

Kill Devil Hills Proposed 2020 Flood Damage Prevention Ordinance

Summary and Process for
Adoption

Joint Worksession
January 22, 2020

Background

Brief Summary of New Flood Maps

Flood Map Review and Adoption Process

- The Letter of Final Determination was received on December 19, 2019.
- This starts the 6 month clock for adoption of the new Flood Maps and revised Flood Damage Prevention Ordinance.
- The deadline for adoption is June 19, 2020.
- The Town is required to have a public hearing on the maps and ordinance prior to adoption.

Proposed Timeline for Adoption

- January 22, 2020: Distribution of Proposed Flood Damage Prevention Ordinance to the Board of Commissioners and Planning Board
- February 11, 2020: Planning Board review : Establish special meetings if necessary
- March 9, 2020 Board of Commissioners review and set public hearing for April 6, 2020(25 day advertising required).
- April 6, 2020: Hold public hearing and possibly adopt Flood Maps and Flood Damage Prevention Ordinance with an effective date of June 19, 2020. (Last meeting for adoption June 8, 2020 if necessary)

Public Meetings

- Staff will continue to work with the Dare County CRS Users Group to coordinate public meetings to educate the public and special interest groups about the proposed ordinance and the importance to maintain flood insurance

Flood Map Basics

Preliminary Map Facts

- The preliminary National Flood Insurance Program (NFIP)- Flood Insurance Rate Maps (FIRMs) for Dare County were released June 30, 2016.
- The maps were developed by the North Carolina Floodplain Mapping Program in conjunction with the Federal Emergency Management Agency (FEMA)
- The maps were released in a digital format and can be viewed on the Flood Risk Information System (FRIS). The website is <http://www.ncfloodmaps.com/>

Flood Zone Definitions

- **VE** – SFHA for areas with primary frontal dunes and areas along the coast subject to 1% annual flood event with additional hazard due to storm induced velocity wave action up to three feet. Base Flood Elevation (BFE) are shown within VE zones. Mandatory insurance purchase requirements apply.
- **AE** – SFHA designation for areas subject to inundation by 1% annual chance . BFE are shown within AE zones. Mandatory insurance purchase requirements apply.
- **AO** – SFHA for areas subject to inundation by 1% annual chance where average depths are 1-3 feet. Flood depths are shown within AO zones. Mandatory insurance purchase requirements apply.
- **X and Shaded X** - Areas of moderate or minimal flood hazard. Not within a SFHA and flood insurance is not mandatory. (Preferred Risk Policies may be available.)

