

**APPROVED BY  
CITY COUNCIL**

Petition No.: 2011-065  
Petitioner: Chapel Cove at Glengate, LLC, c/o James Martin

JUN 25 2012

**ORDINANCE NO. 4909-Z**

**AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.**

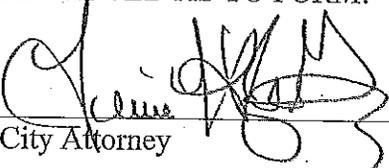
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from MX-1(INNOV) LLWCA and MX-1(INNOV) LLWPA (Mixed Use, Innovative, Lower Lake Wylie Critical Area and Mixed Use, Innovative, Lower Lake Wylie Protected Area) to MX-1(INNOV) S.P.A. LLWCA and MX-1(INNOV) S.P.A. LLWPA, Five-Year Vested Rights (Mixed Use, Innovative, Site Plan Amendment, Lower Lake Wylie Critical Area and Mixed use, Innovative, Site Plan Amendment, Lower Lake Wylie Protected Area, Five-Year Vested Rights).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

Section 3. That this ordinance shall become effective upon its adoption.

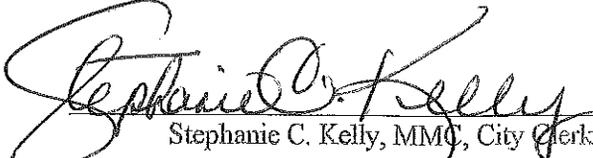
APPROVED AS TO FORM:

  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012, the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Page(s) 691-692.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27<sup>th</sup> day of July, 2012.

  
Stephanie C. Kelly, MMC, City Clerk

Petition #: 2011-065

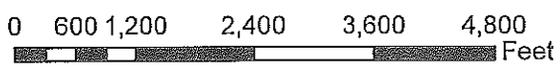
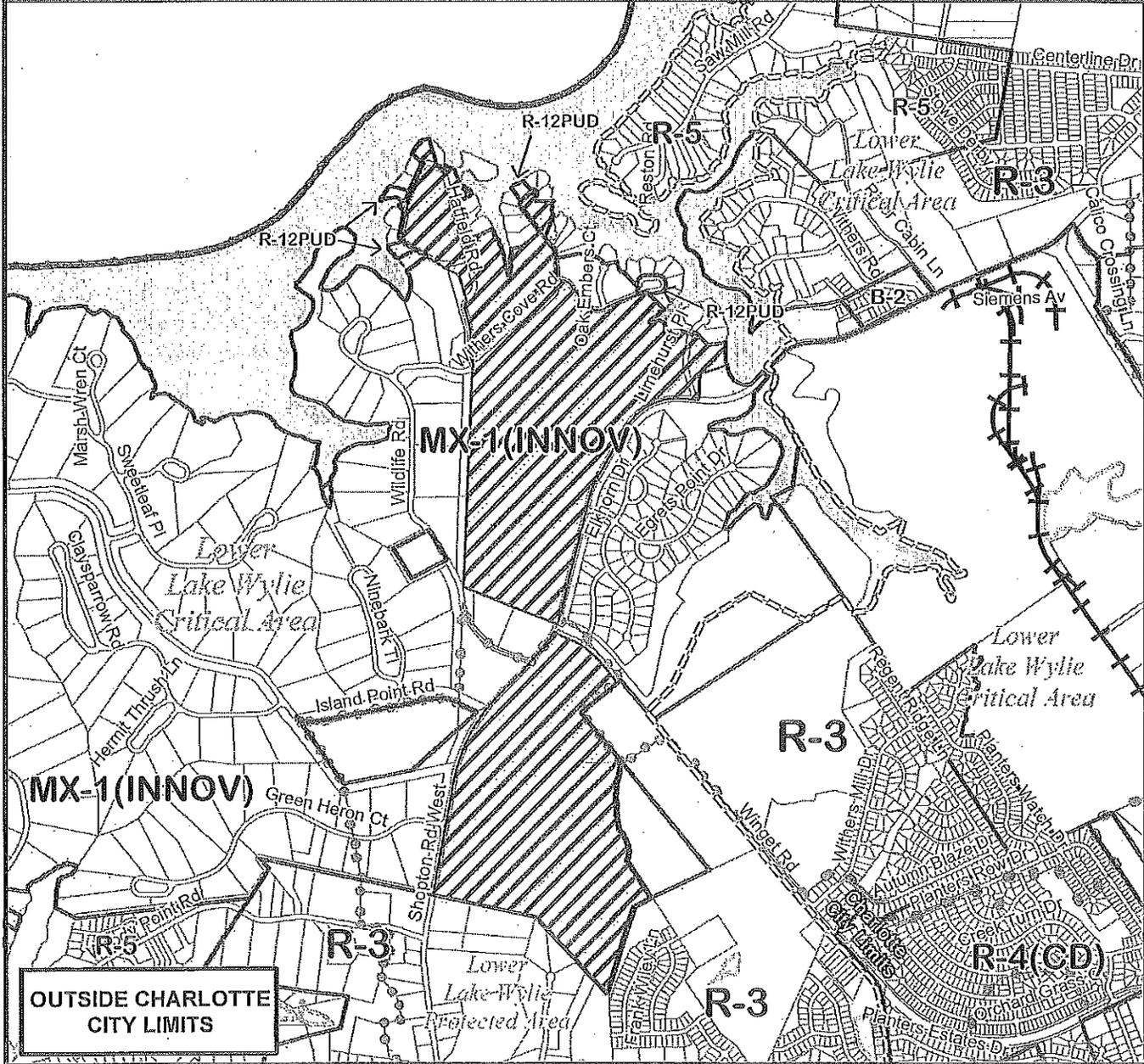
Petitioner: Chapel Cove at Glengate, LLC, c/o James Martin

Zoning Classification (Existing): MX-1(INNOV) LLWCA and MX-1(INNOV) LLWPA  
(Mixed Use, Innovative, Lower Lake Wylie Critical Area and Mixed Use, Innovative, Lower Lake Wylie Protected Area)

Zoning Classification (Requested): MX-1(INNOV) S.P.A. LLWCA and MX-1(INNOV) S.P.A. LLWPA, 5-Year Vested Rights

(Mixed Use, Innovative, Site Plan Amendment, Lower Lake Wylie Critical Area and Mixed Use, Innovative, Site Plan Amendment, Lower Lake Wylie Protected Area, Five Year Vested Rights)

Acreeage & Location : Approximately 319.91 acres located on the east and west side of Shopton Road West generally surrounded by Winget Road, Elkhorn Drive, Limehurst Place, and Hatfield Road.



