section 3.2 Specific Standards* and *Section 3.5 Floodways and Non-Encroachment Areas*.
 - (4) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with *Section 1.7 Basis for Establishing the Special Flood Hazard Areas* and utilized in implementing this Ordinance.
 - (5) When Base Flood Elevation (BFE) data is not available from a federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in *Section 1.5 Definitions*. All other applicable provisions of *Section 3.2 Specific Standards* shall also apply.

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

- A. Along rivers and streams where Base Flood Elevation (BFE) data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:
 1. Standards of *Section 3.1 General Standards* and *Section 3.2 Specific Standards*;
 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 foot at any point within the community.

3.6 FLOODWAYS AND NON-ENCROACHMENT AREAS

A. Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in *Section 1.7 Basis for Establishing the Special Flood Hazard Areas*. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in *Section 3.1 General Standards* and *Section 3.2 Specific Standards*, shall apply to all development within such areas:

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

- (1) It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or

- ~~(2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.~~

- (2) A Conditional Letter of Map Revision (CLOMR) has been issued by FEMA for proposed encroachments resulting in increases in the flood levels during the occurrence of the base flood discharge. A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment.

- (3) A Letter of Map Revision (LOMR) must be obtained within six months of completion of the proposed encroachment, permitted in accordance with Article 5, Section F(1)(a), if the encroachment results in changes to the floodway/non-encroachment area widths, and/or changes to the stream location.

B. If *Section 3.5–3.6 Floodways and Non-Encroachment Areas* is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Ordinance.

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

1. The anchoring and the elevation standards of *Section 3.2(C) Manufactured Homes*; and

2. The no encroachment standard of *Section 3.5(A) Floodways and Non-Encroachment Areas*.

2.3. Placement of recreational vehicles in the regulatory floodway or non-encroachment area is prohibited.

3.4.3.7 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

A. Located within the special flood hazard areas established in *Section 1.7 Basis for Establishing the Special Flood Hazard Areas*, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to *Section 3.1 General Standards* and *Section 3.2 Specific Standards*, 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

~~four two (4)(2)~~ feet, above the highest adjacent grade; or at least ~~four (4)-two (2)~~ feet above the highest adjacent grade if no depth number is specified.

B. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in *Section 3.6 Standards for Areas of Shallow Flooding (Zone AO)* so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with *Section 2.2(C) Certification Requirements* and *Section 3.2(B) Nonresidential Construction*.

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

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

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

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

ARTICLE 6. LEGAL STATUS PROVISIONS.

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

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted insert adoption date of the community's initial Flood Damage Prevention Ordinanceinsert adoption date 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 NameVillage of Pinehurst enacted on insert adoption date of the community's initial Flood Damage Prevention Ordinance, adoption date as amended, which are not reenacted herein are repealed.

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

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

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

SECTION C. SEVERABILITY.

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

SECTION D. EFFECTIVE DATE.

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

needed

SECTION E. ADOPTION CERTIFICATION.

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

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

(signature)

 (Seal)



Engineering Standards and Specifications Manual Update ADDITIONAL AGENDA DETAILS:

FROM: Alex Cameron, Planning & Inspections Director
CC: Planning & Zoning Board;
DATE OF MEMO: 07/28/2026

MEMO DETAILS

At an upcoming meeting, the Planning and Zoning Board will conduct a public hearing and consider a recommendation to the Village Council regarding proposed updates to the Village's Engineering Standards and Specifications Manual (ESSM). The purpose of this agenda item is to provide an overview of the project and highlight key areas and proposed changes in advance of the public hearing.

Background

The ESSM was originally adopted by the Village Council in August 2004, with the most recent amendments adopted in December 2015. As part of the Village's ongoing Pinehurst Development Ordinance (PDO) Update Project, Village staff has been working with Kimley-Horn to comprehensively review and update the manual to ensure it reflects current engineering practices, regulatory requirements, and development standards. The ESSM establishes minimum site design and infrastructure standards for new commercial development, subdivisions, streets/rights-of-way, etc. The proposed revisions are intended to:

- Modernize the document's format and organization.
- Remove outdated references and obsolete procedures.
- Incorporate changes and improve consistency between the ESSM, the PDO, and other applicable codes.
- Terminology updates.
- Clarify processes and procedures.

Organization of the Updated Manual

The updated ESSM maintains the general structure of the current manual while improving some titles. The proposed sections include:

- Section 1 – Preliminary Considerations and Instructions
- Section 2 – General Provisions
- Section 3 – Streets and Public Rights-of-Way
- Section 4 – Curb and Gutter, Driveways, Greenways, and Sidewalks
- Section 5 – Stormwater Conveyance and Management
- Section 6 – Water Distribution and Wastewater Collection
- Appendices – Standard approval blocks, as-built checklist, and standard details

Highlights of Proposed Changes

Section 1 – Preliminary Considerations and Instructions

- Expanded procedures for requesting waivers from engineering standards.

Section 2 – General Provisions

- Addition of a definition for an "improved" public or private street.

Section 3 – Streets and Public Rights-of-Way

- Delegation of curb and gutter waiver approvals to the Village Engineer, when supported by the design engineer's justification.
- Addition of Traffic Impact Study requirements for developments generating 1,000 average daily trips or 100 peak-hour trips.

Section 4 – Curb and Gutter, Driveways, Greenways, and Sidewalks

- Updates to greenway construction standards to reflect current materials and construction practices.

Section 5 – Stormwater Conveyance and Management

- Incorporation of Water Supply Watershed requirements.
- Requirement that new development demonstrate compliance with 2-, 10-, and 25-year pre- and post-development stormwater runoff rates.
- Addition of Stormwater Operation and Maintenance Manual and Agreement requirements.
- Authorization of additional pipe materials, including HDPE and HP pipe, where appropriate.

