



NEW HANOVER COUNTY

BOARD OF COMMISSIONERS AGENDA

Assembly Room, New Hanover County Historic Courthouse
24 North Third Street, Room 301, Wilmington, NC 28401

Jonathan Barfield, Jr., Chairman | **Julia Olson-Boseman, Vice-Chairwoman**
Patricia Kusek, Commissioner | **Woody White, Commissioner** | **Rob Zapple, Commissioner**

Chris Coudriet, County Manager | Wanda Copley, County Attorney | Kym Crowell, Clerk to the Board

NOVEMBER 4, 2019 4:00 PM

MEETING CALLED TO ORDER (Chairman Jonathan Barfield, Jr.)

INVOCATION (Reverend Derek Macleod, St. Andrews Covenant Presbyterian Church)

PLEDGE OF ALLEGIANCE (Vice-Chairwoman Olson-Boseman)

APPROVAL OF CONSENT AGENDA

CONSENT AGENDA ITEMS OF BUSINESS

1. Approval of Minutes
2. Adoption of State Road Resolution
3. Approval of Sale of County-Owned Property Located at 5155 S. College Road (PIN: R07600-002-028-000) Consistent With the Upset Bid Process
4. First Reading: Approval of Solid Waste Franchise for Tropical Moves, LLC
5. Second Reading: Approval of Solid Waste Franchise for ClearAway Waste Solutions LLC
6. Adoption of Diabetes Awareness Month Proclamation
7. Adoption of Adoption Awareness Month Proclamation
8. Approval of September 2019 Tax Collection Reports
9. Adoption of Budget Amendment

ESTIMATED
MINUTES

REGULAR AGENDA ITEMS OF BUSINESS

- | | |
|----|--|
| 5 | 10. Consideration of Resolution of Support for the Installation of an Additional Southbound Exit Lane on US-17 onto Market Street in Porters Neck |
| 40 | 11. Public Hearing
Request by New Hanover County to:
A. Amend Articles II and VI of the Zoning Ordinance to Establish New Standards for the Protection of Large Trees (TA19-03); and
B. Amend the New Hanover County Fee Schedule to Include Tree Mitigation Fees |
| 40 | 12. Public Hearing
Text Amendment Request (TA19-02) - Request by New Hanover County to Amend the Flood Damage Prevention Ordinance to Incorporate Updated Flood Insurance Rate Map Data and Amend the Requirements of the Coastal A Special |

Flood Hazard Area, and to Amend Section 51 of the Zoning Ordinance to Address Building Height Requirements in the Coastal A Special Flood Hazard Area

PUBLIC COMMENTS ON NON-AGENDA ITEMS (limit three minutes)

ESTIMATED
MINUTES

ADDITIONAL AGENDA ITEMS OF BUSINESS

13. Additional Items
County Manager
County Commissioners
Clerk to the Board
County Attorney
14. ADJOURN

Note: Minutes listed for each item are **estimated**, and if a preceding item takes less time, the Board will move forward until the agenda is completed.

Mission

New Hanover County is committed to progressive public policy, superior service, courteous contact, judicious exercise of authority, and sound fiscal management to meet the needs and concerns of our citizens today and tomorrow.

Vision

A vibrant prosperous, diverse coastal community, committed to building a sustainable future for generations to come.

Core Values

Integrity - Accountability - Professionalism - Innovation - Stewardship

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: Governing Body

PRESENTER(S): Kym Crowell, Clerk to the Board

CONTACT(S): Kym Crowell

SUBJECT:

Approval of Minutes

BRIEF SUMMARY:

Approve minutes from the following meeting:

Regular Meeting held on October 21, 2019

STRATEGIC PLAN ALIGNMENT:

Superior Public Health, Safety and Education

- Keep the public informed on important information

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Approve minutes.

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: Governing Body **PRESENTER(S):** Kym Crowell, Clerk to the Board and Brad Schuler,
Senior Planner

CONTACT(S): Kym Crowell and Brad Schuler

SUBJECT:

Adoption of State Road Resolution

BRIEF SUMMARY:

NCDOT is considering the addition of the following road as the road meets the standards and criteria established by the state and county and requesting the board to adopt the resolution in support of adding the road to the state system:

- Sapling Circle (remaining portion) located within the Meadowbrook (section 11) and Sun Coast Villas (section 8) subdivisions in New Hanover County (Division File No: 1281-N)

STRATEGIC PLAN ALIGNMENT:

Superior Public Health, Safety and Education

- Keep the public informed on important information

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Adopt SR-2 resolution.

ATTACHMENTS:

NCDOT Request Letter and Maps

NHC Locator Map

SR-2 Resolution

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

JAMES H. TROGDON, III
SECRETARY

October 17, 2019

Ms. Kym Crowell, Clerk to the Board
New Hanover County Board of Commissioners
230 Government Center Drive, Suite 175
Wilmington, NC 28403

Subject: Proposed Roadway Additions to the State System of Highways
(Division File No: 1281-N)

Dear Ms. Crowell:

This office is considering the addition of the following road; Sapling Circle (remaining portion) located within the Meadowbrook (section 11) and Sun Coast Villas (section 8) subdivisions to the state maintenance system. After the Board's consideration please furnish this office with the current county resolution and official road name for our further handling.

If I may be of further assistance, please call me at 910 398-9100

Thank you,

A handwritten signature in black ink, appearing to read "John Diaz".

John Diaz
Engineering Specialist I

Enclosures: Copy of SR-1 Road Petition request form, plat maps and locator map

**North Carolina Department of Transportation
Division of Highways
Petition for Road Addition**

ROADWAY INFORMATION: (Please Print/Type)

County: New Hanover Road Name: 2626-2616 Sapling Circle
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Meadowbrook Length (miles): 0.1 mile

Number of occupied homes having street frontage: 10 Located (miles): _____

miles N S E W of the intersection of Route 2671 and Route 2666.
(Check one) (SR, NC, US) (SR, NC, US)

We, the undersigned, being property owners and/or developers of Meadowbrook in New Hanover County, do hereby request the Division of Highways to add the above described road.

CONTACT PERSON: Name and Address of First Petitioner. (Please Print/Type)

Name: Allison Butscher (HOA President as of 9/2019) Phone Number: 910-612-7525

Street Address: 2318 Sapling Circle, Wilmington, NC 28411

Mailing Address: 2318 Sapling Circle, Wilmington, NC 28411

PROPERTY OWNERS

<u>Name</u>	<u>Mailing Address</u>	<u>Telephone</u>
-------------	------------------------	------------------

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach two (2) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

FOR NCDOT USE ONLY: Please check the appropriate block

- Rural Road Subdivision platted prior to October 1, 1975 Subdivision platted after September 30, 1975

REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>	<u>ROAD NAME</u>	<u>HOMES</u>	<u>LENGTH</u>

= Request to Add

= System Roads

SUNCOAST VILLAS 3609

RECORDS AND PERMITS
8594 SITE PLAN
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NEW HANOVER COUNTY
199 APR 25 AM 10 10

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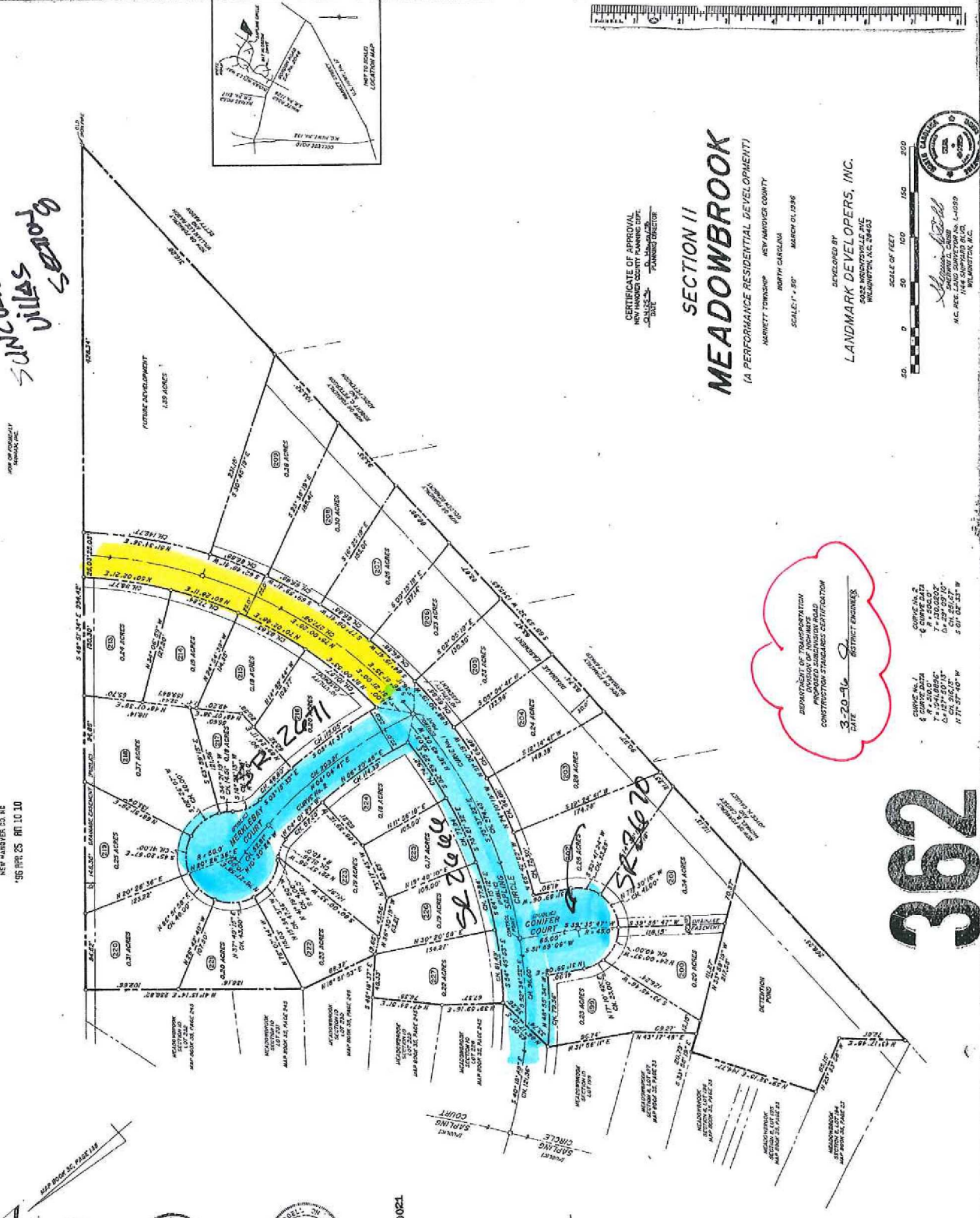
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SECTION II MEADOWBROOK (A PERFORMANCE RESIDENTIAL DEVELOPMENT)

DEVELOPED BY
LANDMARK DEVELOPERS, INC.
5000 WOODBRIDGE LANE
WILMINGTON, N.C. 28403

SCALE: 1" = 50'
MARCH 01, 1996

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
CONSTRUCTION STANDARDS CERTIFICATION
DATE: 3-20-96
DISTRICT ENGINEER



362

REC'D
NORTH CAROLINA
NEW HANOVER COUNTY
PLANNING DEPARTMENT
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NORTH CAROLINA
NEW HANOVER COUNTY
PLANNING DEPARTMENT
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System Roads = Request to Add

I, SHERWIN D. COOPER, CERTIFY THAT THIS MAP WAS DRAWN BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL CONDITIONS ON THE GROUND. I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH CAROLINA, LICENSE NO. 14099.

I, SHERWIN D. COOPER, CERTIFY THAT THIS MAP IS A CORRECT REPRESENTATION OF THE ACTUAL CONDITIONS ON THE GROUND. I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH CAROLINA, LICENSE NO. 14099.



THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT IT IS THE PROPERTY OF THE STATE OF NORTH CAROLINA. THE PROPERTY IS SUBJECT TO ALL STATE, COUNTY, AND LOCAL LAWS, ORDINANCES, AND REGULATIONS. THE PROPERTY IS SUBJECT TO ALL STATE, COUNTY, AND LOCAL LAWS, ORDINANCES, AND REGULATIONS.

10-28-09 Sherwin D. Cooper

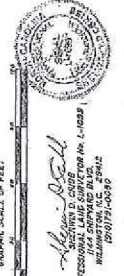
WATER AND SEWER UTILITY DISCLAIMER
NORTH CAROLINA, NEW HANCOCK COUNTY
FILED FOR RECORDATION ON THE DATE OF _____ AT PAGE _____
REGISTER OF DEEDS
CERTIFICATE OF RECORDATION FOR
NORTH CAROLINA, NEW HANCOCK COUNTY
REGISTER OF DEEDS

REVIEW OFFICE CERTIFICATE
SHERWIN D. COOPER, REGISTERED PROFESSIONAL LAND SURVEYOR, NO. 14099
DATE: 11-12-19
PLANNING DIRECTOR
D. HAYES

SECTION B
SUN COAST VILLAS
AT
COASTAL CAROLINA
HARRETT TOWNSHIP, NEW HANCOCK COUNTY
NORTH CAROLINA
DEVELOPED BY:
SAVCO
10 WINTON AVENUE
DUNEDAN, NC 28529
SCALE: 1" = 100 FEET
DRAWING SCALE OF FEET

