ORDINANCE NO. _____

ORDINANCE APPROVING A REQUEST TO AMEND
THE OFFICIAL FLOOD DAMAGE PREVENTION ORDINANCE OF BUNCOMBE COUNTY,
CHAPTER 34, ARTICLE II OF THE BUNCOMBE COUNTY CODE OF ORDINANCES
ZPH2026-00002

WHEREAS, pursuant to N.C. Gen. Stat. §143-215, the County may adopt a flood ordinance to regulate development within its territorial jurisdiction;

WHEREAS, Buncombe County has been a member of the National Flood Insurance Program (NFIP) since August 1, 1980;

WHEREAS, pursuant to N.C. Gen. Stat. §143-215.51 and subject to N.C. Gen. Stat. §160D-108, a local government may adopt ordinances to regulated uses in the Special Flood Hazard Area (SFHA) and grant permits for the use of flood hazard areas that are consistent with the requirements of this Part;

WHEREAS, the Planning Board for Buncombe County has reviewed and discussed a proposed text amendment (ZPH2026-00002) and held a public hearing for an amendment to The Buncombe County Flood Damage Prevention Ordinance. The Board considered amendments to Chapter 34, Article II (The Buncombe County Flood Damage Prevention Ordinance) of the Buncombe County Code of Ordinances. Buncombe County is proposing to clarify uses allowed within the Special Flood Hazard Area (SFHA), specifically the floodway and non-encroachment area, add clarification definitions, as well as changes to the following sections of the ordinance: Article 2, Definitions, Article 5, Section B. Specific Standards; and Section F. Floodways and Non-Encroachment Areas. The ordinance text is attached as Exhibit A.

WHEREAS, in accordance with the procedures set forth in the Buncombe County Flood Damage Prevention Ordinance, the Planning Board met to consider the proposed amendment on March 16, 2026, at which meeting a motion to **approve** the proposed text amendment passed by a vote of **5 to 0**; and,

WHEREAS, this Board has reviewed these written recommendations of the Buncombe County Planning Board; and

WHEREAS, in accordance with North Carolina General Statutes and with the provisions set forth in Division 8 of Chapter 78, Article VI of the Buncombe County Code of Ordinances, the Board of Commissioners duly advertised and held a public hearing to consider the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. This Board has considered whether this proposed amendment is consistent with the Buncombe County 2043 Comprehensive Plan, and hereby finds the following:

1) The proposed text amendment is consistent with the Buncombe County 2043 Comprehensive Plan in that the text amendment:

- **Hazards & Resilience – Policy 4:** Buncombe County will identify opportunities to revise and strengthen design standards – including building codes and the use of low-impact development and infrastructure improvements – to increase adaptive capacity to current and future hazards. This includes floodplain development ordinances, fuel management for wildfire, and the County's Steep Slope/High Elevation Overlay and Protected Ridge Overlay within the Buncombe County Zoning Ordinance.
- **Hazards & Resilience – Action 2**: Employ design standards to increase adaptive capacity and reduce exposure to hazards.

Therefore, the requested text amendment would be **reasonable and in the public interest**.

Section 2. This Board does hereby **approve** and adopt the Plan Consistency Statement and amendments to Chapter 34, Article II (The Buncombe County Flood Damage Prevention Ordinance) of the Buncombe County Code of Ordinances. Buncombe County is proposing to clarify uses allowed within the Special Flood Hazard Area (SFHA), specifically the floodway and non-encroachment area, add clarification definitions, as well as changes to the following sections of the ordinance: Article 2, Definitions, Article 5, Section B. Specific Standards; and Section F. Floodways and Non-Encroachment Areas.

Section 3. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance;

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed to the extent of such conflict; and

Section 5. This ordinance is effective upon adoption.

Read, approved and adopted this the 21st day of April, 2026.

ATTEST

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

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Sarah Gross, Clerk

BY_____

Amanda Edwards, Chair

APPROVED AS TO FORM

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County Attorney