Zoning Map #(s) 131, 151



- Requested MX-1(INNOV) S.P.A. LLWCA & MX-1(INNOV) S.P.A. LLWPA, 5-Year Vested Rights from MX-1(INNOV) LLWCA & MX-1(INNOV) LLWPA
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Historic District
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams

2012-2013 BUDGET ORDINANCE  
ADOPTED JUNE 25, 2012

BE IT ORDAINED by the City of Charlotte, North Carolina;

**Section 1.** The following amounts are hereby appropriated for the operation of the City government and its activities for the fiscal year beginning July 1, 2012 and ending June 30, 2013 according to the following schedules:

SCHEDULE A. GENERAL OPERATING FUND (0101)	552,642,363
SCHEDULE B. UTILITIES OPERATING FUND (7101)	291,085,960
SCHEDULE C. CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND (7801)	128,654,172
SCHEDULE D. AVIATION OPERATING FUNDS- CONSOLIDATED	206,263,495
SCHEDULE E. STORM WATER OPERATING FUND (7701)	55,335,154
SCHEDULE F. UTILITIES DEBT SERVICE FUNDS- CONSOLIDATED	148,418,717
SCHEDULE G. MUNICIPAL DEBT SERVICE FUND (5101)	79,286,663
SCHEDULE H. AVIATION DEBT SERVICE FUNDS - CONSOLIDATED	64,015,877
SCHEDULE I. CONVENTION CENTER DEBT SERVICE FUND (5104)	15,910,344
SCHEDULE J. STORM WATER DEBT SERVICE FUND (5201)	10,605,542
SCHEDULE K. CATS DEBT SERVICE FUND (5301)	13,947,614
SCHEDULE L. TOURISM DEBT SERVICE FUND (5106)	13,533,005
SCHEDULE M. POWELL BILL FUND (0120)	24,207,670
SCHEDULE N. CONVENTION CENTER TAX FUND (0132)	32,401,695
SCHEDULE O. INSURANCE AND RISK MANAGEMENT FUND (6302)	3,009,007
SCHEDULE P. TOURISM OPERATING FUND (0136)	22,499,795
SCHEDULE Q. CEMETERY TRUST FUND (6381)	96,000
SCHEDULE R. NASCAR HALL OF FAME TAX FUND (0138)	10,046,346
SCHEDULE S. NASCAR HALL OF FAME DEBT SERVICE FUND (5108)	9,524,346
SCHEDULE T. CULTURAL FACILITIES DEBT SERVICE FUND (5107)	9,190,563
SCHEDULE U. AVIATION DISCRETIONARY FUND (7408)	12,061,883

**Section 2.** The following amounts are hereby appropriated for capital projects by City Government and its activities for the fiscal year beginning July 1, 2012 according to the following Schedules:

SCHEDULE A. WORKFORCE INVESTMENT ACT FUND (6346)	5,907,864
SCHEDULE B. NEIGHBORHOOD DEVELOPMENT GRANTS FUND (6807)	1,865,389
SCHEDULE C. PUBLIC SAFETY AND OTHER GRANTS FUND (0413)	7,198,070
SCHEDULE D. PUBLIC SAFETY 911 SERVICES FUND (0911)	2,619,058
SCHEDULE E. HOME GRANT FUND (6910) PROJECTS	2,716,967
SCHEDULE F. COMMUNITY DEVELOPMENT FUND (6911) PROJECTS	4,666,652

**SCHEDULE G. PAY AS YOU GO FUND (2011)**

Contribution to Other Funds:	
General Capital Projects Fund	21,330,608
Charlotte Area Transit System Fund (MOE)	18,400,000
HOME Grant Fund	385,088
Cultural Facilities Operating Fund (Vehicle Rental Tax)	5,331,917
Cultural Facilities Operating Fund- Synthetic Tax Increment Financing	45,389
Contractual Services- County/Towns Vehicle Rental Tax	643,104
Contractual Services- Synthetic Tax Increment Financing	19,431
<b>TOTAL PAY AS YOU GO FUND</b>	<b>46,155,537</b>

**SCHEDULE H. GENERAL CAPITAL PROJECTS FUND (2010)**

Affordable Housing Program	130,000
Innovative Housing Program	4,822,629
In Rem Remedy	550,000
Neighborhood Reinvestment Program	9,000,000
Neighborhood Matching Grants	325,000
Area Plan Projects	2,500,000
Traffic Calming Program	1,000,000
Sidewalk and Curb and Gutter Repairs	550,000
Road Planning/Design/ROW	1,332,979
Business Grant Program	180,000
Business Corridor Revitalization Strategy	2,000,000
Reserve for Economic Development Initiatives	1,500,000
Environmental Services Program	1,200,000
Tree Trimming & Removal Program	1,400,000
Tree Replacement Program	700,000
Building Maintenance Program	3,550,000
Roof Replacement Program	1,400,000
Parking Lot and Deck Repairs	300,000
Government Plaza Building Maintenance	650,000
Fire Station Renovations	400,000
Landscape Maintenance and Median Renovation	250,000
Technology Investments	2,000,000
<b>TOTAL GENERAL CAPITAL PROJECTS FUND</b>	<b>35,740,608</b>

**SCHEDULE I. TOURISM CAPITAL PROJECTS FUND (2036)**

Arena Maintenance Reserve	670,048
Ovens/Bojangles Capital Maintenance & Repair	400,000
<b>TOTAL TOURISM CAPITAL PROJECTS FUND</b>	<b>1,070,048</b>

**SCHEDULE J. STORM WATER CAPITAL PROJECTS FUND (2701)**

Storm Water Repairs to Existing Drains	8,415,000
Storm Water Pollution Control	3,700,000
Storm Water Restoration/Mitigation	5,035,000
Post Construction Control Program	750,000
Storm Water Flood Control Projects	21,450,000
Storm Water Minor Capital Projects	1,650,000
<b>TOTAL STORM WATER CAPITAL PROJECTS FUND</b>	<b>41,000,000</b>

**SCHEDULE K. UTILITIES CAPITAL PROJECTS FUND (2071)**

Support Growth and Development	20,975,000
Maintain Existing Infrastructure	38,600,000
Provide Service to Existing Residences	6,500,000
Support for Other Public Projects and for Utilities Operation	14,983,400
Regulatory Requirements	300,000
<b>TOTAL UTILITIES CAPITAL PROJECTS FUND</b>	<b>81,358,400</b>