LEGEND:
PROPERTY LINE
ADJACENT PROPERTY
CORNER MARK

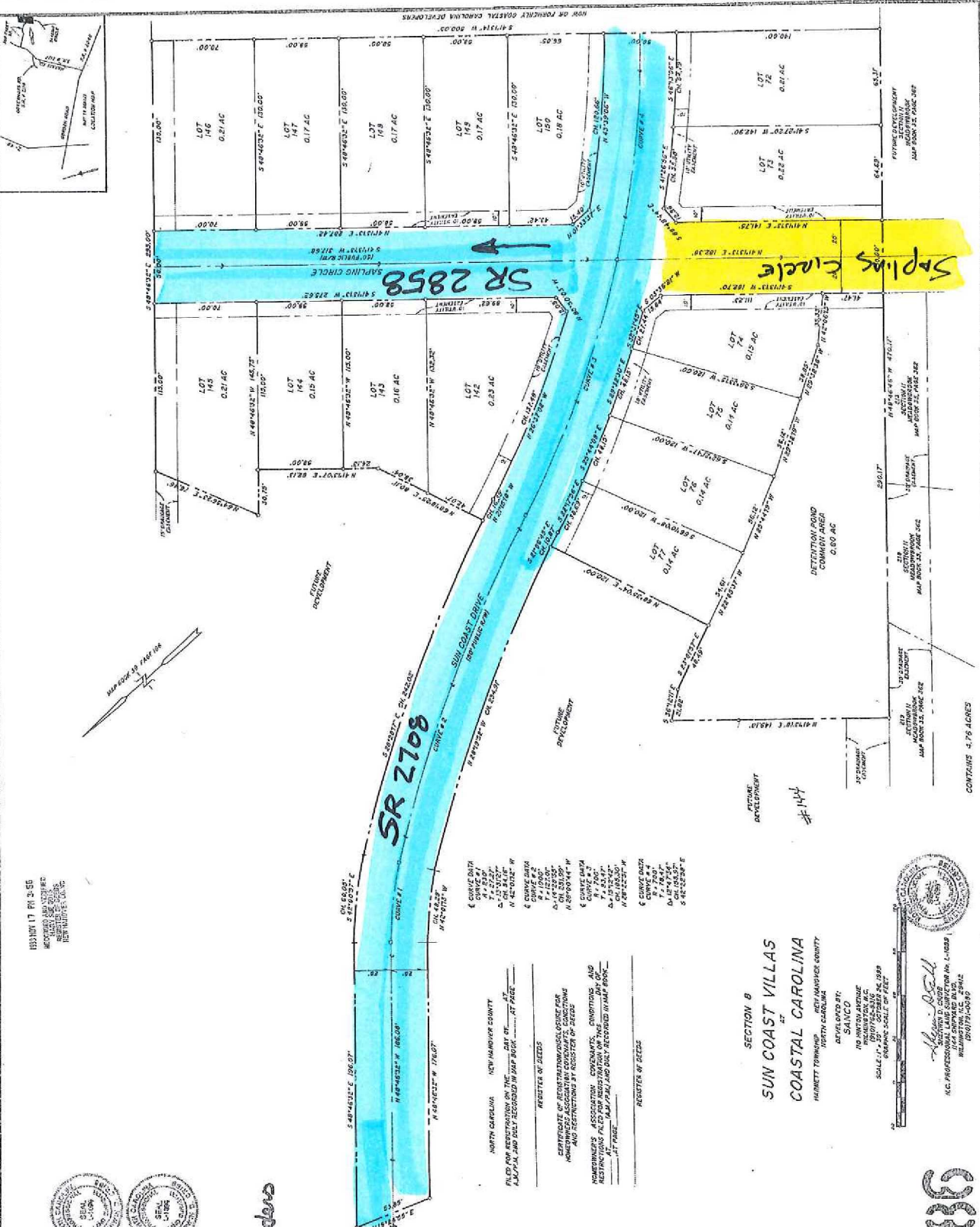
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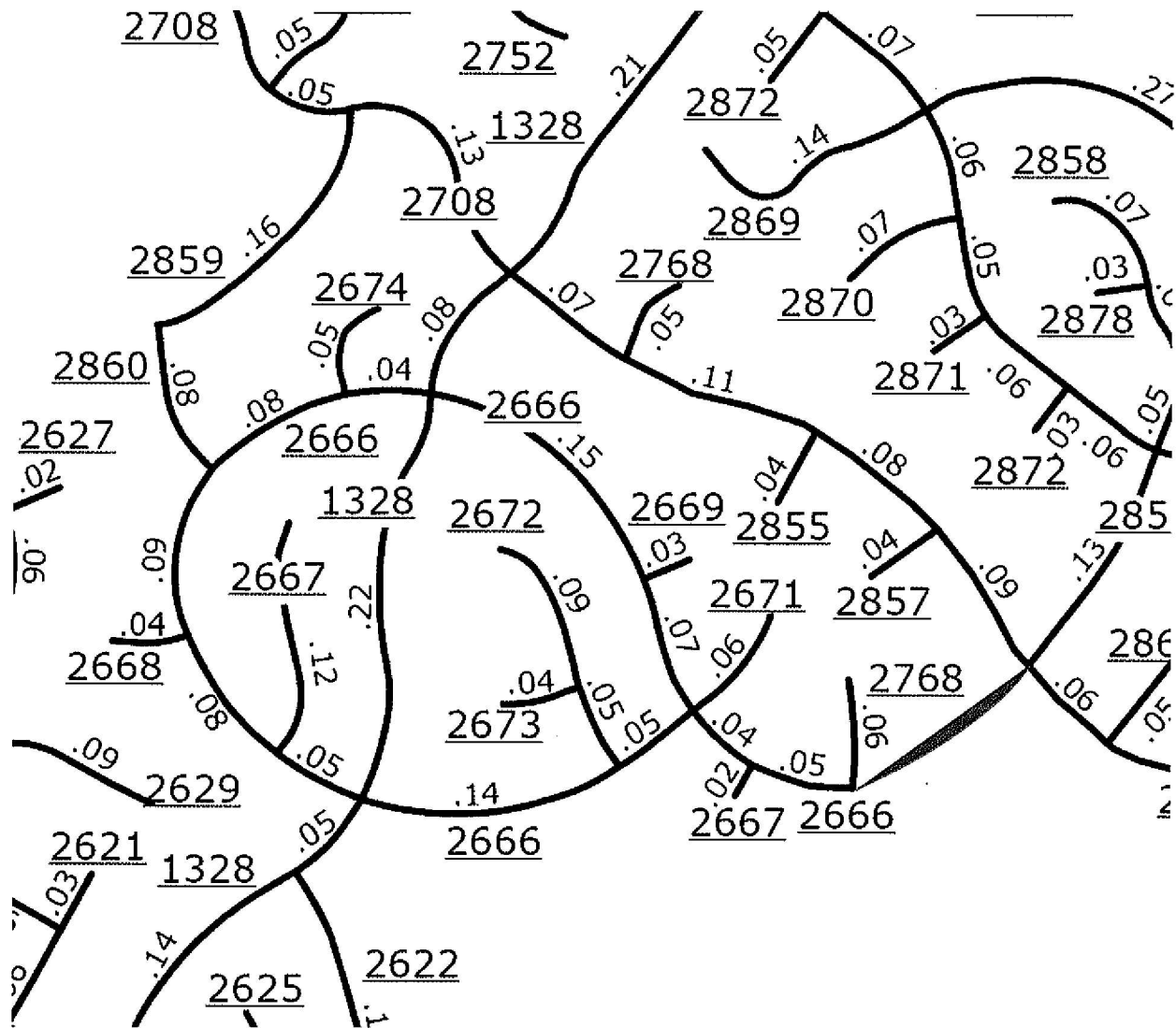


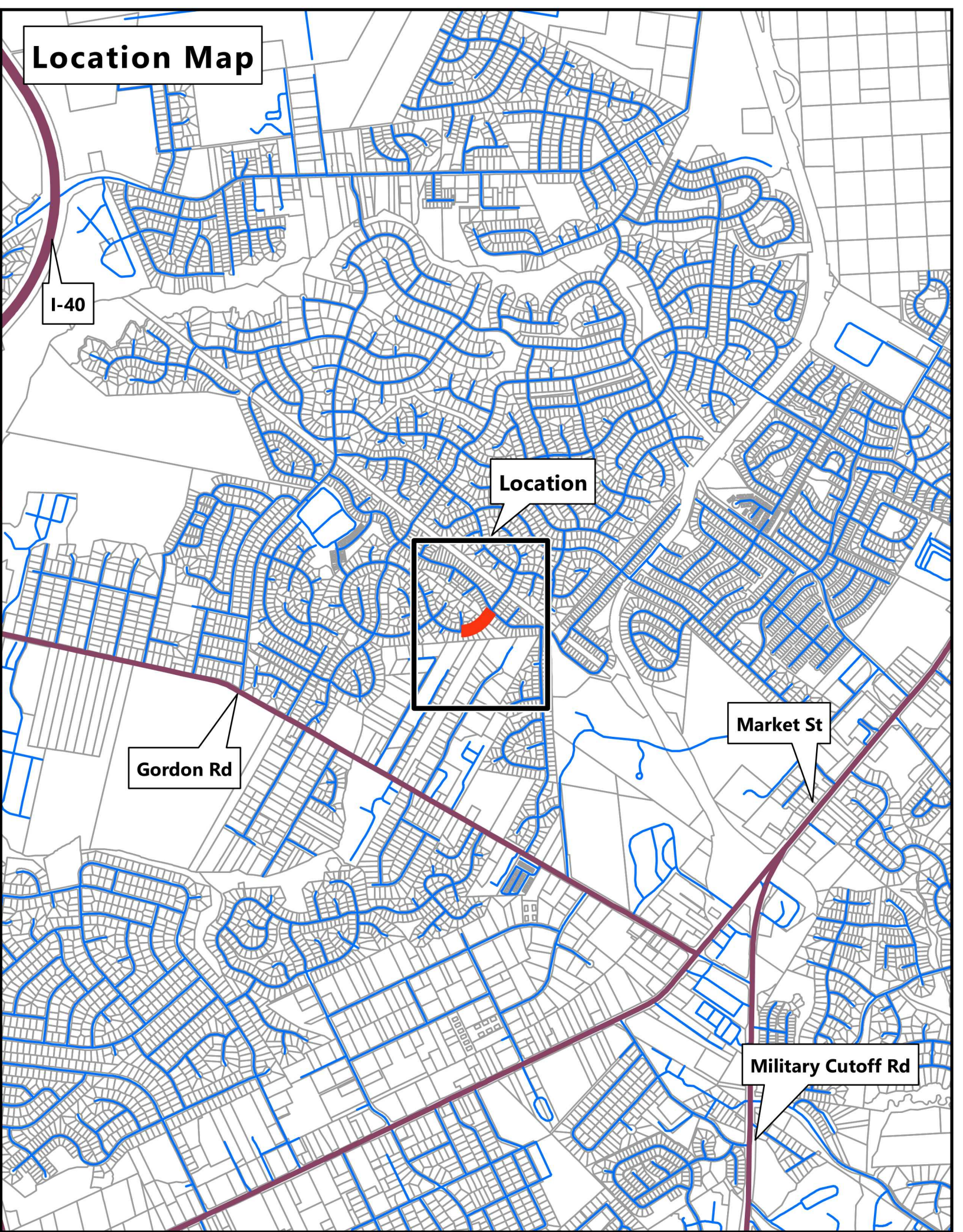
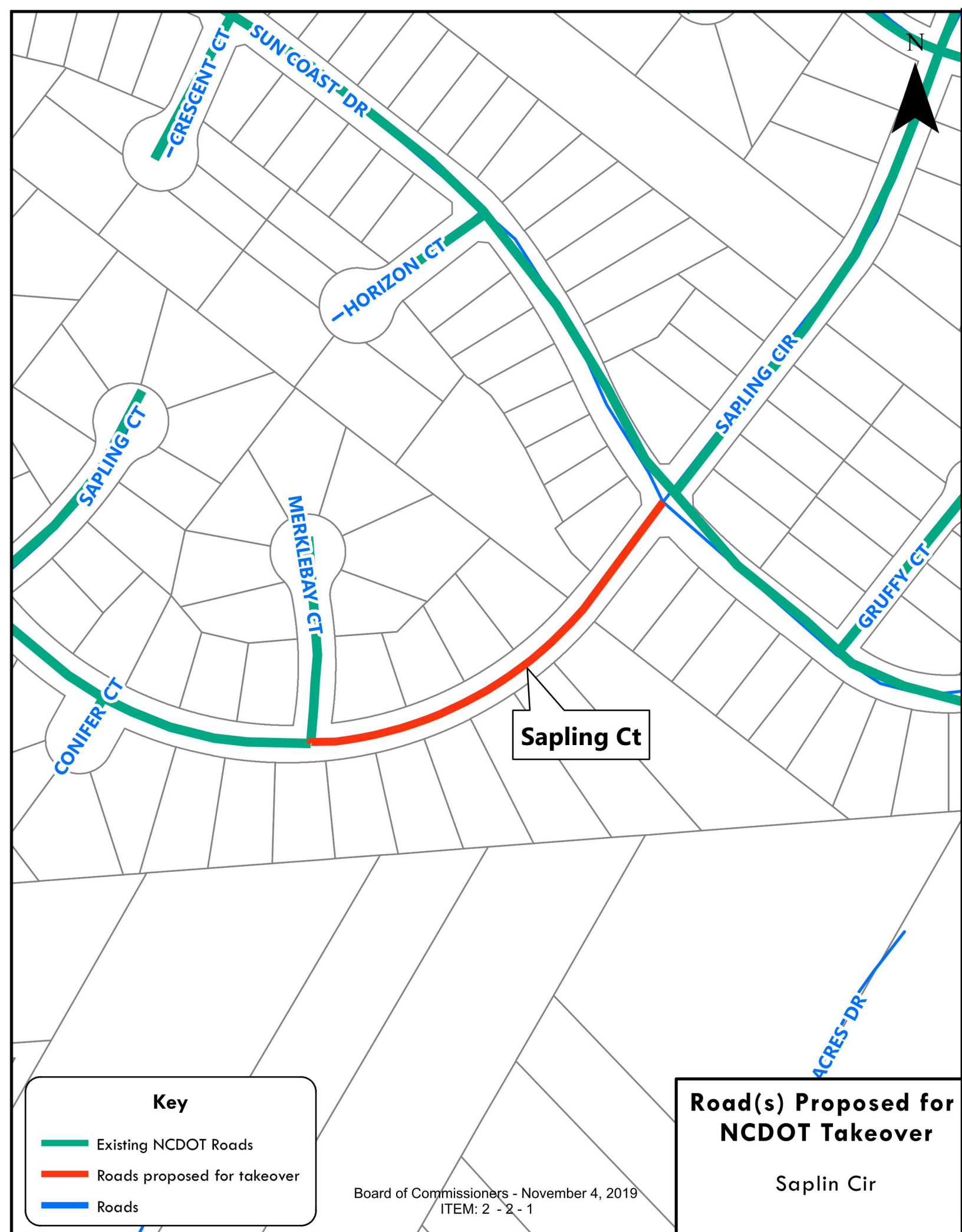
MAP Book 39, Page 186

RECORDED BY Candice O. Alexander 791-1196

CONTAINS 4.78 ACRES







**NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION TO STATE MAINTAINED
SECONDARY ROAD SYSTEM**

North Carolina
County of New Hanover

Road(s) Description: Sapling Circle (remaining portion) located within the Meadowbrook (section 11) and Sun Coast Villas (section 8) subdivisions in New Hanover County (Division File No: 1281-N)

WHEREAS, a petition has been filed with the Board of County Commissioners of the County of New Hanover requesting that the above described road(s), the location of which has been indicated on a map, be added to the Secondary Road System; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road(s) should be added to the Secondary Road System, if the road(s) meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the County of New Hanover that the Division of Highways is hereby requested to review the above described road(s), and to take over the road(s) for maintenance if they meet established standards and criteria.

