City of Boiling Spring Lakes
9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

September 1, 2026

Title:

Public Hearing - TX-2026-03 – UDO Amendment: Article 11 – Flood Damage Prevention Ordinance

Department:

Development Services: Planning & Zoning

Background Information:

The City of Boiling Spring Lakes participates in the National Flood Insurance Program (NFIP), a federal program administered by FEMA that makes federally backed flood insurance available to property owners in participating communities. As a condition of participation, the City is required to adopt and enforce a Flood Damage Prevention Ordinance (FDPO) that meets FEMA's minimum floodplain management standards. The City's current FDPO regulates development within FEMA-designated Special Flood Hazard Areas (SFHAs), which are areas shown on the effective Flood Insurance Rate Maps (FIRMs) as having a 1% annual chance of flooding. These SFHAs are FEMA's official regulatory flood hazard areas and serve as the basis for the City's floodplain management regulations and the federal mandatory flood insurance purchase requirement for structures securing federally backed mortgages.

The State of North Carolina has released the 2026 Model Flood Damage Prevention Ordinance to incorporate several updated revisions necessary to maintain consistency with current regulations. Staff has reviewed the 2026 Model Flood Damage Prevention Ordinance and compared it to the City's existing FDPO regulations. The proposed amendments incorporate the required revisions identified by the State to ensure the City's ordinance remains consistent with FEMA's minimum floodplain management standards and to maintain the City's continued participation in the NFIP.

In addition to required updates, the 2026 Model Flood Damage Prevention Ordinance includes optional provisions that local governments may elect to adopt in order to address local flooding conditions or establish flood protection standards that exceed the minimum requirements of the National Flood Insurance Program (NFIP). While FEMA Flood Insurance Rate Maps provide the regulatory basis for NFIP requirements, they do not identify every area that may experience flooding. Areas outside of the FEMA-designated Special Flood Hazard Areas may still experience flooding due to localized drainage conditions, rainfall events, topography, groundwater conditions, or other factors.

Staff was previously directed by the Board of Commissioners to prepare an amendment to the City’s Unified Development Ordinance requiring finished floor elevations for all new construction to be elevated. This direction was based on the Board's desire to better address flood risk in areas that have experienced flooding that are not currently regulated under the City's Flood Damage Prevention Ordinance. Staff presented a proposed amendment that incorporated this requirement as part of a broader lot drainage plan requirement. Following the required public hearing, the Board of Commissioners reviewed and deliberated on the proposed amendment and directed staff to remove the finished floor elevation requirement from the lot drainage plan requirement. The Board further directed staff to conduct additional research and develop an approach that would target only those areas with known flooding concerns located outside of the FEMA-designated Special Flood Hazard Areas, rather than applying the requirement citywide.

Based on this direction, staff evaluated available options for identifying and addressing areas subject to flooding outside of the FEMA-designated Special Flood Hazard Areas. Staff determined that the optional provisions contained within the 2026 Model Flood Damage Prevention Ordinance provide an appropriate framework for accomplishing the Board's direction. Incorporating these optional provisions will allow the City to utilize Advisory Flood studies data and other available flood hazard information to regulate development in areas where additional flood risk information is available.

The North Carolina Floodplain Mapping Program (NCFMP) has initiated the “Advisory Flood” studies approach to provide non-regulatory flood hazard information for previously unmapped areas and areas beyond the traditional regulatory floodplain mapping extents. This additional flood hazard information is intended to assist communities and property owners in understanding and mitigating flood risks that may exist outside of FEMA's regulatory floodplain boundaries.

As an optional provision within the 2026 Model Flood Damage Prevention Ordinance, the Advisory Flood Studies data provided by the NCFMP will be adopted by reference, and declared a part of the ordinance. Areas identified through this data will be regulated similarly to properties located within FEMA-designated Special Flood Hazard Areas. For new construction and substantial improvements within these areas, finished floor elevations will be required to meet or exceed the applicable Base Flood Elevation (BFE), where a BFE has been established for the 1% annual chance flood event. In addition, the City will apply a two (2) foot freeboard requirement above the applicable elevation to provide additional protection from flood risks and future uncertainty. Where Advisory Flood mapping identifies an area subject to the 1% annual chance flood event but does not provide a Base Flood Elevation, the proposed ordinance will require the finished floor elevation of structures to be elevated a minimum of two (2) feet above the highest adjacent grade. This requirement provides a consistent standard for addressing areas where flood risk has been identified but detailed elevation information is not available.

The proposed amendments will also establish regulatory requirements for Shaded Zone X areas identified on FEMA Flood Insurance Rate Maps. Development within these areas would be regulated in the same manner as development within FEMA-designated Special Flood Hazard Areas, using the City's established floodplain development standards.

By incorporating these optional provisions, the City will expand its ability to use available flood hazard data to regulate development in areas with documented or anticipated flood risks while avoiding the application of additional requirements to properties without identified flood concerns. The optional provisions proposed in this amendment are intended solely for local land use and floodplain management purposes. Adoption of these provisions would not revise FEMA's effective Flood Insurance Rate Maps (FIRMs), change FEMA-designated Special Flood Hazard Area boundaries, or alter the federal mandatory flood insurance purchase requirements.

At their duly held meeting on August 11, 2026, the Planning Board voted unanimously to recommend approval of the proposed amendment.

Financial Impact:

Cost to advertise required public hearing.

Recommendation:

Staff recommends approval of the proposed amendment based upon research, current uses, the surrounding area, and the City of Boiling Spring Lakes' Comprehensive Land Use Plan (LUP).

Attachments:

TX 2026-03 – UDO Amendment: Article 11 – Flood Damage Prevention Ordinance
Plan Consistency & Reasonableness

Proposed Amendment: TX-2026-03 – UDO Amendment: Article 11 – Flood Damage Prevention Ordinance

The proposed ordinance amendments include color-coded revisions consistent with the format of the 2026 North Carolina Model Flood Damage Prevention Ordinance. Green text identifies required revisions, while blue text identifies optional provisions that the City is proposing to adopt.

PLAN CONSISTENCY & REASONABLENESS DETERMINATION

In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.

(A) ________The Board of Commissioners hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan), which states "Boiling Spring Lakes shall remain an active participant in the National Flood Insurance Program (NFIP) and is supportive of its hazard mitigation elements. Boiling Spring Lakes shall continue to enforce a Flood Damage Prevention Ordinance in accordance with the NFIP, including a two-foot free board requirement" and "The City shall retain the option of adopting additional local stormwater related standards if it is deemed necessary to further protect surface water quality and limit localized flooding" and; (ii) that it is in the public interest because it will advance the public health, safety, and welfare of the City of Boiling Spring Lakes by helping to reduce flood risk and future flood damages.

(B) ______The Board of Commissioners hereby recommends denial of the proposed amendments to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: __________________________and/or (ii) it is not in the public interests for the following reasons:
____

Motion to Recommend Approval (A) ______ Motion to Recommend Denial (B) ______