

Petition #: 2005-147
Petitioner: Charlotte-Mecklenburg
Planning Commission

Approved by City Council
November 21, 2005

**AN ORDINANCE AMENDING CHAPTER 20,
(SUBDIVISION REGULATIONS) OF THE CITY CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Chapter 20, SUBDIVISIONS, of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 7.200, "Design Standards by Lots", subsection (8) by changing 1) the label designation required on the final plat from "Building Restriction Floodline" to "Stormwater Elevation Line", and 2), the label designation required on the final plat from "Flood Protection Elevation" to "Stormwater Protection Elevation". The current section reads as follows:
 8. Lots subject to flooding. The City Engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in one hundred years (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the City or County Engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. Upon request and subject to available staff and any applicable fees, the City Engineer will make the necessary determination of the 100-year flood crest if the necessary existing and proposed conditions are provided by the subdivider. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "Building Restriction Floodline." In addition, a "Flood Protection Elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the County Engineer based on the Building Restriction Floodline, or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater. All habitable buildings or structures shall be located outside the Building Restriction Floodline or the lowest usable and functional part of the structure shall not be below the Flood Protection Elevation. "Usable and functional part of the

structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the Flood Protection Elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the building restriction floodline. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the County that are covered by the provisions of the Floodway Regulations, the Floodway Regulations will supersede the provisions of this ordinance regarding land within the regulatory floodplain.

The revised subsection (8) shall read as follows:

8. Lots subject to flooding. The City Engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in one hundred years (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the City or County Engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. Upon request and subject to available staff and any applicable fees, the City Engineer will make the necessary determination of the 100-year flood crest if the necessary existing and proposed conditions are provided by the subdivider. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "Stormwater Elevation Line." In addition, a "Stormwater Protection Elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the County Engineer based on the Stormwater Elevation Line, or for lots upstream of street crossings, the low

elevation of the street plus one foot, whichever is greater. All habitable buildings or structures shall be located outside the Stormwater Elevation Line or the lowest usable and functional part of the structure shall not be below the Stormwater Protection Elevation. "Usable and functional part of the structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the Stormwater Protection Elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the Stormwater Elevation Line. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the County that are covered by the provisions of the Floodway Regulations, the Floodway Regulations will supersede the provisions of this ordinance regarding land within the regulatory floodplain.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

I, _____ City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of November, 2005, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 2005.