CERTIFICATE

The foregoing resolution was duly adopted by the Board of Commissioners of the County of New Hanover at a meeting on the 4th day of November, 2019.

WITNESS my hand and official seal this the 4th day of November, 2019.

Kymberleigh G. Crowell, Clerk to the Board
New Hanover County Board of Commissioners

Form SR-2

Please Note: Forward directly to the District Engineer, Division of Highways.

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: County Manager **PRESENTER(S):** Tim Burgess, Deputy County Manager

CONTACT(S): Tim Burgess

SUBJECT:

Approval of Sale of County-Owned Property Located at 5155 S. College Road (PIN: R07600-002-028-000) Consistent With the Upset Bid Process

BRIEF SUMMARY:

The property located at 5155 S. College Road is owned by New Hanover County and previously served as the location for the Myrtle Grove Library. The property includes approx. 1.04 acres, the former library building which is approx. 6,810 square feet, and a small storage building that was built onsite.

Since this property is no longer needed for library services, staff is requesting that the Board of Commissioners authorize the sale of this property. As part of the project budget ordinance for the Pine Valley Library, it was anticipated that the proceeds from the sale of this property would be used to offset a portion of the construction costs of the Pine Valley Library. In preparation for the sale of this property, the Board of Commissioners rezoned this property on April 1, 2019 from R-15, Residential District, to (CZD) B-2, Conditional Highway Business District.

During the week of September 16, 2019, the property was advertised for sale, subject to the upset bid process. The minimum required bid was set at \$1,200,000 with a bid due date/time of October 18, 2019 at 4:00 p.m.

In response to the advertisement for sale, New Hanover County received one bid which was submitted by Primary Care Associates, in the amount of \$1,240,000. Primary Care Associates has provided the required 5% deposit in the amount of \$62,000. The tax value for this property is \$1,027,100.

In order to sell the property, New Hanover County will need to initiate and complete the upset bid process.

STRATEGIC PLAN ALIGNMENT:

Effective County Management

- Deliver value for taxpayer money

RECOMMENDED MOTION AND REQUESTED ACTIONS:

1. Accept Primary Care Associates' offer in the amount of \$1,240,000, subject to the upset bid

process.

2. Authorize staff to initiate and complete the upset bid process in accordance with NC General Statutes.
3. Authorize the county manager and the county attorney to prepare and execute all necessary paperwork to transfer ownership to the highest bidder, at a minimum amount of \$1,240,000.

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: County Attorney **PRESENTER(S):** Kemp Burpeau, Deputy County Attorney

CONTACT(S): Kemp Burpeau and Joe Suleyman, Environmental Management Director

SUBJECT:

First Reading: Approval of Solid Waste Franchise for Tropical Moves, LLC

BRIEF SUMMARY:

New Hanover County requires a County issued franchise to collect solid waste. Pursuant to Section 44-55, the applicant has provided information about his business organization, equipment, personnel and fiscal responsibility. The Environmental Management Director and the Chief Financial Officer have no objections to the franchise request.

The initial franchise period would run for seven years.

STRATEGIC PLAN ALIGNMENT:

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Recommend approval.

ATTACHMENTS:

Franchise Document

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.

9/19/2019

Carson Gaines

Tropical Moves Moving & Storage, *TROPICAL MOVES, LLC.*

1401 Hawthorne Road

Wilmington, NC 28403

828-244-8925

Kemp Burbeau

230 Government Center Drive 125

Wilmington, NC 28403

910-789-7153

Franchise Application to Collect, Transport, and Dispose of Solid Waste and Bulky Items in New Hanover County.

Following Chapter 44- SOILD WASTE: Sec. 44-55. Franchise Required for solid waste collection.

1. Tropical Moves Moving and Storage 1401 Hawthorne Road Wilmington, NC 28403.
2. Equipment owned: 2017 Isuzu Box Truck. To be obtained: Pick up truck with dump trailer.
3. 2-4 Employees.
4. Moving residents and business across North Carolina has giving me the knowledge and opportunity to collect, transport and dispose of solid waste and bulky items in New Hanover County. With over 8 years of moving experience clients tend to ask for us to throw away lots of old furniture, boxes, paper from packing, and other typical household garbage. Being already familiar with the process and where waste is properly disposed shows a great example of how responsible Tropical Moves is with following the county rules when disposing of waste. Being a small business owner has shown me how important safety is at the workplace and also how important it is to be licensed and insured.
5. Balance Sheet: See Attachment.

Removed from public document

Carson Gaines

Owner

Tropical Moves Moving & Storage



NORTH CAROLINA UTILITIES COMMISSION

4325 Mail Service Center
Raleigh, North Carolina 27699-4300

CERTIFICATE OF EXEMPTION NO. C-2605

Carson Cornwell Gaines, Tropical Moves

636 Council Street, Wilmington, North Carolina 28403

has complied with the terms and conditions set forth in the Commission's Order in Docket No. T-100, Sub 49, dated February 22, 2002, pursuant to General Statute 62-261(8) and is hereby authorized to transport household goods between all points and places within the State of North Carolina. This certificate of exemption number, your name, city, and state must be displayed on both sides of all vehicles used to transport household goods within North Carolina in letters no less than three (3) inches high. This certificate of exemption number must also be displayed on the left upper quadrant of the rear of all vehicles used to transport household goods within North Carolina in letters no less than three (3) inches high.

Issued this 17th day of November, 2015.

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: County Attorney **PRESENTER(S):** Kemp Burpeau, Deputy County Attorney

CONTACT(S): Kemp Burpeau and Joe Suleyman, Environmental Management Director

SUBJECT:

Second Reading: Approval of Solid Waste Franchise for ClearAway Waste Solutions LLC

BRIEF SUMMARY:

New Hanover County requires a County issued franchise to collect solid waste. Pursuant to Section 44.55, the applicant has provided information about his business organization, equipment, personnel and fiscal responsibility. The Environmental Management Director and the Chief Financial Officer have no objections to the franchise request.

The initial franchise period would run for seven years.

The First Reading was approved unanimously on October 21, 2019.

STRATEGIC PLAN ALIGNMENT:

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Recommend approval.

ATTACHMENTS:

Franchise Document

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

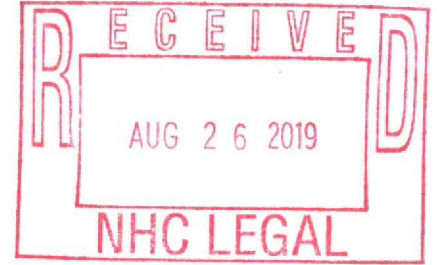
Recommend approval.

ClearAway

Waste Solutions

August 21, 2019

New Hanover Co. Legal Dept.
Attn: Mr. Kemp Burpeau
230 Government Center Drive, Ste. 125
Wilmington, NC 28403



Dear Mr. Burpeau:


Application for Franchise for Solid Waste Collection

Please accept this as our formal application for a franchise required for solid waste collection, as outlined in Sec. 44-55 of the New Hanover County ordinances. The information requested in Sec. 44-55 c1-5 is listed below.

1. ClearAway Waste Solutions
Corporate/mailling address: 7517 Precision Dr., Ste. 101 Raleigh, NC 27617
Local address: 3944 River Road Wilmington, NC 28412
Tax classification: Limited Liability Corporation (enclosed Federal w9)
2. One (1) 2020 Mack Granite Rolloff truck, NC license plate NK4668
Twenty-one (21) Rudco Rolloff TubStyle containers
3. One (1) full-time driver in NHC - yet to be hired
4. ClearAway Waste Solutions currently operates in the Charlotte, Raleigh, Winston-Salem and Greensboro areas of North Carolina.
5. Please see enclosed balance statement. *Confidential*

I have attempted to provide all requested information, but should anything additionally be required, please contact Carrie Hambleton at 704.997.6525 or carrieh@clearawaytoday.com for further assistance.

Regards,



Thomas F. Hanlon, III
VP of Operations

cbh
Enclosures (2)

7517 Precision Drive, Ste. 101 Raleigh, NC 27617 - 888.668.7596

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: Health and Human Services **PRESENTER(S):** David Howard, Assistant Health Director

CONTACT(S): David Howard

SUBJECT:

Adoption of Diabetes Awareness Month Proclamation

BRIEF SUMMARY:

A proclamation has been submitted by staff for the board's consideration to recognize November 2019 as Diabetes Awareness Month.

STRATEGIC PLAN ALIGNMENT:

Superior Public Health, Safety and Education

- Keep the public informed on important information

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Adopt the proclamation.

ATTACHMENTS:

Proclamation

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.

NEW HANOVER COUNTY BOARD OF COMMISSIONERS

DIABETES AWARENESS MONTH PROCLAMATION

WHEREAS, 1 in 10 adults in North Carolina report having been diagnosed with diabetes, a serious disease with no cure; and

WHEREAS, an estimated 53,000 North Carolinians are newly diagnosed with diabetes annually; and

WHEREAS, approximately 1 in 4 persons with diabetes are unaware they have the disease; and

WHEREAS, the theme for National Diabetes Month in 2019 is “Take Diabetes to Heart: Linking Diabetes to Cardiovascular Disease”; and

WHEREAS, having diabetes means a person is more likely to develop heart disease and to have a greater chance of a heart attack or stroke; and

WHEREAS, over time, high blood sugar from diabetes can damage your blood vessels and the nerves that control your heart; and

WHEREAS, adults with diabetes are nearly twice as likely to die from heart disease or stroke as people without diabetes.

NOW, THEREFORE, BE IT PROCLAIMED by the New Hanover County Board of Commissioners that November 2019 will be recognized as “Diabetes Awareness Month” in New Hanover County. Furthermore, we encourage our community to learn and take action on measures to prevent the potential damage to cardiovascular health from diabetes such as healthy eating, regular exercise, managing cholesterol and blood sugar levels, reducing stress, and avoid smoking.

ADOPTED this the 4th day of November, 2019.

NEW HANOVER COUNTY

Jonathan Barfield, Jr., Chairman

ATTEST:

Kymberleigh G. Crowell, Clerk to the Board

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: Health and Human Services **PRESENTER(S):** Mary Beth Rubright, Assistant Director of Social Services

CONTACT(S): Mary Beth Rubright

SUBJECT:

Adoption of Adoption Awareness Month Proclamation

BRIEF SUMMARY:

November is Adoption Awareness Month in North Carolina. Health and Human Services submitted a proclamation to recognize November as Adoption Awareness Month in New Hanover County.

STRATEGIC PLAN ALIGNMENT:

Superior Public Health, Safety and Education

- Keep the public informed on important information

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Adopt the proclamation.

ATTACHMENTS:

Proclamation

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.

NEW HANOVER COUNTY BOARD OF COMMISSIONERS

ADOPTION AWARENESS MONTH PROCLAMATION

WHEREAS, every child deserves the chance to grow up in a loving, stable family, and adoption is a beautiful way to build a family. In 2017, an estimated 59,430 children were adopted nationwide from a public agency and 1,528 children were adopted from foster care in North Carolina; and

WHEREAS, adoption is the goal for many special needs children in foster care. In North Carolina there are an estimated 2,908 foster children and nationwide an estimated 123,000 children waiting to be adopted annually; and

WHEREAS, some special needs children are teenagers, and some have physical, emotional and behavioral challenges. They are children of all races. Many have been neglected, abandoned, abused, and/or exposed to drugs and alcohol. Others are brothers and sisters who want to grow up together and they need our care and security; and

WHEREAS, many children find permanent homes through adoption by their foster families or relatives, thereby creating an ongoing need for new foster and adoptive families. 58 children in New Hanover County found permanence through adoption this past fiscal year.

NOW, THEREFORE, BE IT PROCLAIMED by the New Hanover County Board of Commissioners that November 2019 will be recognized as “Adoption Awareness Month” in New Hanover County. The Board thanks all adoptive mothers and fathers for their commitment to children. Furthermore, the Board encourages our community to honor the special needs of New Hanover County’s children in hopes of securing a permanent, loving family for each and every child regardless of race, age, gender, health, emotional or behavioral condition or past distress.

ADOPTED this the 4th day of November, 2019.

NEW HANOVER COUNTY

Jonathan Barfield, Jr., Chairman

ATTEST:

Kymerleigh G. Crowell, Clerk to the Board

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: Tax

PRESENTER(S): Trina Lewis, Collections Supervisor

CONTACT(S): Trina Lewis

SUBJECT:

Approval of September 2019 Tax Collection Reports

BRIEF SUMMARY:

NCGS 105-350 requires the Tax Collector to submit a report showing the amount of taxes collected.

Overall Collection Percentages for September 2019 are ahead of collections for September 2018.

The report for September 2019 in comparison to September 2018 is as follows:

New Hanover County	September 2019	September 2018
Real Property	12.53%	10.54%
Personal Property	10.24%	.28%
Motor Vehicle	100.00%	100.00%
Overall Collection Rate	13.96%	11.46%
Total Collected YTD	\$22,166,889.61	\$17,973,909.42
New Hanover County Debt Service	September 2019	September 2018
Real Property	12.50%	10.47%
Personal Property	9.99%	.16%
Motor Vehicle	100.00%	100.00%
Overall Collection Rate	13.92%	11.39%
Total Collected YTD	\$2,913,264.98	\$2,347,366.08
Grand Total Collected YTD	\$25,080,154.59	\$20,321,275.50

New Hanover County Fire District	September 2019	September 2018
Real Property	12.13%	10.66%
Personal Property	7.53%	.08%
Motor Vehicle	100.00%	100.00%
Overall Collection Rate	13.75%	11.76%
Total Collected YTD	\$1,336,869.55	\$1,117,691.31

STRATEGIC PLAN ALIGNMENT:

Superior Public Health, Safety and Education

- Keep the public informed on important information

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Approve the reports.

ATTACHMENTS:

New Hanover County Monthly Collection Report for September 2019

New Hanover County Debt Service Monthly Collection Report for September 2019

New Hanover County Fire District Monthly Collection Report for September 2019

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.