Highlights of Changes

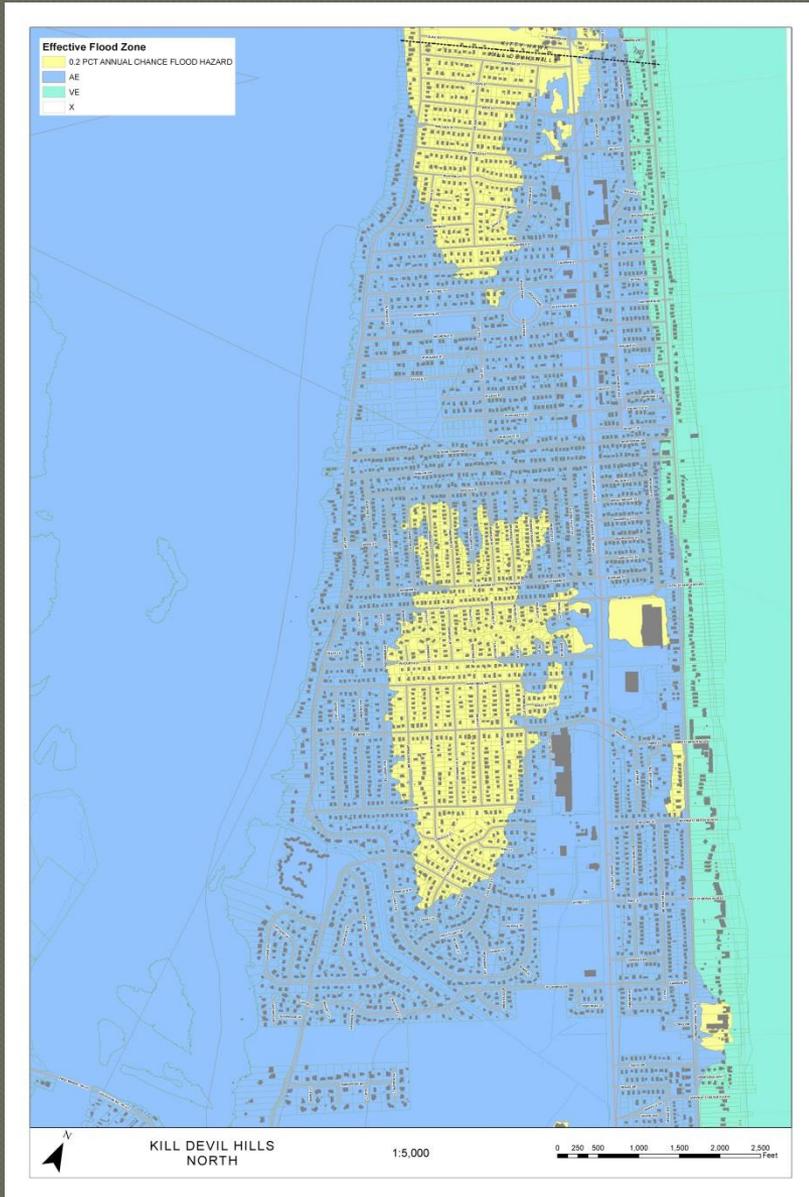
The preliminary FIRMs remove a significant number of properties from the Special Flood Hazard Areas (SFHA), particularly in Kill Devil Hills:

Changes by Jurisdiction	Buildings				NFP Policies			
	V Zone		A Zone		V Zone		A Zone	
	Current	Updated	Current	Updated	Current	Updated	Current	Updated
DARE COUNTY	1,890	124	12,814	8,613	1,193	97	6,245	4,004
DUCK	387	255	882	187	297	166	645	131
KILL DEVIL HILLS	546	226	4,334	272	324	126	2,878	191
KITTY HAWK	500	278	1,898	1,317	355	205	902	716
MANTEO	13	0	1,149	418	0	0	548	213
NAGS HEAD	1,406	726	2,756	901	939	370	2,157	820
SOUTHERN SHORES	250	122	1,034	259	192	98	827	97