**SCHEDULE L. CHARLOTTE AREA TRANSIT CAPITAL PROJECTS FUNDS - CONSOLIDATED**  
 (Note: CATS Capital Projects are to be appropriated according to timeline to be designated during FY13)

Vehicles: Revenue	9,952,132
Bus Operations Facilities: New	2,453,947
Bus Equipment: Shop	2,437,000
Preventive Maintenance	8,500,000
LRT Maintenance-of-Way: Equipment & Tools	3,327,165
LRT Facilities Projects	910,000
Safety & Security Equipment	1,026,651
Technology	1,577,432
LYNX Blue Line Extension (NE Corridor Light Rail)	104,436,781
LYNX Station Extension & Power Supply (S. Corridor Light Rail)	22,500,000
Vehicle Maintenance Facility	500,000
North Corridor Commuter Rail (Red Line)	250,000
<b>TOTAL CHARLOTTE AREA TRANSIT CAPITAL PROJECTS FUNDS</b>	<b>157,871,108</b>

**Section 3.** It is estimated that the following revenues will be available during the fiscal year beginning on July 1, 2012 and ending on June 30, 2013 to meet the appropriations shown in Section 1 according to the following schedules:

**SCHEDULE A. GENERAL OPERATING FUND (0101)**

<b>Taxes</b>	
Property Tax	314,619,303
Property Tax - Synthetic TIF	1,927,300
Sales Tax	69,371,801
Utilities Franchise Tax	38,100,000
Tax Reimbursements	3,881,279
<b>Police Services</b>	17,916,049
<b>Solid Waste Disposal Fees</b>	12,100,000
<b>Business Privilege Licenses</b>	17,100,000
<b>Other Revenues</b>	
Licenses and Permits	16,243,186
Fines, Forfeits and Penalties	2,598,502
Interlocal Grants and Agreements	10,090,782
Federal Grants and State Shared Revenues	2,082,000
General Government	5,000,913
Public Safety	3,750,599
Cemeteries	502,541
Use of Money and Property	528,910
Sale of Salvage and Land	891,990
Other Revenues	1,220,416
<b>Intragovernmental Revenues</b>	27,164,655
<b>Transferred Revenues</b>	6,996,565
<b>Transfers from Other Funds</b>	160,820
<b>Fund Balance- Excess of 16%</b>	394,752
<b>TOTAL GENERAL FUND</b>	<b>552,642,363</b>

**SCHEDULE B. UTILITIES OPERATING FUND (7101)**

Variable Rate Revenues	248,008,728
Fixed Rate Revenues	43,213,653
Specific Service and Capacity Revenues	11,360,641
Industrial Waste Surcharge	3,462,988
Interest on Investments	610,000
Other Revenues	3,042,231
<b>TOTAL UTILITIES OPERATING FUND</b>	<b>309,698,241</b>

**SCHEDULE C. CHARLOTTE AREA TRANSIT SYSTEM OPERATING FUND (7801)**

Half-Percent Sales Tax	61,702,355
Maintenance of Effort:	
Town of Huntersville	17,500
Mecklenburg County	181,866
City of Charlotte	18,400,000
Passenger Revenues and Service Reimbursements	29,765,180
State Operating Assistance Grants	14,000,271
Interest on Investments	500,000
Other Revenues	2,087,000
<b>TOTAL CHARLOTTE AREA TRANSIT SYSTEM FUND</b>	<b>126,654,172</b>

**SCHEDULE D. AVIATION OPERATING FUNDS- CONSOLIDATED**

Concessions	50,985,001
Parking	36,449,788
Terminal	29,353,444
Airfield Usage	14,200,001
Cargo Area and Ground Rents	34,473,332
Other	3,320,429
Interest on Investments	389,999
Passenger Facility Charges	29,543,430
Contract Facility Charges	7,548,071
<b>TOTAL AVIATION OPERATING FUND</b>	<b>206,263,495</b>

**SCHEDULE E. STORM WATER OPERATING FUND (7701)**

Storm Water Fees	54,168,268
Interest on Investments	150,000
Fund Balance- Unappropriated	1,016,886
<b>TOTAL STORM WATER OPERATING FUND</b>	<b>55,335,154</b>

**SCHEDULE F. UTILITIES DEBT SERVICE FUNDS- CONSOLIDATED**

Contribution from Water and Sewer Operating Fund	146,913,567
Interest on Investments	350,450
Proceeds from Sale of Bonds	43,200
Premium from Sale of Bonds	
Interest Transferred from Other Funds	1,111,500
<b>TOTAL WATER AND SEWER DEBT SERVICE FUNDS</b>	<b>148,418,717</b>

**SCHEDULE G. MUNICIPAL DEBT SERVICE FUND (5101)**

Property Tax	56,471,172
Property Tax - Synthetic TIF Appreciation	674,806
Sales Tax	13,353,644
Interest on Investments	1,310,000
Interest Transferred from Other Funds	
General	440,000
Other	0
Contribution from Other Funds	
General - Equipment	12,490,984
General - Public Safety Communications	1,685,888
General - Public Safety Communications	2,816,603
Powell Bill	1,145,288
County Share - CMGC and Park and Rec. L/P	692,853
Proceeds from Refunding	500,000
Proceeds from the Sale of Debt	0
Premium on Sale of Debt	0
Other	0
<b>TOTAL MUNICIPAL DEBT SERVICE FUND</b>	<b>91,581,238</b>

**SCHEDULE H. AVIATION DEBT SERVICE FUNDS - CONSOLIDATED**

Contribution from Aviation Operating Fund	53,483,393
Contribution from Airlines	7,104,025
Contribution from Rental Car Facilities	3,411,959
Interest on Investments	22,000
Fund Balance- Unappropriated	0
<b>TOTAL AVIATION DEBT SERVICE FUNDS</b>	<b>64,021,377</b>

**SCHEDULE I. CONVENTION CENTER DEBT SERVICE FUND (5104)**

Contribution from Convention Center Tax Fund	15,910,344
<b>TOTAL CONVENTION CENTER DEBT SERVICE FUND</b>	<b>15,910,344</b>

**SCHEDULE J. STORM WATER DEBT SERVICE FUND (5201)**

Contribution from Storm Water Operating Fund	10,605,542
<b>TOTAL STORM WATER DEBT SERVICE FUND</b>	<b>10,605,542</b>

**SCHEDULE K. CATS DEBT SERVICE FUND (5301)**

Transfers from Other Funds	
CATS Operating	8,452,891
Federal Formula Grant	4,884,199
State Match for Federal Formula	610,524
<b>TOTAL CATS DEBT SERVICE FUND</b>	<b>13,947,614</b>

