



Minutes
Town of Atlantic Beach, North Carolina
Planning Board
Tuesday, May 4, 2021 at 6:00pm
Town Boardroom, 1010 West Fort Macon Road-Unit 18
Atlantic Beach, NC 27812

The regularly scheduled meeting of the Atlantic Beach Planning Board was held Tuesday, May 4, 2021 at 6:00 p.m. at the Town of Atlantic Beach Boardroom.

Board Members Present: Chairman Neil Chamblee; Mark Ferrell; Fred Dean; Renae Baker; Sharron Wilson; Llewellyn Ramsey

Board Members Absent: Vice Chairman Curt Winbourne

Staff Present: Michelle Eitner, Director; Julian Griffiee, Planner; Katrina Tyer, Clerk

Others Present: Porter Graham, NC Realtors Association

CALL TO ORDER

Chairman Chamblee called the meeting to order at 6:00pm.

EXCUSE ABSENT PLANNING BOARD MEMBER(S)

Wilson made a motion *to excuse* Curt Winbourne from the meeting due to being out of town on business. Seconded by Ramsey. Vote was unanimous, 6-0. Motion carried.

APPROVE APRIL 6, 2021 MEETING MINUTES

Due to staffing issues the minutes were not prepared in time to be presented to the board for approval. Baker made a motion *to continue approval* of the April 6, 2021 minutes until the June 1, 2021 meeting. Seconded by Dean. Vote was unanimous, 6-0. Motion carried.

ZONING TEXT AMENDMENT: ZTA-21-4 – ADDITIONS IN THE FLOODPLAIN

Staff Presentation

The Carteret County Association of Realtors submitted a text amendment request to allow additions to certain types of existing structures in the floodplain to match the floor level of the existing structure. The UDO currently requires a lateral addition to meet requirements for new construction, which may be higher than the existing floor level depending on when the structure was built.

This request would amend Section 18.6.3.D.2, the Flood Damage Prevention Ordinance (FDPO). Compliance with the FDPO is required for development in the floodplain. This includes standards for new construction, additions to existing structures, and renovations that result in Substantial Improvement (project cost >50% structure value), like meeting the Regulatory Flood Protection Elevation (RFPE), which is the Base Flood Elevation (BFE) plus freeboard if applicable. Since the town does not currently have a freeboard requirement, the RFPE and BFE are the same. BFE is based on Mean Sea Level (MSL).

Most of the time, floodplain maps show a BFE that is higher than existing grade, which is why most living areas of structures and their mechanical/electrical units are lifted off the ground. There are other requirements, depending on the flood zone type, but for this purpose the elevation is the primary issue. Additions to existing structures meet current requirements to elevate above BFE, which can be difficult for older homes that were built below BFE, either because the Flood Insurance Rate Maps (FIRMs) did not require them to be built higher or because they were built before FIRMs were adopted in 1977.

During the staff-initiated text amendment to implement a one foot freeboard in December 2020, the Carteret County Association of Realtors raised concern with the effects a freeboard would have on additions to structures because they already have to meet potentially more stringent standards than the existing structure. Following discussion with staff, Porter Graham on behalf of the Realtors applied for this text amendment requesting that additions in the majority of the floodplain areas (the AE flood zone) be allowed to be built to the same level as the post-FIRM existing structure, as long as it does not constitute Substantial Improvement (project cost >50% structure value). Additions that constitute substantial improvement require the addition and the existing structure to meet current floodplain requirements. The freeboard issue is still pending, which left this to be a separate topic.

The Town's FDPO is consistent with the state's model ordinance in this regard, as well as requires compliance with current floodplain requirements for pre-FIRM structures, which is optional. The Town's FDPO does not differentiate between different types of flood zone (AE vs VE) – only pre-FIRM and post-FIRM. FEMA provides guidance regarding minimum requirements for additions/substantial improvements that differentiates between flood zone type and FIRM status.

