Public Hearing Draft

ZPH2026-00002

"Exhibit A"

~~Strikethrough~~ – deletions

Additions - underline

CHAPTER 34 "FLOODS" of the Buncombe County Code of Ordinances

ARTICLE II. - FLOOD DAMAGE PREVENTION ORDINANCE

DIVISION 1. - GENERALLY

Sec. 34-30. - Definitions.

"Conveyance shadow" means an area upstream of or downstream of an existing obstruction to flood flows.

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

(a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations. The elevated fill must meet the highest Regulatory Flood Protection Elevation of the impacted area.

(d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to

whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Repetitive Loss" means an NFIP – insured structure that has had at least two (2) paid flood losses of more than $1,000 each in any 10-year period since 1978.

"Substantial Improvement" means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and a variance is approved by the Board of Adjustment pursuant to the variance procedures as outlined in this ordinance.

Sec. 34-67

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION B. SPECIFIC STANDARDS.

(7) Temporary Non-Residential Structures and Materials. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

(a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

(b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;

(c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);

(d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

(e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

Sec. 34-70. - Floodways and non-encroachment areas.

Areas designated as floodways or non-encroachment areas are located within the special flood hazard areas established in section 34-32. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in sections 34-66 and 34-67, shall apply to all development within such areas:

(1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

a. It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit; or

b. A conditional letter of map revision (CLOMR) has been approved by FEMA. A letter of map revision (LOMR) must also be obtained upon completion of the proposed encroachment.

(2) If subsection 34-70(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this article.

(3) No new manufactured homes shall be permitted. Replacement manufactured homes in an existing manufactured home park or subdivision may be permitted, provided the following provisions are met:

a. The anchoring and the elevation standards of subsection 34-67(3); and

b. The no encroachment standard of subsection 34-70(1).

(4) No new habitable structures, including structures used for working, sleeping, living, cooking, or restroom facilities, shall be permitted in floodways and non-encroachment areas.

(5) No new travel trailers (RV's) or travel trailer parks will be permitted to encroach or be placed in the designated floodway and non-encroachment areas.

(6) No temporary storage of floatable materials, including mulch, lumber, containers, sheds, etc. shall be permitted in the designated floodway and non-encroachment areas.

(7) No temporary storage of junked vehicles or mechanized equipment shall be permitted in the designated floodway and non-encroachment areas.

(8) No new development (inclusive of additions to existing buildings) shall be permitted within a conveyance shadow.