

ORDINANCE NO: _____

AMENDING CHAPTER 9

AN ORDINANCE AMENDING CHAPTER 9 ENTITLED “FLOODPLAIN REGULATIONS”
OF THE CITY OF CHARLOTTE CODE OF ORDINANCES.

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

Chapter 9, Floodplain Regulations, of the Charlotte Code of Ordinances is amended as follows:

Section 1. Section 9-21, Definitions, shall be amended by modifying the definition of “Flood Protection Elevation” as follows:

Flood protection elevation means the ~~or FPE.~~ The elevation to which all structures located within the community special flood hazard area or FEMA special flood hazard area must be elevated (or floodproofed if non-residential). This elevation is the community base flood elevation plus ~~one foot of freeboard~~ two feet of freeboard until such time as the community special flood hazard area is mapped using new future conditions criteria when the FPE shall be the community base flood elevation plus one foot, except along the Catawba River, including Lake Wylie and Mountain Island Lake where it is the FEMA base flood elevation plus two feet of freeboard.

Section 2. Section 9-102, Specific Standards, subsection (d)4.c. shall be added to provide an exemption for the dryland access requirement as follows:

- (d) *Dryland access.* Access to habitable buildings during a flood event is extremely hazardous. Dryland access must be provided to new or substantially improved habitable buildings according to the following criteria:
1. Dryland access is required if any portion of either the habitable building or vehicular access route, connecting the habitable building to a public street, is within the floodplain.
 2. Plans and details for the dryland access must be submitted by a registered professional engineer or surveyor and approved by the floodplain administrator.
 3. If dryland access cannot be obtained, a variance to the requirement for dryland access may be granted by the board of adjustment.
 4. Exemptions from dryland access requirements are allowed for the following conditions:
 - d. Substantial improvement to an existing habitable building where the property does not have dryland access.
 - e. Construction of a new habitable building where both the habitable building and the access route connecting it to a public street, are located entirely outside the community encroachment area and where the property does not have any access to a dry public street. Under this exemption, access from the habitable building to the public street must:

- i. Connect to the highest point of the public street adjacent to the property;
 - ii. Be constructed of gravel, pavement or concrete and be at least 12 feet wide; and
 - iii. Be constructed entirely at or above the elevation of highest point of the public street adjacent to the property.
- c. Replacement of an existing habitable building where the lowest floor is below the FPE with a new habitable building with the lowest floor above the FPE. Under this exemption, access from the new habitable building to the public street must:
- i. Connect to the highest point of the public street adjacent to the property;
 - ii. Be constructed of gravel, pavement or concrete and be at least 12 feet wide;
 - iii. Be constructed entirely at or above the elevation of the highest point of the public street adjacent to the property.

Section 3. Section 9-102, Specific Standards, subsection (k) shall be amended to add an exemption for the parking requirement as follows:

- (j) Parking spaces. The lowest level of any parking space required for new or substantially improved non-single family habitable buildings must be no more than 0.5 feet below the community base flood elevation. Exemption from the parking requirement is allowed if all of the following conditions are met:
 1. Replacement of an existing habitable building where the lowest floor is below the FPE with a new habitable building with the lowest floor above the FPE;
 2. The owner provides a flood warning system (including controls, flood warning sensors, visual/audio alarms etc.) designed by a North Carolina Professional Engineer and approved by the Floodplain Administrator;
 3. The owner provides a flood warning system maintenance plan that includes annual testing requirements approved by the Floodplain Administrator;
 4. The owner provides a cabling system or other restraint designed by a North Carolina Professional Engineer to prevent off-site flotation of vehicles during a flood event that is approved by the Floodplain Administrator; and
 5. A flood warning sign is posted with wording approved by the Floodplain Administrator.

Section 4. This ordinance shall be effective January 1, 2022.

Approved as to form:

City Attorney