**SCHEDULE L. TOURISM DEBT SERVICE FUND (5106)**

Contribution from Tourism Operating Fund	12,239,184
Contribution from CRVA	1,233,821
Interest on Investments	60,000
<b>TOTAL TOURISM DEBT SERVICE FUND</b>	<b>13,533,005</b>

**SCHEDULE M. POWELL BILL FUND (0120)**

State Gas Tax Refund	18,754,590
Transfer from General Fund	4,261,000
Interest on Investments	80,000
Street Degradation Fee	650,000
Fund Balance- Unappropriated	462,080
<b>TOTAL POWELL BILL FUND</b>	<b>24,207,670</b>

**SCHEDULE N. CONVENTION CENTER TAX FUND (0132)**

Taxes	36,809,600
Interest on Investments	230,000
Fund Balance- Unappropriated	0
<b>TOTAL CONVENTION CENTER TAX FUND</b>	<b>37,039,600</b>

**SCHEDULE O. INSURANCE AND RISK MANAGEMENT FUND (6302)**

Intergovernmental Revenues	
City of Charlotte - General Fund	959,421
City of Charlotte - Other Funds	734,458
Mecklenburg County	749,504
Board of Education	524,924
Other Agencies and Misc revenues	40,700
<b>TOTAL INSURANCE AND RISK MANAGEMENT FUND</b>	<b>3,009,007</b>

**SCHEDULE P. TOURISM OPERATING FUND (0136)**

Occupancy Tax	6,121,161
Rental Car Tax	2,691,765
Interest on Investments	350,000
Contribution from Bobcats	335,024
Transfers for Vehicle Rental Tax from PAYG	5,331,917
Transfers for Synthetic TIF Agreements from:	
General Fund	1,400,451
Municipal Debt Service	363,440
PAYG	45,389
Contribution from Mecklenburg County	2,948,040
Fund Balance- Unappropriated	2,912,608
<b>TOTAL TOURISM OPERATING FUND</b>	<b>22,499,795</b>

**SCHEDULE Q. CEMETERY TRUST FUND (6381)**

Fund Balance- Unappropriated	96,000
<b>TOTAL CEMETERY TRUST FUND</b>	<b>96,000</b>

**SCHEDULE R. NASCAR HALL OF FAME TAX FUND (0138)**

Occupancy Tax	9,151,682
Interest on Investments	140,000
Fund Balance - Unappropriated	754,663
<b>TOTAL NASCAR HALL OF FAME OPERATING FUND</b>	<b>10,046,345</b>

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<b>SCHEDULE S. NASCAR HALL OF FAME DEBT SERVICE FUND (5108)</b>	
Contribution from NASCAR HOF Tax Fund	9,524,346
<b>TOTAL NASCAR HALL OF FAME DEBT SERVICE FUND</b>	<b>9,524,346</b>
<b>SCHEDULE T. CULTURAL FACILITIES DEBT SERVICE FUND (5107)</b>	
Contribution from Cultural Facilities Operating Fund Debt Proceeds	9,190,563
<b>TOTAL CULTURAL FACILITIES DEBT SERVICE FUND</b>	<b>9,190,563</b>
<b>SCHEDULE U. AVIATION DISCRETIONARY FUND (7408)</b>	
Fund Balance - Unappropriated	12,061,883
<b>TOTAL AVIATION DISCRETIONARY FUND</b>	<b>12,061,883</b>

**Section 4.** It is estimated that the following revenues will be available during the fiscal year beginning July 1, 2012 and ending on June 30, 2013 to meet the appropriations shown in Section 2 according to the following Schedules:

<b>SCHEDULE A. WORKFORCE INVESTMENT ACT FUND (6346)</b>	
Workforce Investment Act (WIA) Grants	5,907,864
<b>TOTAL WORKFORCE INVESTMENT ACT FUND</b>	<b>5,907,864</b>
<b>SCHEDULE B. NEIGHBORHOOD DEVELOPMENT GRANTS FUND (6807)</b>	
Housing Opportunities for People with Aids (HOPWA) Grant	830,903
Emergency Shelter Grant	377,418
Double Oaks Loan Repayment	657,068
<b>TOTAL NEIGHBORHOOD DEVELOPMENT GRANTS FUND</b>	<b>1,865,389</b>
<b>SCHEDULE C. PUBLIC SAFETY AND OTHER GRANTS FUND (0413)</b>	
Federal and State Grants and Reimbursements	6,342,615
Assets Forfeiture Funds	136,050
Miscellaneous grants, donations, and other contributions	719,405
<b>TOTAL PUBLIC SAFETY GRANTS FUND</b>	<b>7,198,070</b>
<b>SCHEDULE D. PUBLIC SAFETY 911 SERVICES FUND (0911)</b>	
NC 911 Fund Distributions	2,524,058
Interest on Investments	95,000
<b>TOTAL PUBLIC SAFETY 911 SERVICES FUND</b>	<b>2,619,058</b>
<b>SCHEDULE E. HOME GRANT FUND (6910)</b>	
HUD HOME Grant Funds	2,031,879
Contribution from Pay As You Go Fund	385,088
HOME Grant Program Income	300,000
<b>TOTAL HOME GRANT FUND</b>	<b>2,716,967</b>
<b>SCHEDULE F. COMMUNITY DEVELOPMENT FUND (6911)</b>	
Community Development Block Grant	4,416,652
Community Development Program Income	250,000
<b>TOTAL COMMUNITY DEVELOPMENT FUND</b>	<b>4,666,652</b>
<b>SCHEDULE G. PAY AS YOU GO FUND (2011)</b>	
Property Tax	10,551,366
Property Tax - Synthetic TIF	77,713
Interest on Investments	450,000
Sales Tax	13,220,000
Auto Tax	13,094,700
Vehicle Rental Tax	7,308,000
Capital Fund Balance (transfer from 2011)	1,453,758
<b>TOTAL PAY AS YOU GO FUND</b>	<b>46,155,537</b>

**SCHEDULE H. GENERAL CAPITAL PROJECTS FUND (2010)**

Contribution from Pay As You Go Fund	21,330,608
Contribution from Other Funds -	
Innovative Housing Program Income	100,000
Affordable Housing Program Income	130,000
Business Grant Program Income	180,000
2010 Street Bonds	3,500,000
2010 Neighborhood Improvement Bonds	9,000,000
Certificates of Participation (Reserved for ED Initiatives)	1,500,000
<b>TOTAL GENERAL CAPITAL PROJECTS FUND</b>	<b>35,740,608</b>