Section 6 – Water Distribution and Wastewater Collection

- Updates to required fire flow provisions based on recommendations from the Fire Department.

Appendices

- Minor revisions to approval blocks, checklists, and standard detail drawings.
- Addition of a standard road closure notification procedure.

Looking Ahead

The upcoming public hearing will provide an opportunity for the Planning and Zoning Board to review the proposed revisions, receive public input, and consider a recommendation to the Village Council. A similar update was presented to Village Council during their July 14th work session. A final draft of the updated document will be provided to the Board well ahead of the scheduled public hearing.

ATTACHMENTS

None



Text Amendment to the Pinehurst Development Ordinance for Plant Protection Devices

ADDITIONAL AGENDA DETAILS:

FROM: Alex Cameron, Planning & Inspections Director
CC: Planning & Zoning Board;
DATE OF MEMO: 07/28/2026

MEMO DETAILS

At an upcoming meeting, the Planning Board will conduct a public hearing and consider a recommendation to the Village Council regarding a proposed text amendment to the Pinehurst Development Ordinance (PDO) establishing standards for "plant protection devices". The purpose of this agenda item is to provide background on the issue, explain how the proposed amendment has evolved, and encourage Board members to review the attached draft amendment and provide input in advance of the public hearing.

Background

Over the past couple of years, Village staff has observed an increasing number of wire, mesh, stake-and-wire, and similar barriers being installed throughout the Village to protect landscaping from nuisance deer. Under the current PDO, many of these installations meet the ordinance's definition of a fence, but they are not among the permitted fence types. This has been the case for many years, but the number of these types of "fences" has increased recently. Some photos of these type of devices are attached to this agenda item. This was discussed during the update to the PDO last year but ultimately recommended by the Focus Group and decided by Village Council to leave the regulations as they were. As staff began to once again notice the growing use of these devices and expected the blowback once the PDO provisions were enforced, we brought the issue before the Administration and Council for them to begin discussing and deciding whether to enforce the existing regulations or consider whether the PDO should be amended to better address this issue. The Village Council discussed this topic during work sessions on June 23 and July 14. Based on Council's discussion and direction, staff refined the attached draft ordinance that will now move through the formal text amendment process.

Purpose of the Amendment

The proposed amendment establishes a new category of plant protection devices intended solely to protect living plant material from damage caused by wildlife or similar natural conditions. Rather than expanding the list of allowable fence types, the proposal creates a limited exception to the fence regulations for qualifying plant protection devices. Devices meeting the standards of the ordinance would not be considered fences and would not require a development permit. The intent is to provide residents with practical options to protect landscaping while maintaining the appearance and character of the Village through clear standards regulating the size, location, materials, and maintenance of these devices.

Highlights of the Draft Amendment

The proposed amendments would:

- Establish a new category of plant protection devices that is distinct from fences.

- Limit their use to protecting individual plants, shrubs, trees, planting beds, or small groups of related plantings.
- Prohibit their use to define property lines, yards, patios, outdoor living areas, or other portions of a lot.
- Require devices to be installed within 24 inches of the protected vegetation.
- Limit the maximum height to four feet within required front yards and six feet within side and rear yards.
- Require dark-colored wire, mesh, and supporting stakes that blend with the surrounding landscape.
- Establish minimum material standards, including a minimum 16-gauge coated wire or mesh.
- Prohibit highly visible or temporary materials such as orange construction fencing, snow fencing, brightly colored plastic mesh, untreated galvanized livestock panels, untreated wood stakes, and similar materials.
- Require devices to be properly maintained and removed when they are no longer needed.

Planning and Zoning Board Review

The upcoming public hearing will provide a formal opportunity for the Board to review the proposed amendment, receive public input, and formulate a recommendation to the Village Council. As you review the attached draft ordinance, staff encourages the Board to consider whether the proposed standards appropriately balance residents' desire to protect landscaping from nuisance deer while preserving the visual character of the Village.

ATTACHMENTS

1. Draft PDO Amendment 10.8 Plant Protection Devices
2. Plant Protection Photos

Section 10.8 Plant Protection Devices

A. Purpose. Plant protection devices are intended solely to protect living plant material from damage caused by wildlife or similar natural conditions. They are not intended to function as boundary, privacy, security, or screening fences.

B. Exception. Plant protection devices complying with this Section shall not be considered fences for purposes of this Chapter and no development permit is required. All other fences or walls shall comply with the standards elsewhere in this Chapter.

C. Standards.

1. Plant protection devices shall only enclose individual plants, shrubs, trees, planting beds, or small groups of related plantings.
2. Plant protection devices shall not be used to enclose or define property lines, yards, patios, outdoor living areas, or other portions of a lot.
3. Plant protection devices shall be installed within twenty-four (24) inches from the outer edge of the protected plant material.
4. Plant protection devices shall not exceed four (4) feet in height within any required front yard or six (6) feet in height within any side or rear yard.
5. Plant protection devices shall be maintained in good condition and shall not contain broken, rusted, sagging, or deteriorated materials.
6. Plant protection devices shall be removed when no longer necessary to protect the plant material.

D. Materials.

1. Plant protection devices shall be constructed of black, dark green, or dark brown materials designed to blend with the surrounding landscape.
2. Supporting stakes shall be wood, metal or fiberglass and painted or coated black, dark green, or dark brown.
3. Wire or mesh shall be a minimum of sixteen (16) gauge factory finished or coated black, dark green, or dark brown.
4. Orange construction fencing, snow fencing, brightly colored plastic mesh, untreated galvanized livestock panels, untreated wood stakes, and similar highly visible materials are prohibited.



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