New Hanover County Monthly Collection Report for September 2019

Current Year 2019-2020				
	Real Estate	Personal Property	Motor Vehicles	Combined
Scroll/Billed	\$ 146,529,196.28	\$ 9,356,559.74	\$ 2,836,498.78	\$ 158,722,254.80
Abatements	\$ (7,414.83)	\$ (83,231.84)		\$ (90,646.67)
Adjustments	\$ 597.68	\$ -		\$ 597.68
Total Taxes Charged	\$ 146,522,379.13	\$ 9,273,327.90	\$ 2,836,498.78	\$ 158,632,205.81
Collections to Date	\$ 18,363,646.69	\$ 948,930.47	\$ 2,836,498.78	\$ 22,149,075.94
*Refunds	\$ 6,960.95	\$ -		\$ 6,960.95
Write-off	\$ (193.09)	\$ (765.51)		\$ (958.60)
Outstanding Balance	\$ 128,165,500.30	\$ 8,323,631.92	\$ -	\$ 136,489,132.22
Collection Percentage	12.53	10.24	100.00	13.96
YTD Interest Collected	\$ -	\$ -	\$ 24,774.62	\$ 24,774.62

Total 2019-2020 Collections YTD \$ 22,166,889.61

Prior Years 2009-2018				
	Real Estate	Personal Property	Motor Vehicles	Combined
Scroll	\$ 1,461,488.76	\$ 4,153,832.71	\$ 497,337.43	\$ 6,112,658.90
Abatements	\$ (4,446.85)	\$ (19,091.57)	\$ -	\$ (23,538.42)
Adjustments	\$ -	\$ 926.74		\$ 926.74
Total Levy	\$ 1,457,041.91	\$ 4,135,667.88	\$ 497,337.43	\$ 6,090,047.22
Collections to Date	\$ 243,421.82	\$ 75,164.66	\$ 1,369.41	\$ 319,955.89
*Refunds	\$ 21,707.81	\$ 2,550.49	\$ 435.21	\$ 24,693.51
Write-off	\$ (1.37)	\$ (119.13)	\$ (3.70)	\$ (124.20)
Outstanding Balance	\$ 1,235,326.53	\$ 4,062,934.58	\$ 496,399.53	\$ 5,794,660.64
YTD Interest Collected	\$ 34,620.05	\$ 10,288.41	\$ 545.92	\$ 45,454.38

Total Prior Year Collections YTD \$ 340,716.76

Grand Total All Collections YTD \$ 22,507,606.37

* Detailed information for Refunds can be found in the Tax Office

NEW HANOVER COUNTY

Chairman

Clerk to the Board

Date

New Hanover County Debt Service Monthly Collection Report for September 2019

Current Year 2019-2020				
	Real Estate	Personal Property	Motor Vehicles	Combined
Scroll/Billed	\$ 19,335,872.17	\$ 1,227,494.56	\$ 374,166.06	\$ 20,937,532.79
Abatements	\$ (978.45)	\$ (10,983.28)	\$ -	\$ (11,961.73)
Adjustments	\$ 78.86	\$ -	\$ -	\$ 78.86
Total Taxes Charged	\$ 19,334,972.58	\$ 1,216,511.28	\$ 374,166.06	\$ 20,925,649.92
Collections to Date	\$ 2,417,628.00	\$ 121,470.92	\$ 374,166.06	\$ 2,913,264.98
*Refunds	\$ -	\$ -	\$ -	\$ -
Write-off	\$ (25.51)	\$ (101.47)	\$ -	\$ (126.98)
Outstanding Balance	\$ 16,917,319.07	\$ 1,094,938.89	\$ -	\$ 18,012,257.96
Collection Percentage	12.50	9.99	100.00	13.92
YTD Interest Collected	\$ -	\$ -	\$ 3,029.80	

Total 2019-2020 Collections YTD \$ 2,913,264.98

Prior Years 2009-2018				
	Real Estate	Personal Property	Motor Vehicles	Combined
Scroll	\$ 125,470.73	\$ 202,521.88	\$ -	\$ 327,992.61
Abatements	\$ (331.57)	\$ (1,533.73)	\$ -	\$ (1,865.30)
Adjustments	\$ -	\$ 122.29	\$ -	\$ 122.29
Total Levy	\$ 125,139.16	\$ 201,110.44	\$ -	\$ 326,249.60
Collections to Date	\$ 26,579.28	\$ 6,082.21	\$ -	\$ 32,661.49
*Refunds	\$ 459.59	\$ 184.41	\$ -	\$ 644.00
Write-off	\$ (7.22)	\$ (16.24)	\$ -	\$ (23.46)
Outstanding Balance	\$ 99,012.25	\$ 195,196.40	\$ -	\$ 294,208.65
YTD Interest Collected	\$ 2,947.08	\$ 561.64	\$ -	\$ 3,508.72

Total Prior Year Collections YTD \$ 35,526.21

* Detailed information for Refunds can be found in the Tax Office

NEW HANOVER COUNTY

Chairman

Clerk to the Board

Date

New Hanover County Fire District Monthly Collection Report for September 2019

Current Year 2019-2020				
	Real Estate	Personal Property	Motor Vehicles	Combined
Scroll/Billed	\$ 8,766,218.38	\$ 727,801.00	\$ 216,764.63	\$ 9,710,784.01
Abatements	\$ (504.45)	\$ (4,622.20)		\$ (5,126.65)
Adjustments	\$ 4,902.64	\$ -		\$ 4,902.64
Total Taxes Charged	\$ 8,770,616.57	\$ 723,178.80	\$ 216,764.63	\$ 9,710,560.00
Collections to Date	\$ 1,063,868.84	\$ 54,398.18	\$ 216,764.63	\$ 1,335,031.65
*Refunds	\$ -	\$ -		\$ -
Write-off	\$ (20.10)	\$ (72.80)		\$ (92.90)
Outstanding Balance	\$ 7,706,727.63	\$ 668,707.82	\$ -	\$ 8,375,435.45
Collection Percentage	12.13	7.53	100.00	13.75
YTD Interest Collected	\$ -	\$ -	\$ 1,837.90	\$ 1,837.90

Total 2019-2020 Collections YTD \$ 1,336,869.55

Prior Years 2009-2018				
	Real Estate	Personal Property	Motor Vehicles	Combined
Scroll	\$ 81,964.20	\$ 227,599.09	\$ 28,922.46	\$ 338,485.75
Abatements	\$ (621.72)	\$ (198.15)		\$ (819.87)
Adjustments		\$ 136.29		\$ 136.29
Total Levy	\$ 81,342.48	\$ 227,537.23	\$ 28,922.46	\$ 337,802.17
Collections to Date	\$ 9,766.86	\$ 4,398.03	\$ 51.95	\$ 14,216.84
*Refunds	\$ -	\$ 103.82		\$ 103.82
Write-off	\$ (4.89)	\$ (10.62)	\$ (0.39)	\$ (15.90)
Outstanding Balance	\$ 71,570.73	\$ 223,232.40	\$ 28,870.12	\$ 323,673.25
YTD Interest Collected	\$ 1,302.34	\$ 520.27	\$ 36.87	\$ 1,859.48

Total Prior Year Collections YTD \$ 16,076.32

Grand Total All Collections YTD \$ 1,352,945.87

* Detailed information for Refunds can be found in the Tax Office

NEW HANOVER COUNTY

Chairman

Clerk to the Board

Date

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

CONSENT

DEPARTMENT: Budget

PRESENTER(S): Lisa Wurtzbacher, Chief Financial Officer

CONTACT(S): Lisa Wurtzbacher

SUBJECT:

Adoption of Budget Amendment

BRIEF SUMMARY:

The following budget amendment amends the annual budget ordinance for the fiscal year ending June 30, 2020:

Fire Services 20-016, 20-018

STRATEGIC PLAN ALIGNMENT:

Strong Financial Performance

- Control costs and manage to the budget

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Adopt the ordinance for the budget amendment listed.

ATTACHMENTS:

BA 20-016, 20-018

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.

AGENDA: November 4, 2019
NEW HANOVER COUNTY BOARD OF COMMISSIONERS
AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET

BE IT ORDAINED by the Board of County Commissioners of New Hanover County, North Carolina, that the following Budget Amendment(s) be made to the annual budget ordinance for the fiscal year ending June 30, 2020.

Section 1: Details of Budget Amendment

Strategic Focus Area: Superior Public Health, Safety and Education

Strategic Objective(s): Provide health / wellness education, programs, and services

Fund: Fire District

Department: Fire Rescue

Expenditure:	Decrease	Increase	Total
BA 20-016 Firefighting Equip-Communications		\$ 46,145	\$ 46,145
BA 20-018 Firefighting Equip-Vision		\$ 9,500	\$ 9,500
Total	\$ -	\$ 55,645	\$ 55,645

Revenue:	Decrease	Increase	Total
BA 20-016 Homeland Security Grant Revenue		\$ 46,145	\$ 46,145
BA 20-018 DPPR Grant Revenue		\$ 9,500	\$ 9,500
Total	\$ -	\$ 55,645	\$ 55,645

	Prior to Actions Today	Total if Actions Taken
Departmental Budget	\$ 16,515,028	\$ 16,570,673

Section 2: Explanation

BA 20-016 Under the terms of the US Department of Homeland Security and the grant recipient, NC Emergency Management, funding is awarded to New Hanover County Fire Rescue as a subrecipient to fund projects related to Homeland Security planning, operations, equipment purchases, training or exercises. New Hanover County Fire Rescue has been awarded a grant to procure a small, portable satellite communications system. This equipment would provide limited voice and data communications in the event that conventional voice and data infrastructure was not available either due to location or catastrophic failure. This equipment could also be used to support the Emergency Operations Center, field operations or any other location where voice and data communications are required with limited or no existing service. No county match is required.

BA 20-018 Under the direction of NC Emergency Management, there are regional Domestic Planning and Preparedness Response (DPPR) committees that are multi-disciplined and multi-jurisdictional. The goal of the group is to work with local representatives on preparedness following the events of September 11, 2001. Each year, local agencies are asked to submit projects that fall under this umbrella for approval and funding. New Hanover County Fire Rescue submitted a request for night vision equipment as a possible project for funding and has been awarded a grant for purchase of this equipment. The night vision equipment will be used in water rescue and search situations during times of low light or low visibility. This will allow an expansion of our current capability while responding to incidents in the lower Intracoastal Waterway, creeks and the Cape Fear River. No county match is required.

Section 3: Documentation of Adoption

This ordinance shall be effective upon its adoption.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of New Hanover County, North Carolina, that the Ordinance for Budget Amendment(s) 20-016 & 20-018 amending the annual budget ordinance for the fiscal year ending June 30, 2020, is adopted.

Adopted, this 4th day of November, 2019.

(SEAL)

Jonathan Barfield, Jr., Chairman

ATTEST:

Kymerleigh G. Crowell, Clerk to the Board

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

REGULAR

DEPARTMENT: Planning

PRESENTER(S): Caitlyn Marks, NCDOT Division 3 Planning Engineer

CONTACT(S): Wayne Clark, Planning Director; and Rebekah Roth, Senior Planner

SUBJECT:

Consideration of Resolution of Support for the Installation of an Additional Southbound Exit Lane on US-17 onto Market Street in Porters Neck

BRIEF SUMMARY:

NCDOT Division 3 has identified a roadway project to construct dual southbound exit lanes on US-17 onto Market Street as a strong candidate for funding through the state's High Impact Low Cost program and is requesting the county's support of their application for an estimated \$400,000 in funding.

The proposed improvement would increase capacity at the southbound exit ramp on US-17 at Market Street by adding an additional exit lane. Adding the additional lane will benefit the traveling public by increasing mobility and providing congestion relief in the Scott's Hill area.

The High Impact Low Cost program was established in 2017 to provide funds to complete low cost projects with high impacts to the transportation system, such as intersection improvement projects, minor widening projects, and operational movement projects. Funds are allocated equally to each Division, but Division staff are responsible for establishing a scoring criteria, evaluating projects to determine eligibility, and submitting recommendations to the State Board of Transportation. While funding for this program is currently on hold due to NCDOT's cash flow balance, the Division has been requested to submit everything needed for the fund requests to the Board of Transportation so there is not delay when funding becomes available.

STRATEGIC PLAN ALIGNMENT:

Intelligent Growth and Economic Development

- Build and maintain infrastructure

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Adopt resolution of support.

ATTACHMENTS:

Map of US 17 Southbound Exit Lane Project

Resolution of Support

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.



FY 2020 HILC Program: 48864

Construct dual southbound exit lanes
on US 17 onto Market Street (US 17)



North Carolina Department of Transportation (NCDOT), Division 3

Board of Commissioners - November 4, 2019

ITEM: 10- 1 - 1



NEW HANOVER COUNTY BOARD OF COMMISSIONERS

**RESOLUTION OF SUPPORT FOR THE INSTALLATION OF AN ADDITIONAL
SOUTHBOUND EXIT LANE ON US-17 ONTO MARKET STREET IN PORTERS NECK**

WHEREAS, the New Hanover County Board of Commissioners considers public safety one of its most important responsibilities; and

WHEREAS, the safe and efficient movement of traffic is a key element of public safety for residents and visitors; and

WHEREAS, the NC Department of Transportation has identified a high impact/low cost roadway project to provide an additional southbound exit lane on US-17 onto Market Street in Porters Neck; and

WHEREAS, the cost of the improvement, estimated at \$400,000, is to be funded by the State of North Carolina; and

WHEREAS, the proposed improvement is an important element in improving traffic mobility at the proposed location.

NOW THEREFORE, BE IT RESOLVED, that the New Hanover County Board of Commissioners hereby supports installation of the proposed additional exit lane at the US-17/Market Street Interchange at an estimated cost of \$400,000 to be funded by the State of North Carolina.

ADOPTED this the 4th day of November, 2019.

NEW HANOVER COUNTY

Jonathan Barfield, Jr., Chairman

ATTEST:

Kymberleigh G. Crowell, Clerk to the Board

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

REGULAR

DEPARTMENT: Planning

PRESENTER(S): Wayne Clark, Planning and Land Use Director

CONTACT(S): Gideon Smith, Current Planner; Brad Schuler, Senior Planner; and Wayne Clark

SUBJECT:

Public Hearing

Request by New Hanover County to:

A. Amend Articles II and VI of the Zoning Ordinance to Establish New Standards for the Protection of Large Trees (TA19-03); and

B. Amend the New Hanover County Fee Schedule to Include Tree Mitigation Fees

BRIEF SUMMARY:

At the September 16th meeting, the Board of Commissioners directed staff to bring forward amendments to the Zoning Ordinance to protect large Live Oak trees. The proposed code changes would:

- a) define specimen trees and prohibit their removal,
- b) clarify that existing exemptions also apply to specimen tree removal,
- c) clarify the variance process for specimen tree removal,
- d) provide staff flexibility to adjust site development requirements to accommodate saving large trees (similar to the process utilized by the City of Wilmington),
- e) modify the fee schedule for mitigation and add penalties relating to specimen tree removal without a permit

The Board of Commissioners also directed staff to address additional regulations to protect trees as part of the ongoing Unified Development Ordinance process.