**SCHEDULE I. TOURISM CAPITAL PROJECTS FUND (2036)**

Contribution from Tourism Operating Fund	1,309,582
<b>TOTAL TOURISM CAPITAL PROJECTS FUND</b>	<b>1,309,582</b>

**SCHEDULE J. STORM WATER CAPITAL PROJECTS FUND (2701)**

Storm Water Revenue Bonds	5,500,000
Contribution from Storm Water Operating Fund	34,000,000
Program Income	1,500,000
<b>TOTAL STORM WATER CAPITAL PROJECTS FUND</b>	<b>41,000,000</b>

**SCHEDULE K. UTILITIES CAPITAL PROJECTS FUND (2071)**

Water Revenue Bonds	13,400,000
Sewer Revenue Bonds	37,958,400
Contribution from Water and Sewer Operating Fund	30,000,000
<b>TOTAL UTILITIES CAPITAL PROJECTS FUND</b>	<b>81,358,400</b>

**SCHEDULE L. CHARLOTTE AREA TRANSIT CAPITAL PROJECTS FUNDS - CONSOLIDATED**

Federal and State Grants	139,299,715
Other Revenue (City of Charlotte)	8,250,000
Contribution from CATS Operating Fund	10,321,393
<b>TOTAL CATS CAPITAL PROJECTS FUNDS</b>	<b>157,871,108</b>

**Section 5.** That the sum of up to \$16,916,308 is estimated to be available from the proceeds of the FY13 Instalment Payment Contract (Lease Purchase) and is hereby appropriated to the funds listed below. Interest earnings on these lease purchase proceeds are hereby appropriated to the respective funds' Control Centers for allocation for future capital equipment needs in the current and future years until the funds are depleted.

General Capital Equipment Fund	10,622,600
Water & Sewer Capital Equipment Fund	4,330,000
Powell Bill (Street Maintenance) Capital Equipment Fund	1,471,000
Issuance Expense	492,708
<b>Total</b>	<b>16,916,308</b>

**Section 6.** The following tax rates are hereby levied on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2011, for the purpose of raising revenue from property taxes as set forth in the foregoing revenue estimates, and in order to finance the Funds' appropriations:

	<b>Tax Rates</b>
General Fund (for the general expenses incidental to the proper government of the City)	\$0.3600
Municipal Debt Service (for the payment of interest and principal on outstanding debt)	\$0.0650
Pay As You Go Fund (for dedication to the General Capital Projects Fund for capital improvements)	\$0.0120
<b>TOTAL RATE PER \$100 VALUATION OF TAXABLE PROPERTY</b>	<b>\$0.4370</b>

Such rates of tax are based on an estimated total appraised valuation of property for the purpose of taxation of \$89,168,608,580 and an estimated rate of collection of ninety-seven and two tenths percent (97.2%).

**Section 7.** That the sum of \$1,232,567 is hereby appropriated to the Municipal Service District 1; that the sum of \$798,226 is hereby appropriated to the Municipal Service District 2; and that the sum of \$1,124,873 is hereby appropriated to Municipal Service District 3. These funds will provide for planning, promotion, and revitalization activities within the designated center city Municipal Service Districts for the period beginning July 1, 2012 and ending June 30, 2013.

**Section 8.** That the sum of \$749,077 is hereby appropriated to the Municipal Service District 4. These funds will provide for planning, promotion, and revitalization activities within the designated South End Municipal Service District for the period beginning July 1, 2012 and ending June 30, 2013.

**Section 9.** That the sum of \$638,461 is hereby appropriated to the Municipal Service District 5. These funds will provide for planning, promotion, and revitalization activities within the designated University City Municipal Service District for the period beginning July 1, 2012 and ending June 30, 2013.

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**Section 10.** That the following estimated revenues are hereby available from the following sources to finance the operations of the Municipal Service Districts:

<b>SCHEDULE A. MUNICIPAL SERVICE DISTRICT 1 (0130)</b>		
Property Taxes		1,232,567
<b>TOTAL DISTRICT 1</b>		<b>1,232,567</b>
<b>SCHEDULE B. MUNICIPAL SERVICE DISTRICT 2 (0130)</b>		
Property Taxes		708,226
<b>TOTAL DISTRICT 2</b>		<b>708,226</b>
<b>SCHEDULE C. MUNICIPAL SERVICE DISTRICT 3 (0130)</b>		
Property Taxes		1,124,873
<b>TOTAL DISTRICT 3</b>		<b>1,124,873</b>
<b>SCHEDULE D. MUNICIPAL SERVICE DISTRICT 4 (0130)</b>		
Property Taxes		749,077
<b>TOTAL DISTRICT 4</b>		<b>749,077</b>
<b>SCHEDULE E. MUNICIPAL SERVICE DISTRICT 5 (0130)</b>		
Property Taxes		638,461
<b>TOTAL DISTRICT 5</b>		<b>638,461</b>

**Section 11.** The following tax rates are hereby levied on each one hundred dollars (\$100) valuation of taxable property, as listed for taxes as of January 1, 2013, for the purpose of raising the revenue from property taxes to finance the foregoing appropriations in the Municipal Service Districts Funds. Such tax rates are based on estimated total appraised valuations at collection rates as follows.

	<b>Tax Rates</b>	<b>Valuation</b>	<b>Collection Rate (%)</b>
Municipal Service District 1	\$0.0168	7,548,050,810	97.20%
Municipal Service District 2	\$0.0233	3,127,155,507	97.20%
Municipal Service District 3	\$0.0358	3,232,616,553	97.20%
Municipal Service District 4	\$0.0668	1,153,676,151	97.20%
Municipal Service District 5	\$0.0279	2,354,311,239	97.20%

**Section 12.** That the sum of \$148,400 is available from the following projects for FY2012 art- eligible projects and is hereby appropriated to Fund General CIP Fund 2010; 246.10- Public Art.

<b>Projects</b>	<b>Source</b>	<b>1% Allocation</b>
47800 - Neighborhood Improvements - Streetscape	2010 Neighborhood Bonds	9,000
25100 - Area Plan Projects	2010 Street Bonds	25,000
<b>Total</b>		<b>34,000</b>

**Section 13.** That the City Manager is hereby authorized to move appropriations between funds to implement reorganizations currently underway. No fund's net bottom line will change. However, offsetting increases to both estimated revenues and appropriations may occur to accommodate the mid-year changes.

