Council Member ____ made a motion to approve the following ordinance. A vote of ___.

AN ORDINANCE AMENDING THE SPECIAL FLOOD HAZARD MITIGATION ORDINANCE OF THE TOWN OF BLACK MOUNTAIN TO PROHIBIT NEW TOWN-OWNED BUILDINGS IN THE REGULATED FLOODPLAIN

Ordinance No. O-25-20

WHEREAS, the Town of Black Mountain is committed to fiscal responsibility, public safety, and climate resilience; and

WHEREAS, recent flood events, including Tropical Storm Helene in 2024, have highlighted the vulnerability of public facilities located within regulated flood hazard areas; and

WHEREAS, North Carolina Executive Order No. 266 prohibits new state-owned buildings in flood hazard areas unless no feasible alternative exists, aligning with best practices in risk reduction and infrastructure resilience; and

WHEREAS, it is in the interest of the Town to adopt a similar policy framework to reduce long-term public exposure to flood risk and ensure responsible stewardship of taxpayer resources.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLACK MOUNTAIN THAT:

Section 1. Amendment

The Black Mountain Land Use Code (Appendix A) within the Town of Black Mountain Code of Ordinances, Chapter 2- Building Regulations, Section 2.3- Flood Damage Prevention Ordinance, Article 5- Provisions for Flood Hazard Reduction is hereby amended to **add** the following new section:

Section G. - Prohibition on New Town-Owned Buildings in the Regulated Floodplain.

1) **Purpose.**
   To reduce the risk of flood-related losses to public infrastructure and align capital investment decisions with best practices in floodplain management and climate adaptation, the Town of Black Mountain establishes a prohibition on the construction of new town-owned buildings within regulated floodplains.
2) **Applicability.**
   This section applies to any new building that will be constructed, owned, and operated by the Town of Black Mountain, including but not limited to administrative buildings, public works facilities, parks and recreation buildings, emergency services buildings, and utility structures.
3) **Floodplain Restrictions.**
   No new town-owned building shall be constructed within a FEMA-designated Special Flood Hazard Area (100-year floodplain) or Moderate Flood Hazard Area (500-year floodplain), unless the following four conditions are met:

a. **No Feasible Alternative Site Exists.**
The Town demonstrates, through site selection analysis, that there is no feasible alternative location outside the 100- and 500-year floodplains.

b. **Flood Risk Assessment.**
A qualified flood risk assessment is completed by a professional engineer or certified floodplain manager, and the assessment findings are submitted to the Town Council.

c. **Enhanced Resilient Design.**
The proposed building incorporates design elements that exceed the minimum requirements of this ordinance by one additional foot in addition to BFE+2 and the North Carolina Building Code, including but not limited to freeboard, floodproofing, and elevated utilities. The proposed improvements will be recommended by the Town Manager and approved by the Town Council.

d. **Written Justification.**
A written justification is submitted to and approved by the Town Council in an open meeting, prior to any final site or construction approvals.

4) **Exemptions.**
   a. This section shall not apply to the repair, rehabilitation, or retrofit of existing town-owned buildings, provided such activities do not result in a substantial improvement as defined by this ordinance.
5) **Consistency with State Policy.**
   a. This policy is intended to align with the principles of North Carolina Executive Order No. 266 and shall be interpreted to promote eligibility for state and federal disaster recovery and mitigation funding.

Section 2. Severability.

If any portion of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application.

Section 3. Effective Date.

This ordinance shall become effective upon adoption.

READ, APPROVED AND ADOPTED, this the 11th day of August, 2025.

_____
C. Michael Sobol, Mayor

Attest:

_____
Wesley M. Barker, Town Clerk