The proposed code changes affect two sections of the Zoning Ordinance; 1) Definitions and 2) Landscaping.

Amendments to Section 23: Definitions

Define "specimen tree" as "any Live Oak tree that is 36" diameter at breast height (DBH) or larger."

Define "DBH" as "the diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at its base. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the diameter at breast height (DBH) shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs."

Amendments to Section 62: Landscaping

Prohibit removal of specimen trees: The proposed amendment includes language that prohibits the removal of specimen trees (large Live Oak trees defined above).

Exemptions: The proposed amendment clarifies that existing standard exemptions allowing removal of trees will also apply to specimen trees. These exemptions include provisions for trees that are endangering the public health, safety, or welfare; causing a disruption of public services; diseased or damaged; within utility areas or easements; negatively affecting airport operations; associated with any bona fide farming activity; or located on a single-family lot.

Variance process: The proposed amendment also includes language clarifying that applicants may apply for a variance to remove large Live Oak trees if they meet the relevant criteria. The variance is not a method to avoid the protection requirements but exists to alleviate genuine hardships, such as a tree obstructing the site's only access point from a public right of way or being located in the center of a small lot where a traditional building could not be built around the tree. Variances are heard by the Zoning Board of Adjustment.

Staff flexibility: The primary purpose of this amendment is to preserve existing trees. Occasionally, site design standards in the Zoning Ordinance make it more difficult to protect existing trees. Currently, any deviation from these standards requires the applicant to request a variance before the Board of Adjustment, which has strict criteria for approval including findings of hardship, circumstances unique to the site, and others. The strict criteria can discourage an applicant from making site modifications that would save trees such as shifts in the driveway, parking areas, or building locations.

The proposed amendment will allow staff flexibility to accommodate saving large trees by permitting administrative modifications to site dimensional, parking, and landscaping standards during the development review process. These standards include items such as street yards, landscape islands, foundation plantings, setbacks, etc. The City of Wilmington has utilized this flexibility since the early 2000s and their staff has expressed that it has been an effective approach to saving trees.

Mitigation Fees and Penalties for removal of specimen trees without a permit: The specific dollar amount for the mitigation fee is part of a companion fee schedule change. The proposed changes to the Zoning Code remove the language referencing the fee as "set by the Parks Department" and will now reference the County Fee Schedule. The fee is proposed to be changed to \$200 per caliper inch required to be mitigated from the current \$295 per 3-inch caliper formula. The fee is based on current market pricing for Live Oak trees, including installation, as found in a survey of multiple local nurseries. The proposed changes will also add a penalty for removing a specimen tree without a permit that is double the mitigation fee.

STRATEGIC PLAN ALIGNMENT:

Intelligent Growth and Economic Development

- Enhance and add recreational, cultural and enrichment amenities
- Understand and act on citizen needs

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Staff recommends approval of the requested amendment as stated in the Planning Board's action. Staff concurs with the Planning Board's statements that the application is consistent with the Comprehensive Plan. Staff also recommends approval of the requested Fee Schedule amount.

Staff suggested motion:

I move to **APPROVE** the proposed amendment to New Hanover County's Zoning Ordinance. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal will provide flexibility in site design to accommodate business success while protecting large Live Oak trees that are important to the character of the area. I also find **APPROVAL** of the proposed amendment is reasonable and in the public interest because it will encourage conservation and enhance the unique environment, character, and history of the County, and I move to **APPROVE** the proposed amendment to the New Hanover County Fee Schedule FY19-20.

Alternative Motion for Approval/Denial:

I move to [Approve/Deny] the proposed amendment to New Hanover County's Zoning Ordinance. I find it to be [Consistent/Inconsistent] with the purposes and intent of the Comprehensive Plan because [insert reasons]. I also find [Approval/Denial] of the proposed amendment to New Hanover County's Zoning Ordinance is reasonable and in the public interest because [insert reasons]. Finally, I move to [Approve/Deny] the proposed amendment to the New Hanover County Fee Schedule FY 19-20.

ATTACHMENTS:

TA19-03 Script BOC

TA19-03 Staff Report BOC

TA19-03 Draft Amendment Language BOC

Draft Fee Schedule Language BOC

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.

Script for Zoning Ordinance Text Amendment (TA19-03) and Fee Schedule Amendment

Request by New Hanover County to amend Articles II and VI of the Zoning Ordinance to establish new standards for the protection of large trees and to amend the County Fee Schedule to include Tree Mitigation Fees.

1. This is a public hearing. We will hear a presentation from staff. Then any supporters and any opponents will be allowed up to 15 minutes for their presentation and an additional 5 minutes for rebuttal.
2. Conduct Hearing, as follows:
 - a. Staff/Applicant presentation
 - b. Supporter's presentation (up to 15 minutes)
 - c. Opponent's presentation (up to 15 minutes)
 - d. Staff/Applicant's rebuttal (up to 5 minutes)
 - e. Opponent's rebuttal (up to 5 minutes)
3. Close the Public Hearing
4. Board Discussion
5. **Vote on text amendment and Fee Schedule amendment.** The motion should include a statement saying how the text amendment is, or is not, consistent with the Comprehensive Land Use Plan and why it is, or is not, reasonable and in the public interest.

Options for Motions:

- Motion to approve the text amendment and Fee Schedule amendment as presented in the staff summary or a modified version of the text amendment and/or Fee Schedule amendment;
- Motion to "table" the item in order to receive more information; or
- Motion to deny the text amendment and/or Fee Schedule amendment proposal based on specific reasons, such as the proposal is not consistent with the Comprehensive Land Use Plan and/or the proposal is not reasonable and/or the proposal is not in the public interest.

Staff Suggested Motion:

I move to **APPROVE** the proposed amendment to New Hanover County's Zoning Ordinance. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal will provide flexibility in site design to accommodate business success while protecting large Live Oak trees, that are important to the character of the area. I also find **APPROVAL** of the proposed amendment is reasonable and in the public interest because it will encourage conservation and enhance the unique environment, character, and history of the County, and I move to **APPROVE** the proposed amendment to the New Hanover County Fee Schedule FY19-20.

Alternative Motion for Approval/Denial:

I move to [Approve/Deny] the proposed amendment to New Hanover County's Zoning Ordinance. I find it to be [Consistent/Inconsistent] with the purposes and intent of the Comprehensive Plan because [insert reasons]

I also find [Approval/Denial] of the proposed amendment to New Hanover County's Zoning Ordinance is reasonable and in the public interest because [insert reasons]

Finally, I move to [Approve/Deny] the proposed amendment to the New Hanover County Fee Schedule FY19-20 because [insert reasons]

STAFF SUMMARY OF TA19-03 TEXT AMENDMENT APPLICATION AND FEE SCHEDULE AMENDMENT

APPLICATION SUMMARY

Case Number: TA19-03

Request:

To amend the Zoning Ordinance regulations related to the protection of trees and to amend the County Fee Schedule to include Tree Mitigation Fees.

Applicant:

New Hanover County

Subject Ordinance:

Zoning Ordinance

Subject Article(s) and Section(s):

- Article II: Definitions, Section 23
- Article VI: Supplementary District Regulations, Section 62 Landscaping

BACKGROUND

At the September 16th meeting, the Board of Commissioners directed staff to bring forward amendments to the Zoning Ordinance to protect large Live Oak trees. The proposed code changes would:

- a) define specimen trees and prohibit their removal,
- b) clarify that existing exemptions also apply to specimen tree removal,
- c) clarify the variance process for specimen tree removal,
- d) provide staff flexibility to adjust site development requirements to accommodate saving large trees (similar to the process utilized by the City of Wilmington), and
- e) modify the fee schedule for mitigation and add penalties relating to specimen tree removal without a permit

The Board of Commissioners also directed staff to address additional regulations to protect trees as part of the ongoing Unified Development Ordinance process.

Staff Analysis

The proposed code changes will affect two sections of the Zoning Ordinance; 1) Definitions and 2) Landscaping.

Amendments to Section 23: Definitions

Define “specimen tree” as “any Live Oak tree that is 36” diameter at breast height (DBH) or larger.”

Define “DBH” as “the diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at its base. Whenever a branch, limb, defect, or abnormal swelling of the trunk occurs at this height, the diameter at breast height (DBH) shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.”

These definitions could be modified to include additional tree species and sizes as part of the ongoing Unified Development Ordinance project, but this amendment only addresses Live Oak trees.

Amendments to Section 62: Landscaping

Prohibit removal of specimen trees: The proposed amendment includes language that prohibits the removal of specimen trees (large Live Oak trees defined above).

Exemptions: The proposed amendment clarifies that existing exemptions allowing removal of trees will also apply to specimen trees. These exemptions include provisions for trees that are endangering the public health, safety, or welfare; causing a disruption of public services; diseased or damaged; within utility areas or easements; negatively affecting airport operations; associated with any Bona-Fide Farming activity; or located on a single-family lot.

Variance process: The proposed amendment also includes language clarifying that applicants may apply for a variance to remove large Live Oak trees if they meet the relevant criteria. The variance is not a method to avoid the protection requirements but exists to alleviate genuine hardships, such as a tree obstructing the site's only access point from a public right of way or being located in the center of a small lot where a traditional building could not be built around the tree. Variances are heard by the Zoning Board of Adjustment.

Staff flexibility: The primary purpose of this amendment is to preserve existing trees. Occasionally, site design standards in the Zoning Ordinance make it more difficult to protect existing trees. Currently, any deviation from these standards requires the applicant to request a variance before the Board of Adjustment, which has strict criteria for approval including findings of hardship, circumstances unique to the site, and others. The strict criteria can discourage an applicant from making site modifications that would save trees such as shifts in the driveway, parking areas, or building locations.

The proposed amendment will allow staff flexibility to accommodate saving large trees by permitting administrative modifications to site dimensional, parking, and landscaping standards during the development review process. These standards include items such as street yards, landscape islands, foundation plantings, setbacks, etc. The City of Wilmington has utilized this flexibility since the early 2000s and their staff has expressed that it has been an effective approach to saving trees.

Mitigation Fees and Penalties for removal of specimen trees without a permit: The specific dollar amount for the mitigation fee is part of a companion fee schedule change. The proposed changes to the Zoning Code remove the language referencing the fee as "set by the Parks Department" and will now reference the County Fee Schedule. The fee is proposed to be changed to \$200 per caliper inch required to be mitigated from the current \$295 per 3-inch caliper formula. The proposed fee is based on current market pricing for Live Oak trees, including installation, as found in a survey of multiple local nurseries. The proposed changes will also add a penalty for removing a specimen tree without a permit that is double the mitigation fee.

PLANNING BOARD ACTION ON TEXT AMENDMENT

The Planning Board considered this application at their October 3, 2019 meeting. At the meeting, two members of the public spoke in support of the proposed text amendment. The Board recommended approval (6-0), finding it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal will provide flexibility in site design to accommodate business success while protecting large Live Oak trees that are important to the character of the area. The Board also found **APPROVAL** of the proposed amendment is reasonable and in the public interest because it will encourage conservation and enhance the unique environment, character, and history of the County.

STAFF RECOMMENDATION

Staff recommends approval of the requested amendment as stated in the Planning Board's action. Staff concurs with the Planning Board's statements that the application is consistent with the Comprehensive Plan. **Staff also recommends approval of the requested Fee Schedule amount** and suggests the following motion:

I move to **APPROVE** the proposed amendment to New Hanover County's Zoning Ordinance. I find it to be **CONSISTENT** with the purposes and intent of the Comprehensive Plan because the proposal will provide flexibility in site design to accommodate business success while protecting large Live Oak trees that are important to the character of the area. I also find **APPROVAL** of the proposed amendment is reasonable and in the public interest because it will encourage conservation and enhance the unique environment, character, and history of the County, and I move to **APPROVE** the proposed amendment to the New Hanover County Fee Schedule FY19-20.

DRAFT OF PROPOSED TEXT AMENDMENT TA19-03

Red and Underline/Strikethrough – Petitioner's Proposed Additions/Deletions

Article II: Definitions, Section 23: Definitions

Diameter at Breast Height (DBH) – The diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at its base. Whenever a branch, limb, defect, or abnormal swelling of the trunk occurs at this height, the diameter at breast height (DBH) shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.

Trees

Understory Tree - Any tree 40' foot at maturity capable of thriving in the lower light intensities found under the canopy of shade/canopy trees. (7/01) (23-106)

Significant Tree – Any hardwood tree or coniferous tree with a diameter at breast height (DBH) equal to or greater than 24 inches or any dogwood, American holly, or other flowering tree with a DBH equal to or greater than 8" (7/01, 10/6/08)

Specimen Tree – Any Live Oak tree that is 36" diameter at breast height (DBH) or larger.

Regulated Trees – Those trees of the size, species and location to be protected under the development provisions of the Landscaping section of the ordinance 62.1-3(1) (A) and (B). (10/6/08)

Forest Management Plan – A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives. The plan shall be prepared by a licensed forester and shall include silviculture practices that both ensure optimal forest productivity and environmental protection of land. (NC Division of Forest Resources and NC Cooperative Extension Service can provide educational materials and lists of licensed foresters.) (10/6/08)

Timber Harvest – The felling, loading, and transportation of forest

Article VI: Supplementary District Regulations, Section 62.1-9: Tree Removal

62.1-9: Tree Removal

(7/01)

(1) Permits Required – No person, directly or indirectly, shall remove any regulated or specimen tree from public or private property without first obtaining a tree removal permit from the County Zoning Administrator. A tree removal permit is required before any clearing, grading or other authorizations may be issued including soil and sedimentation control permits and building permits. An approved tree removal permit for new construction shall apply to the entire site. A tree removal permit may be either attached to the submitted site plan or the site plan may be clearly marked for either approval or denial.

(2) Procedure – Application for tree removal permits shall be submitted to the County Zoning Administrator on forms prepared by the County. The Zoning Administrator shall review all complete applications for tree removal permits and act to grant or deny the permit in accordance with this section within 5 working days of submittal. In applying the provisions of this article, the applicant shall follow normal landscaping practices and may seek technical assistance from landscaping or horticulture professionals, as appropriate.

