

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: February 18, 2025

SUBJECT: Discussion of flood plain fill ordinance

PRESENTER: Autumn Radcliff
Charles Russell Burrell

ATTACHMENT(S): Current flood plain fill ordinance with 2023 revisions

SUMMARY OF REQUEST:

This matter appears on your agenda at the Board's request.

Attached is the current flood plain fill ordinance, Sections 42-234.1 and 42-354 of the Henderson County Code, as revised in October 2023.

If the Board wishes to consider the modification of the existing ordinance, under N.C. Gen. Stat. §160D-604, it must refer the matter to the Planning Board for review and comment, prior to a public hearing before this Board.

Before any action by this Board which constitutes a "down-zoning" of any property as that term is defined in N.C. Gen. Stat. §160D-601 (as modified in 2024), the Board must first obtain the written consent of all property owners owning property in a designated special flood hazard area.

Change made from original Ordinance in October of 2023.

Section 42.234. Flood Hazard Reduction

42-234.1 General Standards.

In all *Special Flood Hazard Areas* the following provisions are required.

- A. In the *flood fringe* area as indicated on the *FIRM*, ~~no fill whatsoever shall be allowed except on parcels of land, the boundaries of which are of record in the Henderson County Registry as of the original date of adoption of these regulations (July 5, 2005), and then only upon~~ no more than 20 percent of the total of the *flood fringe* area **may be filled** contained in each such parcel, except that additional fill may be permitted in the *flood fringe* pursuant to a *special fill permit* (See §42-354 (Special Fill Permits).
- B. In the *floodway* area as indicated on the *FIRM*, fill may be permitted in the *floodway* pursuant to a *special fill permit* (See §42-354 (Special Fill Permits).

§42-354. Special Fill Permits

- A. Purpose. *Special Fill Permits* in the ***flood fringe special flood hazard area*** may be granted by the Board of Commissioners only in Conditional Zoning Districts where particular cases meeting specific community need and subject to appropriate conditions and safeguards.
- B. Permit Issuance. The Board of Commissioners shall have the power to grant permits for special fill in the ***flood fringe special flood hazard area***. In order to grant a Special Fill Permit, the Board of Commissioners must conclude that the: **application meets the requirements under 42-354.**