The submitted text amendment proposes that additions to pre-FIRM structures and structures in the AE flood zone (soundside) be allowed to meet the elevation of the existing adjacent floor as long as they do not constitute substantial improvement. The Town does not process many requests for additions to existing structures due to small lots, constraints with septic systems on building size and number of bedrooms, and ratio of low structure value to high construction costs (that would likely lead to substantial improvement). Staff notes that this proposed text amendment would not have much impact in town and would not likely be a detriment to the health, safety, and welfare of the public. It is not specifically inconsistent with the CAMA Land Use Plan, but staff believes that relaxing the Flood Damage Prevention Ordinance is inconsistent with the spirit, purpose, and intent of the UDO. It could, however, be seen that allowing flexibility for enlarging some existing structures is reasonable and in the public interest.

Chairman Chamblee asked for confirmation this will not affect the pending floodplain maps. It would not. Properties will still have to meet the other UDO requirements, setbacks etc.

Ferrell recommended wording changes to the proposed amendment to allow for clarity, following board discussion it was agreed to reword section f, subsection ii, to add language meets "or exceeds" the elevation of the existing adjacent floor.

- f. *Additions and Improvements to Pre-FIRM Structures.*
 - i. *Substantial Improvement Determination.* Additions or improvements to pre-FIRM structures, in combination with any interior modifications to the existing structure, shall be considered as either a substantial improvement or shall not be considered a substantial improvement in accordance with the definitions in Section 18.10.5, Definitions.
 - ii. *Additions or Improvements Not Constituting a Substantial Improvement.*
 - a) ~~Structurally-connected~~ Additions or improvements to a pre-FIRM structure that are not considered a substantial improvement shall:
 - i) Be designed to minimize the potential for flood damage;
 - ii) Be configured so that ~~only~~ the addition or improvement meets or exceeds the ~~standards for new construction (not the existing structure); and~~ elevation of the existing adjacent floor.
 - iii) ~~Be no more nonconforming than the original structure.~~
 - b) Where a fire wall or independent perimeter load-bearing wall is provided between an addition and the existing building, the addition shall be considered a separate building and only the addition must comply with the standards for new construction.
 - iii. *Additions or Improvements Constituting a Substantial Improvement.* Additions or improvements to a pre-FIRM structure that are considered a substantial improvement shall be configured so that both the addition or the improvement and the existing structure comply with the standards for new construction.

Public Hearing

Ramsey made a motion *to enter* public hearing on the proposed amendment. Seconded by Dean. Vote was unanimous, 6-0. Motion carried. The time was 6:18pm.

Porter Graham, Coastal Region Government Affairs Director, NC Association of Realtors, stated this amendment request initiated from the pending freeboard amendment, this request is not dependent on the freeboard issue. He was asked by the Carteret County Board of Realtors to review the freeboard issue and he noticed this issue, which is common in most coastal

towns. He has successfully worked with Nags Head and Southern Shores to have their ordinances amended to comply with this request. The Carteret County Homebuilders are in favor of this request also. Approval of this amendment would eliminate the need for agents to disclose to buyers the fact they can not build laterally on certain properties. He thanked Michelle for responsiveness and thanked the board for considering this request.

Wilson made a motion *to close* the public hearing. Seconded by Ferrell. Vote was unanimous, 6-0. Motion carried. The time was 6:23pm.

Planning Board Discussion and Recommendation

Ramsey made a motion *to recommend* adoption of the proposed zoning text amendment to Section 18.6.3.D.2 *as amended* tonight to Town Council and for staff *to prepare* a Consistency Statement as it is reasonable and in the public interest, and is consistent with the Town Land Use Plan. Seconded by Baker. Vote was unanimous, 6-0. Motion carried.

OTHER BUSINESS

Michelle made the board aware the June 1 meeting would be a joint meeting with Council to discuss and conduct a public hearing on the major site plan proposal on the Showboat Motel site. She will also review proposed amendments to the UDO to be compliant with the updated NC General Statutes Chapter 160D and the board will conduct a public hearing.

ADJOURNMENT

There being no further business Chairman Chamblee adjourned the meeting. The time was 6:34p.m.

These minutes were approved at the June 1, 2021 Planning Board meeting.

ATTEST:



Katrina Tyer, Town Clerk

TOWN OF ATLANTIC BEACH



Neil Chamblee, Chairman