- (A) The removal of any specimen tree is prohibited on any parcel unless exempt according to this Article.
 - (B) Landowners may request a variance from the Zoning Board of Adjustment related to the removal of specimen trees when site specific conditions meet the criteria for a variance according to Article XII.
- (3) Waivers, Exemptions and Exceptions
- (A) The County Zoning Administrator may waive this section during an emergency such as a hurricane, tornado, windstorm, tropical storm, flood or other natural disaster.
 - (B) If any regulated tree, including specimen trees, shall be determined to be in a hazardous condition so as to (1) immediately endanger the public health, safety, or welfare, or (2) cause an immediate disruption of public services, the Zoning Administrator may authorize the removal of the tree without a written permit. Following removal, the Zoning Administrator may determine that replacement with additional trees is necessary. In making such determination the Zoning Administrator shall utilize such professional criteria and technical assistance as may be necessary.
 - (C) The Zoning Administrator may permit or require a reduction in required street yards, landscape islands, foundation plantings, setbacks, or other dimensional, parking, or landscaping standards for the purpose of retaining significant or specimen trees.
- (4) Criteria for Permits – Tree removal permits shall be issued upon a determination by the County Zoning Administrator that the application complies with all applicable standards of this section and that any of the following conditions exist:
- (A) That essential site improvements cannot be accommodated on the site without the removal of regulated trees;
 - (B) The regulated tree is dead, severely diseased, injured, or in danger of falling close to existing or proposed structures; For those regulated trees which meet or exceed the definitions of “SIGNIFICANT” Tree, their removal must be mitigated as directed in Section 62.1-3. If the tree is determined to have died or is significantly damaged as a result of natural disaster then no mitigation will be required unless the tree is needed to meet the minimum number required on the site;
 - (C) The regulated tree is causing disruption of existing utility service or causing passage problems up the right-of-way;
 - (D) The regulated tree is posing an identifiable threat to pedestrian or vehicular safety;
 - (E) The regulated tree violates state and local safety standards;
 - (F) Removal of the regulated tree is necessary to enhance or benefit the health or condition of adjacent trees or property;
 - (G) The removal of any SIGNIFICANT Tree as defined by this Ordinance must be mitigated according with the following standards:
 1. The total caliper inches of all significant trees proposed for removal shall be totaled and doubled. The resultant number of caliper inches must be planted back on the site with 2-3” caliper trees as a minimum.
 2. If in the determination of the Zoning Administrator, the site cannot accommodate the required number of trees, then only the amount of trees which can be accommodated on the site will be replaced and the remainder of caliper inches shall be mitigated through a payment in lieu of providing on-site trees. This payment shall be made into the County Tree Improvement

Fund to be used for planting of public spaces in the general vicinity of the project. The amount of the payment shall be in accordance with the pricing standards ~~of the Parks Department~~ in the County Fee Schedule.

3. Any mitigation trees required as a result of the removal of significant trees shall not be counted to meet the requirements of the bufferyard, buffers or interior parking requirements. These trees must be provided in addition to any tree required by this section.
- (5) Failure to obtain a tree removal permit prior to any timber harvest may result in a three or five-year delay in obtaining a building permit or approval of any development or subdivision plan. (2/06/06)
- (6) Specimen Tree Removal Penalty – If a specimen tree is removed without a permit, the penalty for this violation shall be twice the mitigation fee.

DRAFT OF PROPOSED FEE SCHEDULE AMENDMENT

Red and Underline/~~Strikethrough~~ – Petitioner's Proposed Additions/Deletions

New Hanover County Fee Schedule FY19-20

Department	Service	Fee Amount
PLANNING & LAND USE	Rezoning - General	\$500 less than 5 acres - \$600 more than 5 acres
	Rezoning - Conditioned Zoning	\$600 less than 5 acres - \$700 more than 5 acres
	Continuances:	
	Prior to Advertisement	\$0 Planning Board - \$100 County Commissioners
	After Advertisement	\$300 Planning Board and County Commissioners
	Special Use Permit	\$250 Single Resident - \$500 all other
	Text Amendments	\$400 per application - \$600 Land Use Plan
	Board of Adjustment	\$400 per application
	Zoning Letter of Verification	\$25
	Subdivision Review:	
	Conventional	\$300 per preliminary
	Performance & High Density	\$20 per lot final
	Traffic Calming Preliminary Site Plans	\$300
	Street/Easement Closure	\$1,000
	Street Naming	\$250 + cost of sign
	Mobile Home Park	\$250 per preliminary - \$20 per final space
	Zoning Enforcement Fees:	
	Final - Flood:	
	Residential	\$25
	Commercial	\$45
	Tree Inspection	\$45
<u>Tree Mitigation</u>	<u>\$200 per caliper inch</u>	
Zoning Only Permit:		
Residential	\$25	
Commercial	\$45	
Commercial Final	\$45	
Publications:		
Zoning Ordinance	\$15	
Subdivision Regulations	\$5	
Mobile Home & Travel Trailer Park	\$3	

Department	Service	Fee Amount
	Historic Architecture of NHC	\$6
	Low Impact Development Manual	\$10
	Community Plans	\$15
	Postage & Handling	\$5
	Copies:	
	Letter black/white	\$0.10
	Letter color	\$1
	Legal black/white	\$0.25
	Legal color	\$1.50
	Tabloid black/white	\$1
	Tabloid color	\$2
	Black/white large plotter maps	\$10
	Zoning Maps	\$10

**NEW HANOVER COUNTY BOARD OF COMMISSIONERS
REQUEST FOR BOARD ACTION
MEETING DATE: November 4, 2019**

REGULAR

DEPARTMENT: Planning

PRESENTER(S): Ken Vafier, Planning Supervisor

CONTACT(S): Ken Vafier; and Wayne Clark, Planning & Land Use Director

SUBJECT:

Public Hearing

Text Amendment Request (TA19-02) - Request by New Hanover County to Amend the Flood Damage Prevention Ordinance to Incorporate Updated Flood Insurance Rate Map Data and Amend the Requirements of the Coastal A Special Flood Hazard Area, and to Amend Section 51 of the Zoning Ordinance to Address Building Height Requirements in the Coastal A Special Flood Hazard Area

BRIEF SUMMARY:

On July 9, 2018, the New Hanover County Board of Commissioners adopted a text amendment to the Flood Damage Prevention Ordinance updating the Flood Insurance Rate Maps (FIRMs) and incorporating various changes to the ordinance. This action adopted new FIRMs for the vast majority of the county.

Staff was subsequently notified that as a result of an updated statewide mapping format and adoption protocols, eighteen FIRM panels in the northern portion of the county adjacent to Pender County were not made effective in 2018. This updated mapping format develops updated flood studies by river basins as opposed to community boundaries, which means that some communities will share FIRM panels, and the panels do not become effective until all jurisdictions sharing the panels have been authorized to complete the local adoption process by FEMA. These panels were held from becoming effective in New Hanover as Pender County had not been authorized to move forward with adoption.

On June 6, 2018, staff received a Letter of Final Determination from FEMA, initiating a 6-month period for New Hanover County to amend the Flood Damage Prevention Ordinance to incorporate the reference date for the new flood insurance study and to move forward with adoption of one map panel. This panel, located in the northwest portion of the county, is located within the Cape Fear River Basin and is included within the panels which have been released to move forward with adoption by FEMA. No structures within this map panel in the county's jurisdiction are affected by the map change. The remaining FIRM panels, located in the NE Cape Fear River and Futch Creek watersheds, will be brought forward for adoption to become effective once authorized to move forward by FEMA.

In addition to the adoption of this map panel, amendments are proposed to the Flood Damage Prevention and Zoning ordinances in order to provide consistency with the current version of the NC State Building Code as well as building height requirements in Special Flood Hazard Areas. In January 2019, an amendment to the building code requiring that all construction in Coastal A Special Flood Hazard Areas meet V-zone construction standards was made effective. Currently, the Flood Damage Prevention Ordinance only contains this requirement for non-residential construction, which was consistent with the building code requirements when this zone was incorporated in the flood ordinance in July 2018. Staff is proposing that construction requirements within the Coastal A zone be amended to apply to all construction in order to provide consistency with the 2019 NC Building Code.

Currently, the Zoning Ordinance allows a maximum height of 44' for structures located within a Coastal High Hazard flood zone or within certain areas governed by the Coastal Area Management Act (CAMA) in the RA, R-20S, R-20, R-15, R-10, and R-7 zoning districts. Outside of these areas, building heights are limited to 35'. As both the current building code and proposed Flood Damage Prevention Ordinance amendment will require all construction in a Coastal A zone to meet V-zone construction requirements, staff is proposing to amend the applicable sections in the Zoning Ordinance to allow an increase in height from 35' to 44' to provide a consistent height maximum where elevated piling construction is required.

The Planning Board considered this request at their October 3, 2019 meeting. At the meeting, no one from the public spoke in support or in opposition to the request.

The Board recommended approval of the request (6-0), concluding that it is:

CONSISTENT with the purpose and intent of the 2016 Comprehensive Plan because it promotes environmentally responsible growth by identifying those areas most at risk for flooding impacts in the unincorporated county and provides for measures to mitigate the effects of flooding on development in those areas consistent with minimum NFIP requirements. In addition, the amendment will allow structures in the Coastal A Special Flood Hazard areas to have the one- to three-story buildings recommended for single-family and multi-family residences across place types. In addition, the proposed amendment is reasonable and in the public interest because the proposal incorporates and codifies the most up to date Flood Insurance Rate Maps and Ordinance provisions, providing mitigation measures for those areas determined to be most at risk for flooding impacts in the unincorporated County. Additionally, adoption of the request ensures continued eligibility in the NFIP and provides consistency in the application of ordinance provisions for structures in Special Flood Hazard Areas.

STRATEGIC PLAN ALIGNMENT:

Intelligent Growth and Economic Development

- Implement plans for land use, economic development, infrastructure and environmental programs

RECOMMENDED MOTION AND REQUESTED ACTIONS:

Staff recommends approval of the requested amendment as stated in the Planning Board action and suggests the following motion:

Motion to approve the amendment, as the Board finds that this request as described is:

CONSISTENT with the purpose and intent of the 2016 Comprehensive Plan because it promotes environmentally responsible growth by identifying those areas most at risk for flooding impacts in the unincorporated county and provides for measures to mitigate the effects of flooding on development in those areas consistent with minimum NFIP requirements. In addition, the amendment will allow structures in the Coastal A Special Flood Hazard areas to have the one- to three-story buildings recommended for single-family and multi-family residences across place types. In addition, the proposed amendment is reasonable and in the public interest because the proposal incorporates and codifies the most up-to-date Flood Insurance Rate Maps and

Ordinance provisions, providing mitigation measures for those areas determined to be most at risk for flooding impacts in the unincorporated County. Additionally, adoption of the request ensures continued eligibility in the NFIP and provides consistency in the application of ordinance provisions for structures in Special Flood Hazard Areas.

ATTACHMENTS:

Script for BOC

TA19-02 Staff Summary BOC

Panels Map

Panel 2291

COUNTY MANAGER'S COMMENTS AND RECOMMENDATIONS: (only Manager)

Recommend approval.

Script for Flood and Zoning Ordinance Text Amendment (TA19-02)

Request by New Hanover County to amend the Flood Damage Prevention Ordinance to incorporate updated Flood Insurance Rate Map data and amend the requirements of the Coastal A Special Flood Hazard Area, and to amend Section 51 of the Zoning Ordinance to address building height requirements in the Coastal A Special Flood Hazard Area.

This is a public hearing. We will hear a presentation from staff. Then any supporters and any opponents will be allowed up to 15 minutes for their presentation and an additional 5 minutes for rebuttal.

1. Conduct Hearing, as follows:
 - a. Staff/Applicant presentation
 - b. Supporter's presentation (up to 15 minutes)
 - c. Opponent's presentation (up to 15 minutes)
 - d. Applicant's rebuttal (up to 5 minutes)
 - e. Opponent's rebuttal (up to 5 minutes)
2. Close the Public Hearing
3. Board Discussion
4. **Vote on amendment.** The motion should include a statement saying how the amendment is, or is not, consistent with the 2016 Comprehensive Land Use Plan and why it is, or is not, reasonable and in the public interest.

Options for Motions:

- Motion to approve the text amendment as presented in the staff summary or a modified version of the text amendments;
- Motion to "table" the item in order to receive more information; or
- Motion to deny the amendment proposal based on specific reasons, such as the proposal is not consistent with the Comprehensive Land Use Plan and/or the proposal is not reasonable and/or the proposal is not in the public interest.

Staff Suggested Motion:

Motion to approve the amendment, as the Board finds that this request as described is:

I move to **APPROVE** the proposed amendment to New Hanover County's Zoning Ordinance. I find it to be **CONSISTENT** with the purpose and intent of the 2016 Comprehensive Plan because it promotes environmentally responsible growth by identifying those areas most at risk for flooding impacts in the unincorporated county and provides for measures to mitigate the effects of flooding on development in those areas consistent with minimum NFIP requirements. In addition, the amendment will allow structures in the Coastal A Special Flood Hazard areas to have the one to three story buildings recommended for single-family and multi-family residences across place types. I also find **APPROVAL** of the proposed amendment is reasonable and in the public interest because the proposal incorporates and codifies the most up to date Flood Insurance Rate Maps and Ordinance provisions, providing mitigation measures for those areas determined to be most at risk for flooding impacts in the unincorporated County. Additionally, adoption of the request ensures continued eligibility in the NFIP and provides consistency in the application of ordinance provisions for structures in Special Flood Hazard Areas.

Alternative Motion for Approval/Denial:

Motion to [Approve/Deny], as the Board finds that this request for a text amendment to the Zoning Ordinance as described is:

1. [Consistent/Not Consistent] with the purposes and intent of the 2016 Comprehensive Plan because [Describe elements of controlling land use plans and how the amendment is or is not consistent].
2. [Reasonable/Not Reasonable] and in the public interest because [Briefly explain why. Factors may include public health and safety, applicable plans, or balancing benefits and detriments].

STAFF SUMMARY OF TA19-02 TEXT AMENDMENT REQUEST

APPLICATION SUMMARY

Case Number: TA19-02

Request:

- To amend the Flood Damage Prevention Ordinance to incorporate updated Flood Insurance Rate Map data and amend the requirements of the Coastal A Special Flood Hazard Area.
- To amend the Zoning Ordinance to clarify building height requirements in Coastal A Special Flood Hazard Areas.