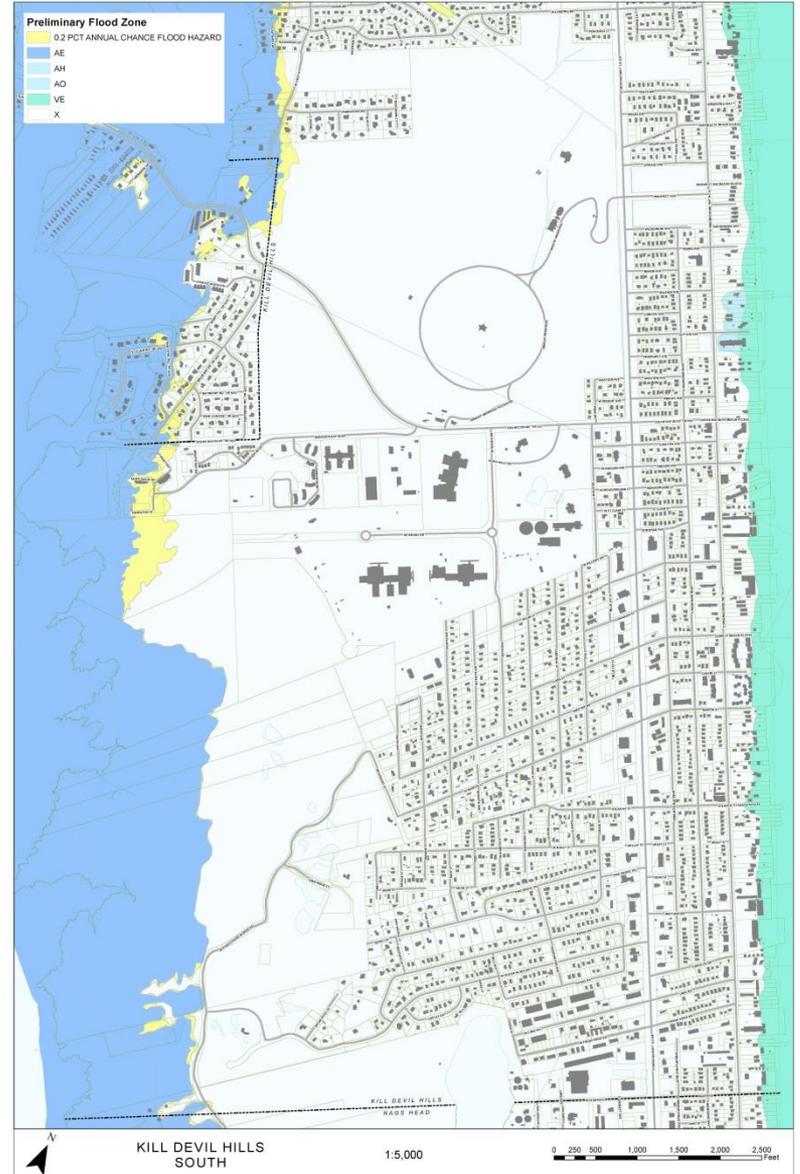
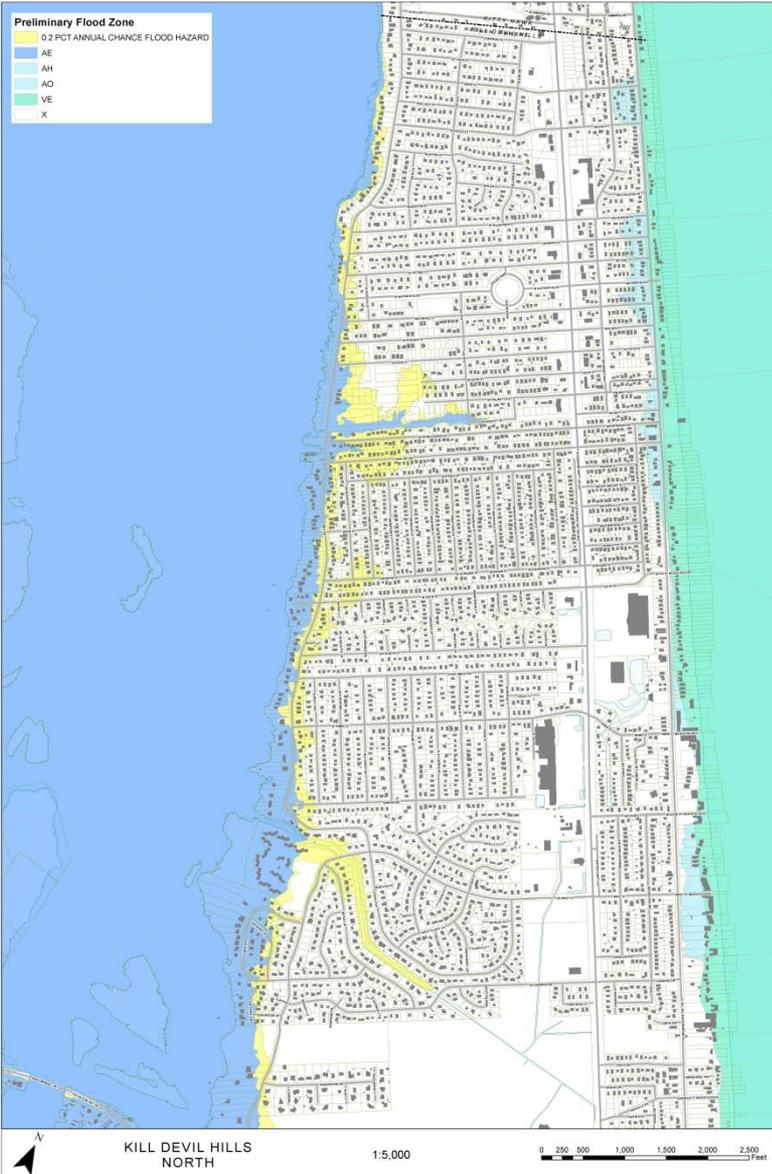
Structures within Flood Zones