**Section 14.** That the sum of \$625,506 is hereby estimated to be available from Mecklenburg County for Fire Protection Services for the period of July 1, 2012 through June 30, 2013 in the Newell and Mallard Creek Volunteer Fire Department areas and is hereby appropriated to Fund 2010; 498.00 - Fire Apparatus Capital Equipment.

**Section 15.** That the sum of \$400,000 is available from General Capital Projects Fund 2010; 38501 - Albemarle/Harris Interchange and is hereby transferred to Fund 2010; 38502 - NC49/Graham St Connector

**Section 16.** That \$4,055,911.05 is available from the listed sources and is hereby appropriated to the indicated projects and Funds.

<b>Projects</b>	<b>Fund Center</b>	<b>Source</b>	<b>Amount</b>
Double Oaks Loan	6807 90083	Program Income	657,068.40
Interest to HUD	6902 90095	Interest on Investments	15,954.06
City Within a City Loan Program	2010 36919	Program Income	189,493.70
HOME - Unplanned Projects	6910 82195	Program Income	108,705.51
Rehabilitation Loan Program	6401 83210	Program Income	25,697.52
Rehabilitation Loan Program (JCSmith University & Duke Ene	2010 38000	Contribution	104,561.50
Carolinas Theatre	2010 47490	Option Proceeds	275,000.00
Lead Assistance Program	6807 90089	Grants Proceeds	2,299,414.00
Lead Assistance Program	6807 90092	Grants Proceeds	180,000.00
Affordable Housing Program	2010 48101	Program Income	80,016.36
Youth Program (Bank of America)	6807 90094	Grants Proceeds	100,000.00
Keep Charlotte Beautiful (Lowes)	6807 90096	Grants Proceeds	20,000.00
<b>Total</b>			<b>4,055,911.05</b>

**Section 17.** That Sections 2 and 4 Schedule E of Ordinance 4682-X dated June 13, 2011 are hereby revised to increase estimated Workforce Investment Act grant revenue and appropriations by \$976,783.13

<u>Projects</u>	<u>Fund Center</u>	<u>Source</u>	<u>Amount</u>
Charlotte Workforce Recovery Project	6346 79811	USDOL	60,636.20
Charlotte Workforce Recovery Project	6346 79828	USDOL	151,148.00
Charlotte Workforce Recovery Project	6346 79835	USDOL	702,542.73
Charlotte Workforce Recovery Project	6346 79845	USDOL	62,456.20
<b>Total</b>			<b>976,783.13</b>

**Section 18.** That the sum of \$100,000 is available from PAYG fund balance and is hereby appropriated to Productivity Improvements.

**Section 19.** That Sections 2 and 4 Schedule L of Ordinance 4682-X dated June 13, 2011 are hereby amended to reflect changes to the Charlotte Area Transit System Capital Projects Fund.

	<u>Original</u>	<u>Revised</u>
<b>Section 2 Schedule L</b>		
Buses - Replacement	24,867,082	13,106,252
STS Vans - Replacement	2,070,076	1,801,832
Vanpool Vans - Replacement	408,476	558,513
Transit Centers	99,785	42,800
Special Transit Services Facility Rehabilitation	1,110,131	1,110,131
Park and Ride Lots	979,735	-
Bus Facility Improvements	4,100,501	3,416,570
Asset Maintenance	650,000	-
Marketing/Station Kiosk Advertising	375,500	250,000
Preventive Maintenance (Bus/STS)	6,000,000	6,000,000
Preventive Maintenance (Rail)	1,500,000	1,500,000
Preventive Maintenance (Other Facilities)	1,000,000	1,000,000
Rail and Rail Facilities	4,388,648	2,793,517
Service Vehicles	430,400	345,400
Safety & Security Equipment	1,043,263	480,891
Technology Improvements	2,203,208	1,421,408
North Corridor Commuter Rail (Red Line)	896,278	636,278
LYNX Blue Line Extension (BLE)	33,832,000	29,400,000
Transit Bridge Program	225,000	166,000
Future Corridor Planning and Construction	445,083	-
GoldRush Expansion Operating Assistance		650,000
Operating Assistance		784,954
<b>Total</b>	<b>86,625,166</b>	<b>65,464,546</b>
<b>Section 4 Schedule L</b>		
Federal and State Grants	61,655,501	49,967,245
General Government Participation	8,750,000	-
Contribution from Charlotte Center City Partners	110,936	-
Contribution from CATS Operating Fund	16,108,729	15,497,301
<b>Total</b>	<b>86,625,166</b>	<b>65,464,546</b>

**Section 20.** That the sum of \$650,000 is available from the Aviation CIP Fund 2073-56200 and is hereby appropriated to 2073-56333 for contract/project approval on 8/2

**Section 21.** That the additional sum of \$11,111,641 is available from the Aviation Operating Fund 7402 and is hereby appropriated for transfer to the Discretionary Fund 7408. An additional appropriation is needed in Fund 7408/18160/53500 in the amount of \$11,111,641 available from the amount transferred from Fund 7402.

**Section 22.** That the sum of \$348,840 is available from the General Fund 0101 Fund Balance in excess of 16% and is hereby appropriated for transfer to the Pay-As-You-Go Fund 2012 Fund Balance

**Section 23.** Appropriate and estimate two ARRA grants from NCDENR in the amount of \$22,866 and \$12,607 in fund 2840/Center 57687 (instead of Fund 7402/center 57687)

**Section 24.** Appropriate \$200,000 in fund 0101-53144 for interest on property tax refunds for appeals

**Section 25.** Appropriate City grant-matching funds of \$161,954 from fund 0101/center 53051 to fund 0413/center 52205 fir the UPWP Grant

**Section 26.** Transfer remaining "wired" fund balance in the amount of \$1,927,501.05 from fund 0911 to fund 0413 and appropriate to an unexpended account in center 0091105-911 Wired

**Section 27.** Appropriate ARRA Grant from Triangle J Council of Government in the amount of \$10,000 in fund 2640/center 60100

**Section 28.** Appropriate a transfer of \$6,185 from fund 0136 to fund 2036 and appropriate to center 29620 for Arena Maintenance Reserve per agreement with Bobcats

**Section 29.** Appropriate a transfer of \$3,327,243 from fund 5101 to fund 0101 from GO refunding savings to be applied to the other post-employment benefit liability

June 25, 2012  
Ordinance Book 57, Page 702

**Section 30.** Appropriate \$500,000 in fund 2010/center 49444 in anticipation of Developer contributions for the Poindexter Public Private Partnership project. The revenue account will be fund 2010/center 49444/account-5668