Applicant:

New Hanover County

Subject Ordinances:

Flood Damage Prevention Ordinance
Zoning Ordinance

Subject Article(s) and Section(s):

- Flood Damage Prevention Ordinance Article 3, Section B - Basis for Establishing the Flood Hazard Areas
- Flood Damage Prevention Ordinance Article 5, Section H – Standards for Coastal A Zones (Zone CAZ) LiMWA
- Zoning Ordinance Section 51 – Dimensional Requirements.

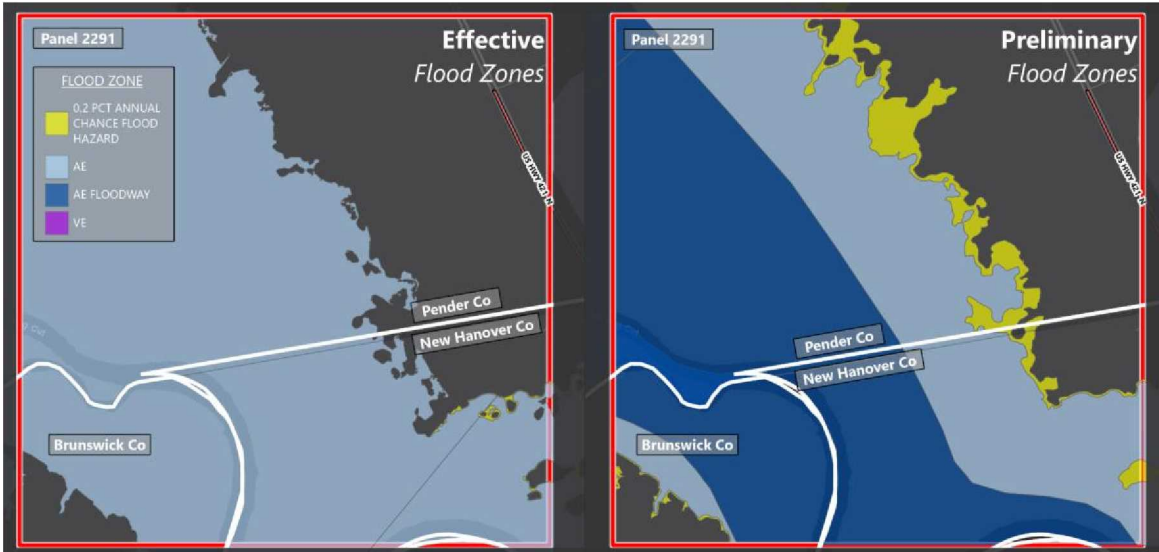
BACKGROUND

On July 9, 2018, the New Hanover County Board of Commissioners adopted a text amendment request to the Flood Damage Prevention Ordinance updating the Flood Insurance Rate Maps (FIRMs) and incorporating various changes to the ordinance. This action adopted new FIRMs for the vast majority of the county.

Staff was subsequently notified that as a result of an updated statewide mapping format and adoption protocols, eighteen FIRM panels in the northern portion of the county adjacent to Pender County were not made effective in 2018. This updated mapping format develops updated flood studies by river basins as opposed to community boundaries, which means that some communities will share FIRM panels, and the panels do not become effective until all jurisdictions sharing the panels have been authorized to complete the local adoption process by FEMA. These panels were held from becoming effective in New Hanover as Pender County had not been authorized to move forward with adoption.

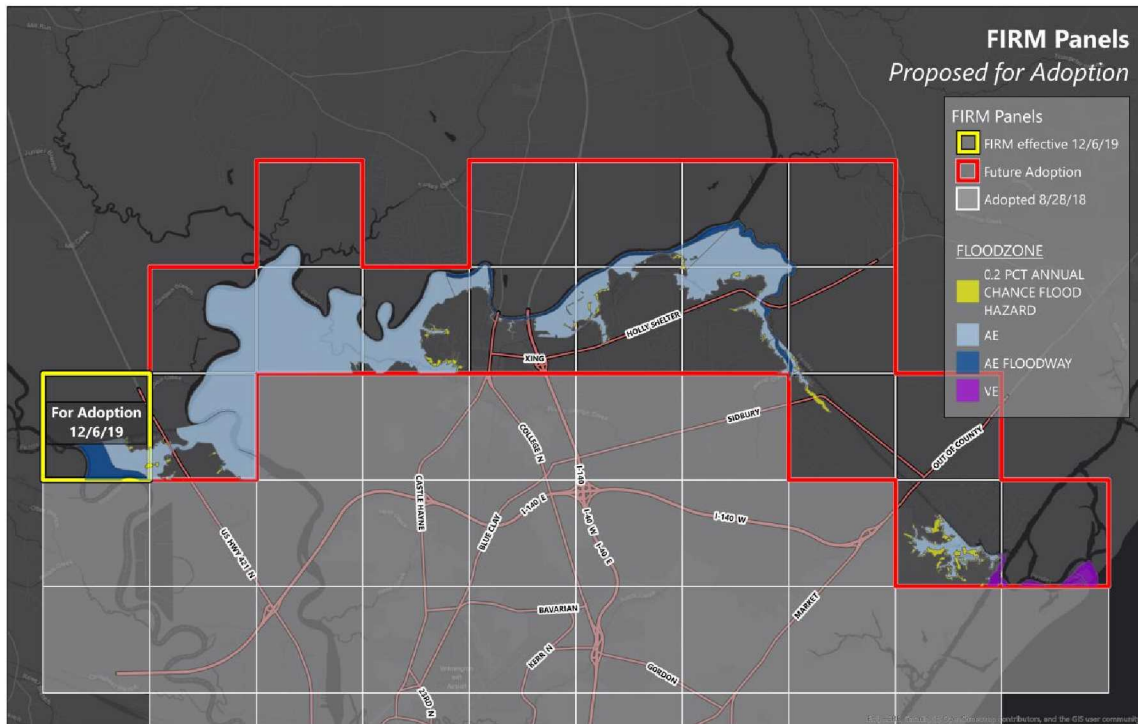
On June 6, 2018, staff received a Letter of Final Determination from FEMA, initiating a 6-month period for New Hanover County to amend the Flood Damage Prevention Ordinance to incorporate the reference date for the new flood insurance study and to move forward with adoption of one map panel. This panel, located in the northwest portion of the county, is located within the Cape Fear River Basin and is included within the panels which have been released to move forward with adoption by FEMA. No structures within this map panel in the county’s jurisdiction are affected by the map change. The most notable change in the flood zone delineations in the county’s jurisdiction is the addition of a floodway designation along the channel

of the Cape Fear River. The floodway is defined as the channel of a river or watercourse and the adjacent land areas that must be reserved in order to discharge the based flood without cumulatively increasing the water surface elevation more than 1 foot.



Changes in Special Flood Hazard Area delineations on Panel 2291 proposed for adoption

The remaining FIRM panels, located in the NE Cape Fear River and Futch Creek watersheds, will be brought forward for adoption to become effective once authorized to move forward by FEMA.



Flood Insurance Rate Map panels in New Hanover County with current status

In addition to the adoption of this map panel, amendments are proposed to the Flood Damage Prevention and Zoning ordinances in order to provide consistency with the current version of the NC State Building Code as well as building height requirements in Special Flood Hazard Areas. In January 2019, an amendment to the building code requiring that all construction in Coastal A Special Flood Hazard Areas meet V-zone construction standards was made effective. Currently, the Flood Damage Prevention Ordinance only contains this requirement for non-residential construction, which was consistent with the building code requirements when this zone was incorporated in the flood ordinance in July 2018. Staff is proposing that construction requirements within the Coastal A zone be amended to apply to all construction in order to provide consistency with the 2019 NC Building Code.

Currently, the Zoning Ordinance allows a maximum height of 44' for structures located within a Coastal High Hazard flood zone or within certain areas governed by the Coastal Area Management Act (CAMA) in the RA, R-20S, R-20, R-15, R-10, and R-7 zoning districts. Outside of these areas, building heights are limited to 35'. As both the current building code and proposed Flood Damage Prevention Ordinance amendment will require all construction in a Coastal A zone to meet V-zone construction requirements, staff is proposing to amend the applicable sections in the Zoning Ordinance to allow an increase in height from 35' to 44' to provide a consistent height maximum where elevated piling construction is required.

PROPOSED AMENDMENT

~~Red-Strikethrough~~ – Proposed Deletions

Red Text – Proposed Additions

Flood Damage Prevention Ordinance

ARTICLE 3. GENERAL PROVISIONS.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated ~~August 28, 2018~~ **December 6, 2019** for New Hanover County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of New Hanover County are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION H. STANDARDS FOR COASTAL A ZONES (ZONE CAZ) LIMWA

~~Non-residential~~ Structures in CAZs shall be designed and constructed to meet V Zone requirements, including requirements for breakaway walls. However, the NFIP regulations also require flood openings in walls surrounding enclosures below elevated buildings in CAZs (see Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures*). Breakaway walls used in CAZs must have flood openings that allow for the automatic entry and exit of floodwaters to

minimize damage caused by hydrostatic loads. Openings also function during smaller storms or if anticipated wave loading does not occur with the base flood.

- (1) All new ~~non-residential~~ construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal A Zones to satisfy the regulatory flood protection elevation requirements.
- (2) All new ~~non-residential~~ construction and substantial improvements shall have the space below the lowest horizontal structural member free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
 - (a) Open wood, plastic or other latticework or insect screening may be permitted below the lowest floor for aesthetic purposes only and must be designed to wash away in the event of wave impact and in accordance with the provisions of Article 5, Section B(4)(e)(i). Design plans shall be submitted in accordance with the provisions of Article 4, Section B(1)(d)(iii)(2); or
 - (b) Breakaway walls may be permitted provided they meet the criteria set forth in Article 5, Section B(4)(e)(ii). Design plans shall be submitted in accordance with the provisions of Article 4, Section B(1)(d)(iii)(1).
- (3) All new ~~non-residential~~ construction and substantial improvements shall include, in Zones CAZ, 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 design criteria in Article 5, Section B(4)(d).
- (4) Concrete pads, including patios, decks, parking pads, walkways, driveways, etc. must meet the provisions of Article 5, Section G(5).
- (5) All new ~~non-residential~~ construction and substantial improvements shall meet the provisions of Article 5, Section G(3)
- (6) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Article 4, Section B and Article 5, Section G(3) and (4), on the current version of the North Carolina V-Zone Certification form or a locally developed V-Zone Certification form.
- (7) Recreational vehicles may be permitted in Coastal A Zones provided that they meet the Recreational Vehicle criteria of Article 5, Section B(6)(a).
- (8) Fill/Grading must meet the provisions of Article 5, Section G(11)
- (9) Decks and patios must meet the provisions of Article 5 Section G(15) and (16).

- (10) In coastal high hazard areas, development activities other than buildings and structures must meet the provisions of Article 5, Section G(17).

Zoning Ordinance

51.3-2: Dimensional Requirements:

- (1) Minimum lot area: 30,000 sq. ft.
- (2) Minimum lot width: 115 feet
- (3) Minimum side yard: 20 feet
- (4) Minimum front yard: 40 feet
- (5) Minimum rear yard: 30 feet
- (6) Maximum height: 35 feet

The maximum allowable height for piling supported structures which are located in "Coastal High Hazard Areas, V-Zones" or **Coastal A Zones** as defined by ~~Article 4-74 of the New Hanover County Code~~ **Flood Damage Prevention Ordinance** shall be 44 feet.

51.4-2: Dimensional Requirements:

- (1) Minimum Lot area 20,000 Square Feet
- (2) Minimum Lot width 90 feet
- (3) Minimum Front Yard 30 feet
- (4) Minimum Side Yard 15 feet
- (5) Minimum Rear Yard 25 feet
- (6) Maximum Height 35 feet

The maximum allowable height for piling supported primary structures which are located in "Coastal High Hazard Areas, V-Zones", **Coastal A Zones**, and/or Ocean Hazard Areas as defined by the Coastal Resources Commission shall be 44 feet. (10/5/92)

51.5-2: Conventional Residential Regulations

Dimensional Requirements:

- (1) Minimum lot area 20,000 sq.ft. Duplex 35,000 sq.ft.
- (2) Minimum lot width 90 feet
- (3) Minimum front yard 30 feet
- (4) Minimum side yard 15 feet
- (5) Minimum rear yard 25 feet
- (6) Maximum Height 35 feet

The maximum allowable height for piling supported primary structures which are located in "Coastal High Hazard Areas, V-Zones", **Coastal A Zones**, and/or Ocean Hazard Areas as defined by the Coastal Resources Commission shall be 44 feet. (10/5/92)

51.6-2: Conventional Residential Regulations

Dimensional Requirements:

- (1) Minimum lot area 15,000 sq.ft. Duplex 25,000 sq.ft.
- (2) Minimum lot width 80 feet
- (3) Minimum front yard 25 feet
- (4) Minimum side yard 10 feet
- (5) Minimum rear yard 20 feet
- (6) Maximum height 35 feet

The maximum allowable height for piling supported primary structures which are located in "Coastal High Hazard Areas, V-zones", **Coastal A Zones**, and/or Ocean Hazard Areas as defined by the Coastal Resources Commission shall be 44 feet. (10/5/92)

51.7-2:Conventional Residential Regulations

Dimensional Requirements:

- (1) Minimum lot area: 10,000 square feet (2/16/87)
Duplexes: 15,000 sq. ft. (1/5/81)
- (2) Minimum lot width 70 feet
- (3) Minimum front yard 25 feet
- (4) Minimum side yard 5 feet
- (5) Minimum rear yard 20 feet
- (6) Maximum height 35 feet

The maximum allowable height for piling supported primary structures which are located in "Coastal High Hazard Areas, V-Zones", **Coastal A Zones**, and/or Ocean Hazard Areas as defined by the Coastal Resources Commission shall be 44 feet. (10/5/92)

51.8-5: All Medium Density Developments shall comply with the following requirements:

- (6) Maximum allowable height for structures shall be 35 feet. However, the maximum allowable height for piling supported primary structures which are located in "Coastal High Hazard Areas, V-Zones", **Coastal A Zones**, and/or Ocean Hazard Areas as defined by the Coastal Resources Commission shall be 44 feet.

Staff Analysis

As a requirement of the County’s participation in the NFIP, adoption and enforcement of floodplain management regulations and FIRMs are required. As all statutory due-process requirements were met and the Letter of Final Determination was issued from FEMA, local adoption of the additional panel in the recent Flood Insurance Study must take place prior to December 6, 2019 in order to ensure continued eligibility in the NFIP.