	AE	AH	AO	VE	Shaded X
Current Maps	4,369			511	3
Preliminary Maps	182		90	266	220

Current Map

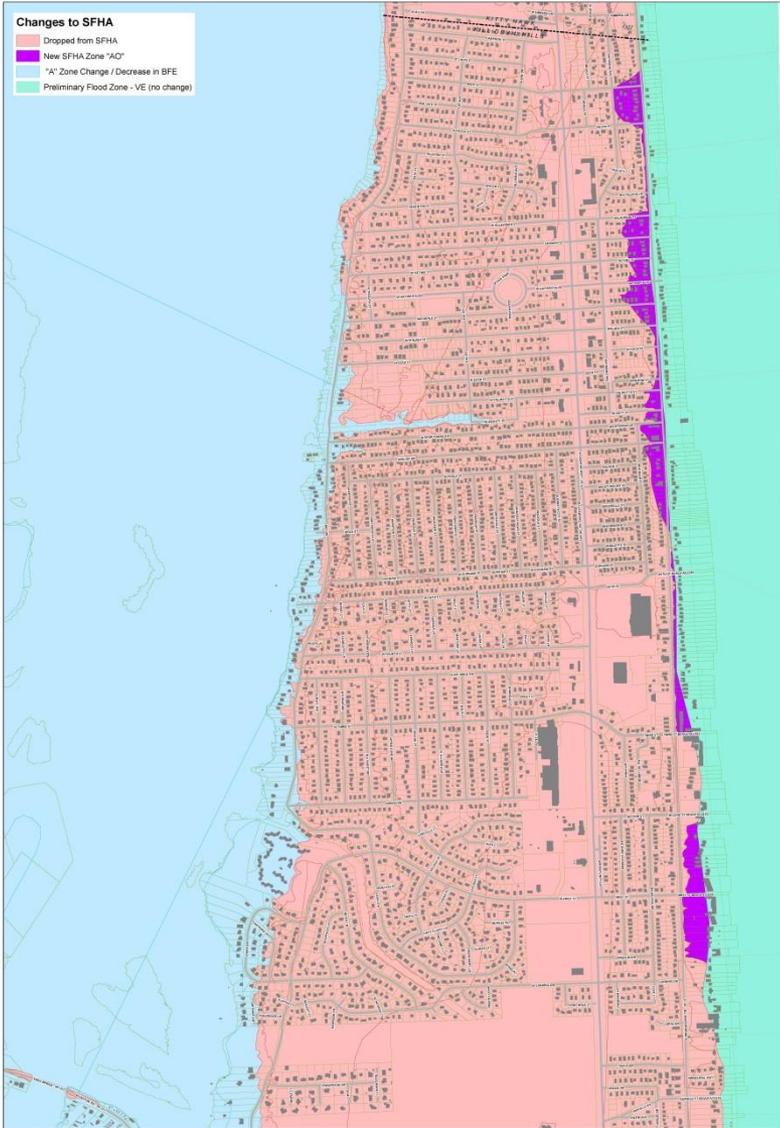


Preliminary Map



Effective Changes

- Changes to SFHA
- Dropped from SFHA
 - New SFHA Zone "AO"
 - "A" Zone Change / Decrease in BFE
 - Preliminary Flood Zone - VE (no change)

