

Sec. 7-5-12. Floodplain development.

- (a) *Purpose.* No approval shall be granted for construction in an area designated as a special flood hazard area as shown on the flood insurance rate maps (FIRMS) for the City of Asheville, as provided by the Federal Emergency Management Agency, and also adjoining lands, which, because of their characteristics, the city determines as being susceptible to flooding or determines as being susceptible to flooding or damage by flooding until the requirements of subsection [7-12-1](#) of this chapter are met. Procedures for assuring compliance with these requirements are set forth below.
- (b) *Pre-application procedure.* Developers are encouraged to meet with the floodplain administrator prior to submitting an application for development in the special flood hazard area. This will provide developers with the opportunity to obtain information regarding details of the application process.
- (c) *Plan submittal.*
- (1) *Application required.* Applications for permits shall be made to the floodplain administrator prior to performing grading or construction on lands in the special flood hazard area. Applications shall be made on forms furnished by floodplain administrator (repealed in 2007).
 - (2) *Preparation by professional.* Plats, designs, calculations, working drawings, and specifications for work shall be prepared by an authorized registered professional properly registered and licensed in North Carolina for the work in which they are engaged.
 - (3) *Fees.* Fees, as established by City of Asheville Fees and Charges Manual, shall be due and payable when the application is submitted.
 - (4) *Submittal of plans.* Seven copies, unless otherwise required, of the application and supporting data shall be submitted to the floodplain administrator. Applications shall include a detailed site plan showing conditions both before and after the proposed work. Information which must appear on the site plan is set forth in subsection [7-12-1](#) (d)(1).
- (d) *Staff review.*
- (1) *Engineering staff review.* Following submittal of the application and accompanying data, the information shall be reviewed by engineering staff for compliance with the requirements of this chapter. Provided that the application is complete, applications shall be reviewed and acted upon by the city engineering staff and notice given the applicant within 30 days of receipt of the application. Provided that the application is complete, failure of the city engineering staff to act within this time shall result in the refund of application fees. The refund of the application fee due to the expiration of the 30 days shall not cause the review of the application to cease. Staff shall continue with the review of the application.
 - (2) *Submittal of applications to board of adjustment.* Applications for projects requiring variances as set forth in subsection [7-12-1](#)(f) shall initially be heard by the specifications review committee, as established under this chapter for review and recommendation. The matter shall then be submitted to the board of adjustment and scheduled for review by the board at their next available meeting.
- (e)

Public notification. Notice of public hearings or public meetings required under this section for review of a request for a variance from the requirements of [section 7-12-1](#) of this chapter shall be provided in accordance with the provisions of [section 7-5-20](#) of this chapter.

- (f) *Formal review—projects requiring variances only.*
- (1) *Review by board of adjustment.* The board of adjustment shall consider requests for variances as provided for by subsection [7-12-1\(f\)](#).
 - (2) *Timing.* Provided the application is complete, the board of adjustment shall arrive at a decision on a request for a variance within 30 days after its hearing on the request. In granting variances the board of adjustment may attach appropriate conditions and safeguards which promote the objectives of this chapter.
- (g) *Variances.* Variances from the requirements of [section 7-12-1](#) (Flood Protection) shall be heard by the board of adjustment as set forth in subsection [7-12-1\(f\)](#).
- (h) *Appeals.* Appeals from decisions of the floodplain administrator shall be heard by the board of adjustment as set forth in subsection [7-12-1\(j\)\(1\)](#). An appeal shall be filed, in writing, within 30 days of the date action is taken by the floodplain administrator. Decisions of the board of adjustment may be appealed to the Superior Court of Buncombe County as provided by subsection [7-6-1\(i\)](#).
- (i) *Permit validity.* Permits for construction activity in designated special flood hazard areas shall be valid for one year. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the permit void.
- (j) *Violations.* Violations of the requirements for construction activity in designated special flood hazard areas shall be considered a violation of this chapter and shall be subject to the enforcement and penalty provisions set forth in [section 7-12-1](#)

(Ord. No. 2369, § 1, 5-27-97; Ord. No. 2902, §§ 1(e)—1(g), 3-12-02; Ord. No. 3374, § 1(m), 7-11-06; Ord. No. 3811, § 1, 11-24-09)