**Section 31.** Appropriate \$56,209 in fund 0101/center 53140 from additional carrier franchise fees received for the PEG Channel

**Section 32.** Appropriate \$139,620 in fund 0413/center 44645 for additional grant funds from the Office of the National Drug Control Policy (ONDCP) for the High-Intensity Drug Trafficking Area (HDTA) program

**Section 33.** Appropriate a transfer of \$1,250,000 from 0101 fund balance to PAYGO to be appropriated to fund 2010/center 53027 for the Charlotte Regional Visitors Authority for building maintenance

**Section 34.** That the following ordinances are hereby revised as follows:

Reference	Revised to:
Ordinance 4682-X dated June 13, 2011: Section 5: Section 12: Section 25: Ordinance 4688-x dated June 27, 2011	Appropriate an additional \$2,012,199 to General Capital Equipment Fund (2211) Center 47794 - Fire Investigations renovations instead of center 00000 Center 8100810 instead of center 0301057 To read sum of \$610,062 is hereby appropriated to fund 2010/center 49800 instead of General Fund (0101) fund balance
Ordinance 4732-x dated September 26, 2011	To read \$10,000 is appropriated to center 44648 and \$110,500 is appropriated to center 44824 instead of center 44830
Ordinance 4750-x dated October 10, 2011 Section 2: Ordinance 4818-x dated January 23, 2012	Center 44649 instead of center 44648 Add City grant-matching funds of \$20,000 is hereby estimated to be available for transfer from fund 2010/center 49800 to fund 0413/center 40296
Ordinance 4838-x dated February 27, 2012 Section 2:	Sum of \$194,076 is hereby appropriated to Stimulus Fund 0440 instead of General Capital Equipment Fund

**Section 35.** That any remaining encumbrances in operating funds are hereby authorized for reappropriation from which expenditures may be made during the year.

**Section 36.** That the entire sum available from MSD Fund 0130 fund balance as of June 30, 2012 for MSDs #1, #2, #3, and #4 is hereby appropriated for payment to Charlotte Center City Partners (CCCP).

**Section 37.** That the Finance Director or his designee is hereby authorized to carry forward the authorizations for any Federal, State, Local, other third party grants, or program- specific community contributions for the duration of the grants' or contributions' authorized performance periods; and that any appropriation of local funding required, such as a grant match, is authorized to be carried forward as well.

**Section 38.** Sections of this ordinance estimate federal and/or state grant participation. Upon receipt of the grant assistance, the sources and levels of funding for the project specified may be adjusted to reflect permanent financing. Until permanent financing is realized, the Finance Director or his designee is hereby authorized to advance funding from the appropriate fund's fund balance to cover the estimated grant revenue as specified in the above sections. Upon receipt of grant revenue, funds advanced to the project shall revert back to the source fund's fund balance. If grant funding is not realized, the advance may be designated as the permanent source of funding. The total project appropriation level shall not exceed the amounts specified unless amended by a subsequent ordinance.

**Section 39.** That the Finance Director or his designee is hereby authorized to appropriate interest earnings for any Federal, State, Local, or other third party grants for the duration of the grants' authorized performance periods.

**Section 40.** That the Finance Director or his designee is hereby authorized to appropriate interest on investments on HUD-related revolving loan funds as required by HUD to return related interest earnings to HUD at fiscal years' end.

**Section 41.** That the Finance Director or his designee is hereby authorized to advance cash from the General Capital Project equity of the City's cash pool account to general capital projects that are bond financed (unissued) and that have City Council authorized appropriations. Upon issuance of permanent financing, the funds will be repaid to the General Capital Project equity of the City's cash pool account.

**Section 42.** That the Finance Director or his designee is hereby authorized to advance cash from the Utilities equity of the City's cash pool account to water and sewer projects that are bond financed (unissued) and that have City Council authorized appropriations. Upon issuance of permanent financing, the funds will be repaid to the Utilities equity of the City's cash pool account.

**Section 43.** That the Finance Director or his designee is hereby authorized to transfer interest earnings from the City's various operating and capital funds to the appropriate debt service funds according to Council policy, except where specific exceptions have been authorized.

**Section 44.** That the Finance Director or his designee is hereby authorized to appropriate amounts needed to fund current fiscal year debt issues that have been approved by Council.

**Section 45.** That the Finance Director or his designee is hereby authorized to appropriate amounts needed to satisfy federal government regulations related to interest earnings on debt issues.

**Section 46.** That the Finance Director or his designee is hereby authorized to transfer revenues from the Tourism and Convention Center Tax Funds to the Charlotte Regional Visitors Authority as stipulated in State of North Carolina General Statutes, contractual or other required payments.

**Section 47.** That occupancy and prepared food and beverage tax revenues are hereby available and are authorized to be appropriated in the amounts needed to make payments to Charlotte Regional Visitors Authority as specified in the Council- authorized agreement.

**Section 48.** That prepared food and beverage tax revenues are hereby available and are authorized to be appropriated for transfer in the amounts needed to make payments to the Mecklenburg County towns (Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville) as stipulated in House Bill 715, Session Law 2001 and interlocal agreement approved by Council resolution June 13, 2005.

**Section 49.** That as annual wireless communications user fees exceed annual debt service and other operating expenditures for wireless infrastructure system operations in General Fund 0101 the excess is hereby authorized to be appropriated for transfer to the General Capital Improvement Fund 2010 for future digital communications upgrades as specified in Council- authorized interlocal agreements. Any shortfall in collections from system user fees will be carried forward to the future fiscal year(s) and will be deducted from future transfers to the CIP until depleted.

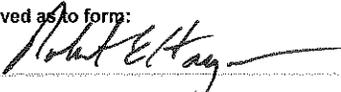
**Section 50.** Copies of this ordinance shall be furnished to the Director of Finance, City Treasurer, and Chief Accountant to be kept on file by them for their direction in the disbursement of City funds.

**Section 51.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 52.** It is the intent of this ordinance to be effective July 1, 2012, except for Sections 15 through 53, which are to be effective upon adoption.

**Section 53.** That the City Manager is hereby authorized to adjust appropriations in accordance with any Council amendments to this budget ordinance made at the June 25, 2012 Council Business Meeting

Approved as to form:

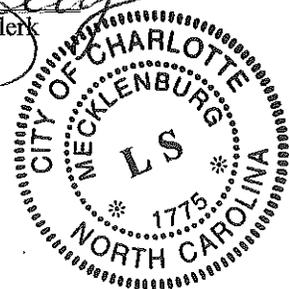
  
City Attorney

### CERTIFICATION

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Pages (693-703).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012.