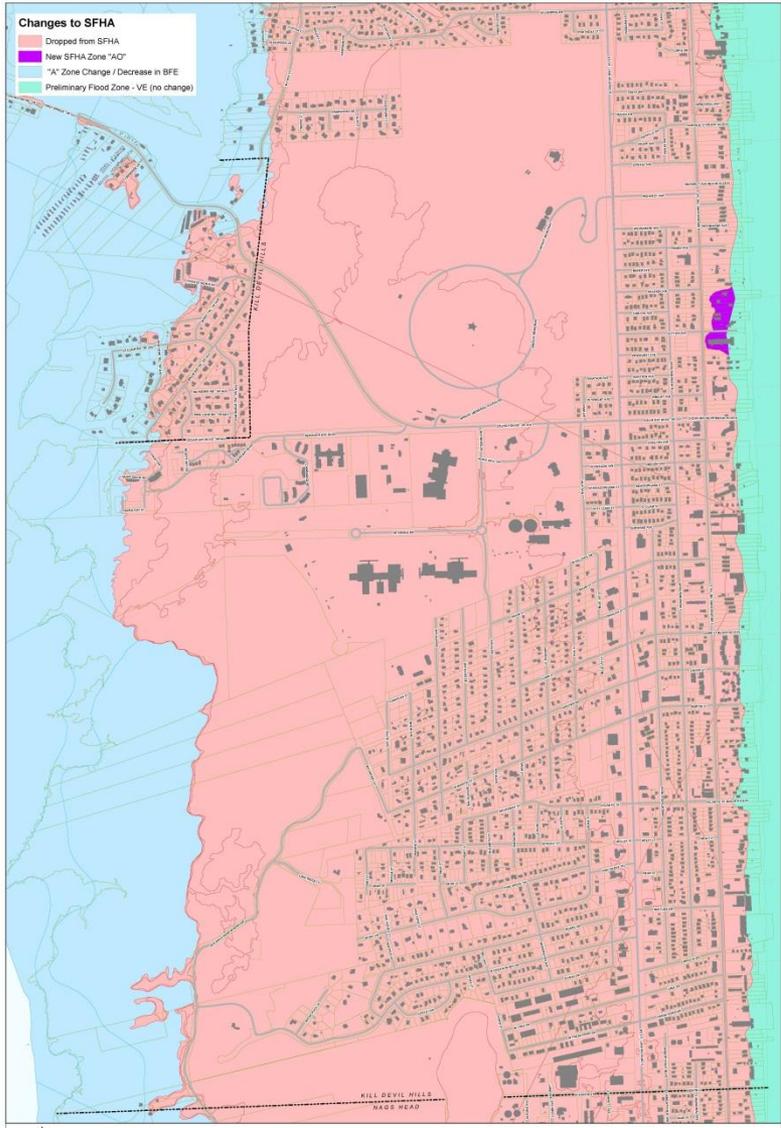


KILL DEVIL HILLS
NORTH

1:5,000

0 250 500 1,000 1,500 2,000 2,500
Feet

- Changes to SFHA
- Dropped from SFHA
 - New SFHA Zone "AO"
 - "A" Zone Change / Decrease in BFE
 - Preliminary Flood Zone - VE (no change)



KILL DEVIL HILLS
SOUTH

1:5,000

0 250 500 1,000 1,500 2,000 2,500
Feet

Concerns about New Maps

- The new maps DO NOT reflect flood risk and historic flooding in the Town of Kill Devil Hills.
- Many of the properties that are coming out of Special Flood Hazard Areas have historically experienced flooding.
- Properties remaining in the Special Flood Hazard Areas have a reduced Base Flood Elevation which is below historic flooding levels.
- Much of the oceanfront has been removed from the Special Flood Hazard Area which is our most vulnerable property.

State Model Ordinances

- The State of North Carolina Department of Public Safety, Risk Management Section develops the State Flood Damage Prevention Model Ordinance.
- There are several state revisions to the ordinance from the 2006 version which are outlined in the proposed ordinance.
- Many of the changes are clarifications to the 2006 ordinance, however some are additional regulatory standards. There are some optional regulations the State offers for the localities to determine. Most options are higher regulatory standards than required by the NFIP.
- The towns are required to adopt the State model ordinance with local modifications (approved by the State) to remain in good standing in the NFIP program which provides Flood Insurance Policies and emergency assistance.