The proposed amendment to the Flood Damage Prevention Ordinance provides consistency with the 2019 NC Building Code, which was updated in January 2019 to require construction methods for all structures in Coastal A zones to adhere to standards in the Coastal High Hazard Areas. This generally includes a number of detailed methods that are included in structures utilizing elevated

piling construction. The consistency between these codes will assist in eliminating conflicts between requirements of the Flood Damage Prevention Ordinance and NC Building Code, resulting in a more efficient and streamlined permitting process.

The proposed amendment to the Zoning Ordinance provides consistency in the application of building height requirements in areas where elevated piling construction is required. Under the 2019 NC Building Code, all structures are currently required to adhere to these standards, but the Zoning Ordinance only specifies that areas designated as a Coastal High Hazard Area or Ocean Hazard Area by the Division of Coastal Management can utilize the increase of height to 44'. Currently in the Coastal A Zones, the Zoning Ordinance limits building heights to 35' in certain residential districts; however, the NC Building Code would still require elevated piling construction, limiting architectural flexibility on these structures. The proposed amendment would ensure that the height standards for construction in flood zones requiring elevated piling construction are consistent with other code requirements.

PLANNING BOARD ACTION

The Planning Board considered this request at their October 3, 2019 meeting. At the meeting, no one from the public spoke in support or in opposition to the request.

The Board recommended approval of the request (6-0), concluding that it is:

CONSISTENT with the purpose and intent of the 2016 Comprehensive Plan because it promotes environmentally responsible growth by identifying those areas most at risk for flooding impacts in the unincorporated county and provides for measures to mitigate the effects of flooding on development in those areas consistent with minimum NFIP requirements. In addition, the amendment will allow structures in the Coastal A Special Flood Hazard areas to have the one to three story buildings recommended for single-family and multi-family residences across place types. In addition, it is reasonable and in the public interest because the proposal incorporates and codifies the most up to date Flood Insurance Rate Maps and Ordinance provisions, providing mitigation measures for those areas determined to be most at risk for flooding impacts in the unincorporated County. Additionally, adoption of the request ensures continued eligibility in the NFIP and provides consistency in the application of ordinance provisions for structures in Special Flood Hazard Areas.

STAFF RECOMMENDATION

Staff recommends approval of the requested amendment as stated in the Planning Board action. Staff concurs with the Planning Board's statements that the application is **CONSISTENT** with the 2016 Comprehensive Plan and is reasonable and in the public interest.

FIRM Panels

Proposed for Adoption

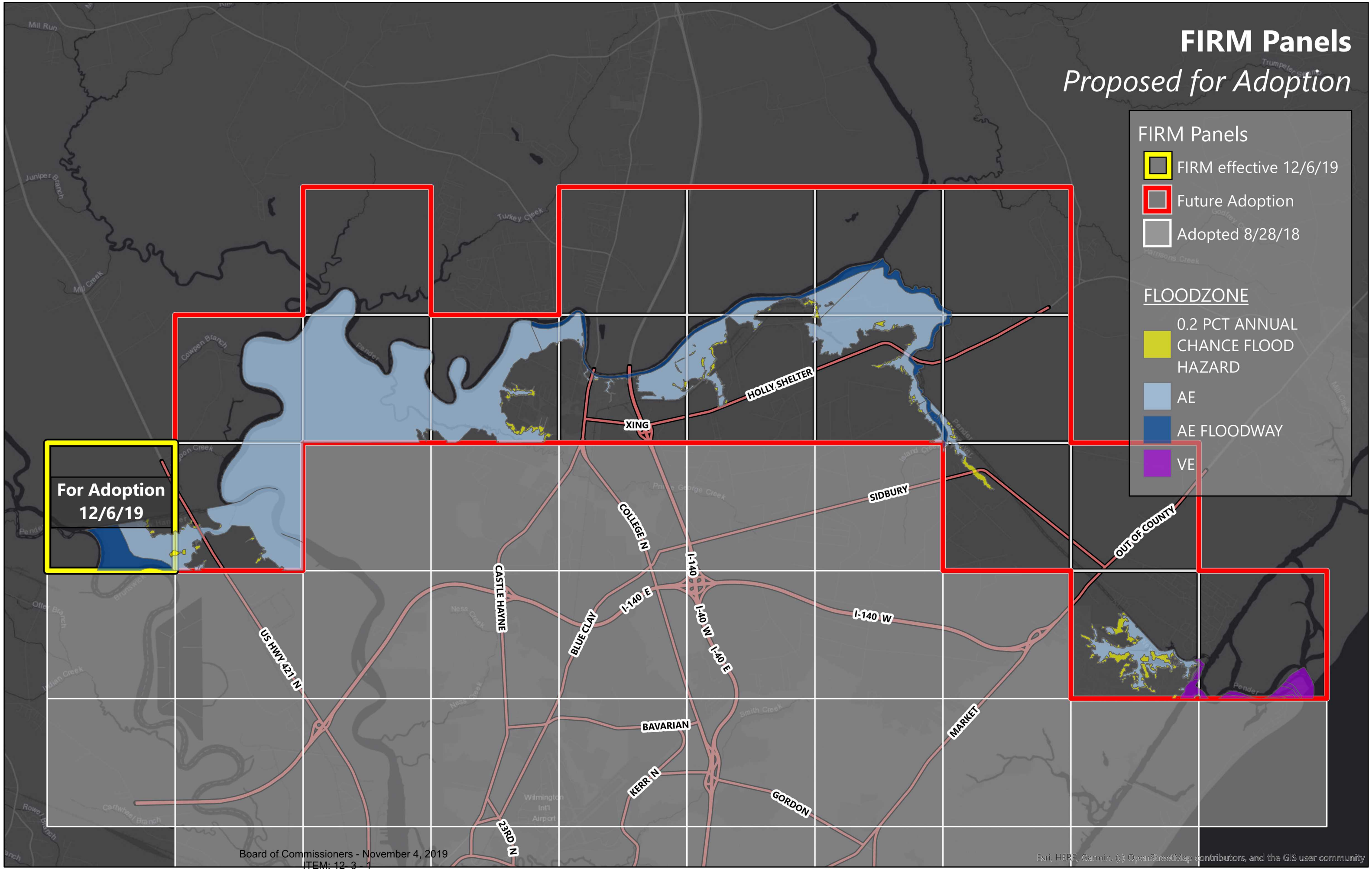
FIRM Panels

- FIRM effective 12/6/19
- Future Adoption
- Adopted 8/28/18

FLOODZONE

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- AE
- AE FLOODWAY
- VE

**For Adoption
12/6/19**

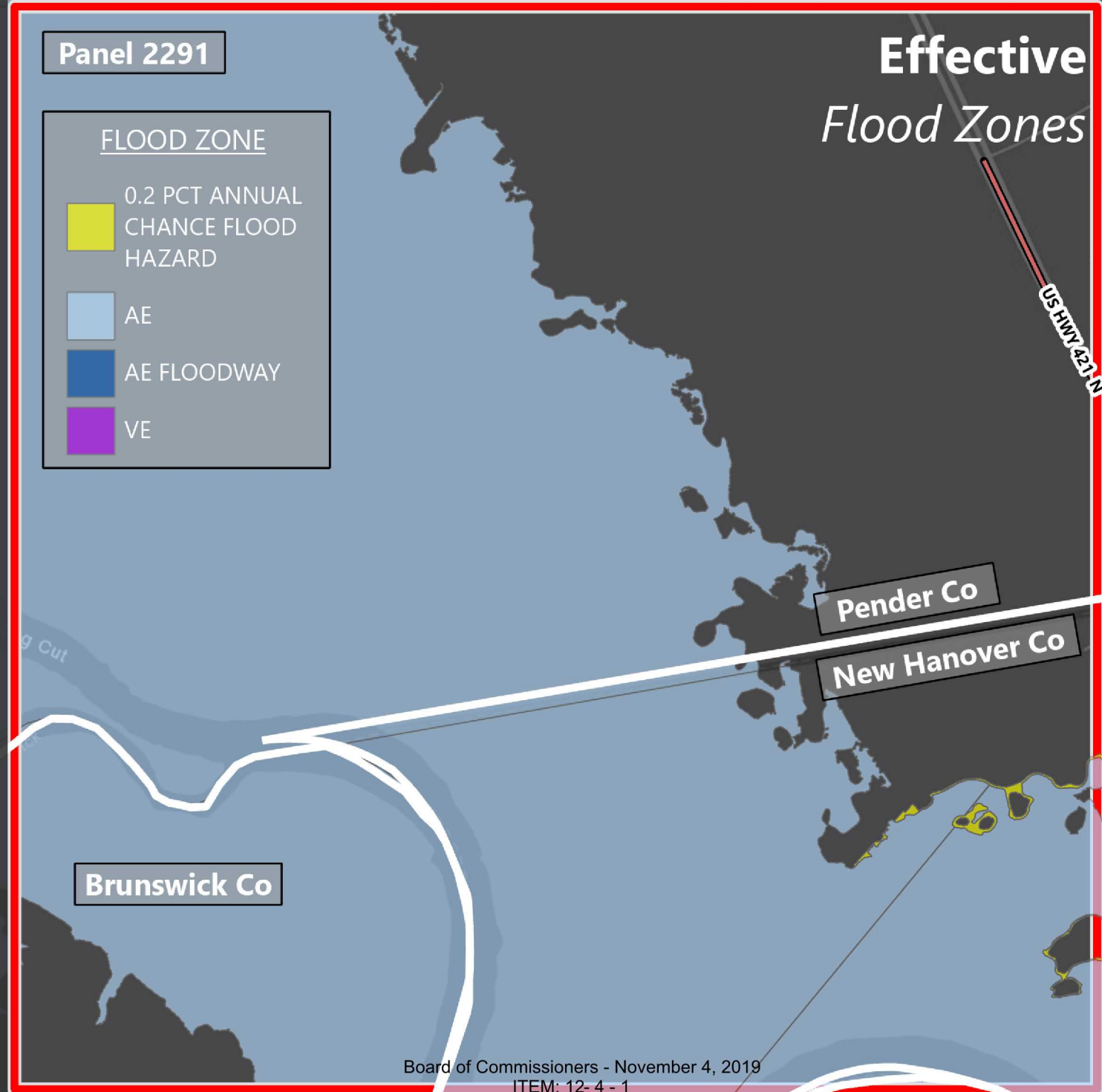


Panel 2291

Effective Flood Zones

FLOOD ZONE

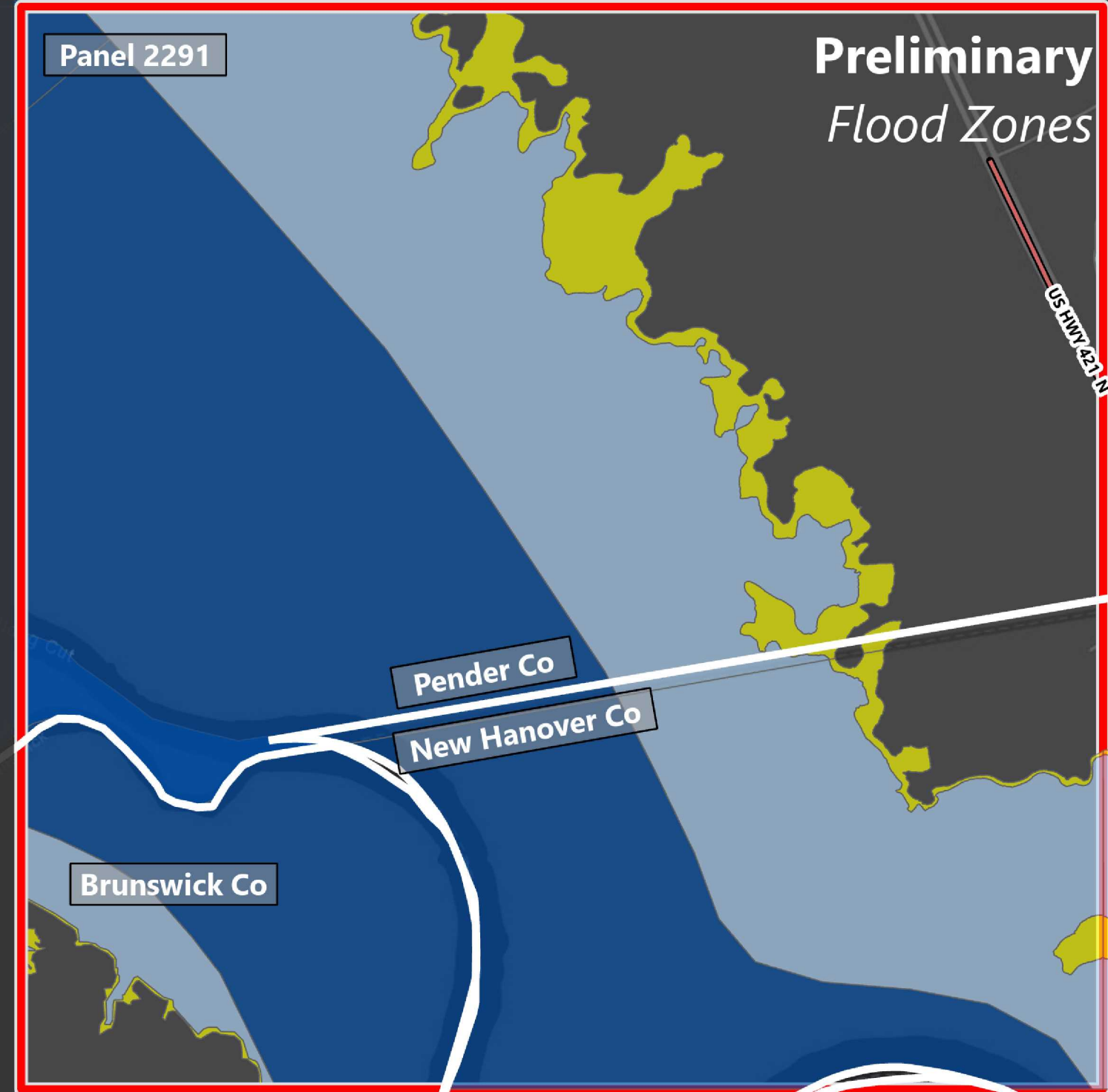
- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- AE
- AE FLOODWAY
- VE



Board of Commissioners - November 4, 2019
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Panel 2291

Preliminary Flood Zones



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