Staff Recommendation to Modify the State Model Ordinance

- Propose a higher regulatory standard in the proposed Flood Damage Prevention Ordinance
- Continue an aggressive public information campaign to educate the public on the proposed ordinance, the risk of flooding and the importance of property owners to maintain their flood insurance policies regardless of the flood zone designation.

Proposed Higher Regulatory Standards - Summary

Staff proposes the following:

- Local Elevation Standard that supplements the proposed maps in the Special Flood Hazard Areas.
- Require Flood Elevation Standards in the “X” and “Shaded X”.

Proposed Regulatory Flood Protection Elevation included in the proposed ordinance as follows (Section 2 Definitions):

Regulatory Flood Protection Elevation (RFPE) In Special Flood Hazard Areas means the “Base Flood Elevation” plus the “Freeboard” for those areas where base flood elevations have been determined on the FIRM; the base flood depth above the highest adjacent grade or local elevation standards for those areas identified as AO zones of the FIRM, or the local elevation standard for those areas identified as Shaded X or X zones on the FIRM.

Definition Continued:

For Kill Devil Hills the RFPE is as follows:

- **In VE zones, the RFPE is the Base Flood Elevation as designated on the effective FIRM plus free of obstruction.**
- **In AE zones, the RFPE is the Base Flood Elevation as designated on the effective FIRM plus 3 feet of freeboard OR an elevation to above 8 feet NAVD 1988 , whichever is greater.**
- **In AO zones, the RFPE is the designated base flood depth on the effective FIRM above the highest natural adjacent grade OR an elevation to or above 8 feet NAVD 1988, whichever is greatest.**
- **In Shaded X and X zones, the RFPE is 8 feet NAVD 1988 OR the natural grade elevation if the natural grade is greater than 8 feet NAVD 1988.**
- **In Shaded X and X Zones east of NC12, the RFPE is 8 feet NAVD 1988 or natural grade elevation if the natural grade is greater than 8 feet NAVD 1988 plus free of obstruction.**

Proposed Higher Regulatory Standards - Summary

- Limit the uses below the Regulatory Flood Protection Elevation to parking, storage and dry entry (regardless of SFHA)
- Added all properties East of NC12 to the “Free of Obstruction” requirement (not just structures located in the VE Zone)
- Allow additions and renovations in the “X” and “Shaded X” at the existing structures current elevations
- Require elevation certificates or a survey by a licensed surveyor that demonstrates natural grade above the RFPE in the “X” and “Shaded X”

- There are many other changes specific to the Town of Kill Devil Hills in the proposed ordinance, which are outlined in the draft ordinance.
- The proposed local modifications have been reviewed and accepted by the State.

Interlocal Coordination

- Staff has worked diligently with the county and neighboring municipalities' planners over the past three years to develop the proposed Flood Damage Prevention Ordinance and create as much continuity between towns and the county as possible.
- The Town of Duck, Town of Southern Shores, Town of Kitty Hawk and Dare County are all proposing the Local Elevation Standard and have worked to standardize the ordinance and interpretations throughout the county.
- The group also held several public meetings with the Outer Banks Home Builders, insurance companies, local engineers and surveyors and Board of Realtors to explain the proposed higher regulatory standards.

Outreach efforts

- Additionally, the group has started a public campaign to inform the public of the risks of flooding and encouraging that homeowners maintain their flood insurance policies. The theme of the campaign is
“LOW RISK IS NOT NO RISK”
- Through Dare County there is also a multi-jurisdictional website which provides additional flood information, timelines and important links:
OBXFloodmaps.com

In Conclusion

- The timeline for adoption with our meeting schedule is tight. Special meetings may be required.
- Adoption of the Flood Maps and Flood Damage Prevention Ordinance is required by June 19, 2020 to remain in the NFIP which provides flood insurance to our citizens and damage assistance after a disaster.
- Staff will be available to meet with any members of the Planning Board or Board of Commissioners to discuss the ordinance to make the process move more smoothly.
- We invite Board of Commissioners members to the Planning Board meetings to further discuss the details of the ordinance and provide input.
- Please continue to encourage our citizens to maintain their Flood Insurance Policies.