  
Stephanie C. Kelly, MMC, City Clerk



June 25, 2012

Ordinance Book 57, Page 704

ORDINANCE NO. 4911

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE 11, OF THE CITY CODE,  
ENTITLED VEHICLES FOR HIRE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE,  
NORTH CAROLINA THAT:

Section 1: Chapter 22, Article II, Division 8, Section 287 of the City Code is amended to read as shown in the attached Exhibit A, which is incorporated into and made a part of this ordinance herein.

Section 2: This ordinance shall become effective on July 1, 2012.

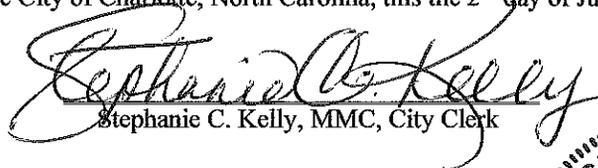
Approved as to form:

  
\_\_\_\_\_  
Assistant City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Pages (704-706).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012.

  
Stephanie C. Kelly, MMC, City Clerk

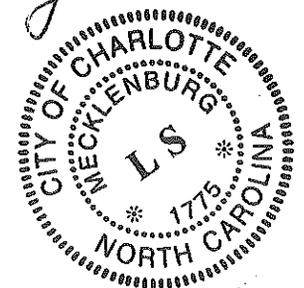


EXHIBIT A

REVISIONS TO SECTION 287 OF THE  
PASSENGER VEHICLE FOR HIRE ORDINANCE  
(CHAPTER 22 OF THE CITY CODE)

Sec. 22-287. -General vehicle requirements.

[Effective until June 30, 2012]

- (a) All passenger vehicles for hire shall satisfy the vehicle age requirements contained in this section. Except as permitted in subsection 22-30(1)d. and as herein stated, on July 1<sup>st</sup>, 2006 and thereafter, it shall be unlawful to place or keep in passenger vehicle for hire service any previously owned or used vehicle, unless the previously owned or used vehicle has been approved by the passenger vehicle for hire manager for passenger vehicle for hire service, and provided:
- (1) The vehicle, excepting limousines and para-transit vehicles, is no older than ten years;
  - (2) The passenger vehicle for hire manager is satisfied with the condition of the passenger vehicle for hire;
  - (3) Once the vehicle exceeds ten years in age, it shall be removed immediately from passenger vehicle for hire service; and
  - (4) The passenger vehicle for hire manager is permitted to waive the age limit of ten years for unique vehicles.
- (b) All passenger vehicles for hire shall be clean, operable and in good repair. Trunks in all passenger vehicles for hire shall be clean and empty except for one spare tire and necessary emergency equipment.
- (c) Each taxicab must have a minimum of three doors, two doors allowing entry to the driver's compartment of the vehicle and one door allowing entry to the passenger's compartment of the vehicle. Notwithstanding this subdivision, all doors of passenger vehicles for hire shall be operable from the inside and outside of the vehicle and constructed with a double or safety lock on each door.
- (d) All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts or tears.
- (e) Floor mats of rubber or other material shall be provided and shall at all times be removable. No passenger vehicle for hire shall have on the floor of the vehicle any footrest bracket or other fixture extending above the top of the floor mat.
- (f) Seat belts shall be provided for each passenger of a passenger vehicle for hire to the extent required as original equipment by the federal government.

[The following version of Section 22-287 will be effective July 1, 2012]

- (a) All passenger vehicles for hire shall satisfy the vehicle age requirements contained in this section. Except as permitted in subsection 22-30(1)d. and as herein stated, on July 1<sup>st</sup>, ~~2006~~ 2012 and thereafter, it shall be unlawful to place or keep in passenger vehicle for hire service any previously owned or used vehicle, unless the previously owned or used vehicle has been approved by the passenger vehicle for hire manager for passenger vehicle for hire service, and provided:
- (1) ~~The vehicle, excepting limousines and para-transit vehicles, is no older than ten years. As of July 1, 2012, taxicabs shall be no older than eight years and limousine sedans shall be no older than ten years. Accessible vehicles, limousines, and para-transit vehicles are exempt from the vehicle age requirements listed herein.~~
  - (2) The passenger vehicle for hire manager is satisfied with the condition of the passenger vehicle for hire;
  - (3) ~~Once the vehicle exceeds ten years in age, it shall be removed immediately from passenger vehicle for hire service; and Effective July 1, 2012, once the vehicle, excepting accessible vehicles, limousines, and para-transit vehicle, exceeds the age limit listed above in subsection (1), it shall be removed immediately from passenger vehicle for hire service; and~~
  - (4) The passenger vehicle for hire manager is permitted to waive the age limit of ~~ten years~~ listed above in subsection (1) for unique vehicles.
- (b) All passenger vehicles for hire shall be clean, operable and in good repair. Trunks in all passenger vehicles for hire shall be clean and empty except for one spare tire and necessary emergency equipment.
- (c) Each taxicab must have a minimum of three doors, two doors allowing entry to the driver's compartment of the vehicle and one door allowing entry to the passenger's compartment of the vehicle. Notwithstanding this subdivision, all doors of passenger vehicles for hire shall be operable from the inside and outside of the vehicle and constructed with a double or safety lock on each door.
- (d) All upholstery covering or interior lining in any passenger vehicle for hire shall be substantially free of cuts or tears.
- (e) Floor mats of rubber or other material shall be provided and shall at all times be removable. No passenger vehicle for hire shall have on the floor of the vehicle any footrest bracket or other fixture extending above the top of the floor mat.
- (f) Seat belts shall be provided for each passenger of a passenger vehicle for hire to the extent required as original equipment by the federal government.

ORDINANCE NO. 4912

AN ORDINANCE AMENDING CHAPTER 9, (FLOODPLAIN REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE:

## **Chapter 9 FLOODPLAIN REGULATIONS**

### **ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS, PURPOSE AND OBJECTIVES**

#### **Section. 9-1. Short title.**

The regulations set out in this ordinance (sometimes herein referred to as "this regulation" or "this ordinance") shall be known and may be cited as the "Floodplain Regulations of Charlotte, North Carolina."

#### **Section. 9-2. Statutory authorization.**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

#### **Section. 9-3. Findings of fact.**

- (a) The flood hazard areas of Charlotte and Charlotte's Land Use jurisdiction are subject to periodic inundation which results in loss of life, increased health and safety hazards, destruction of property, and disruption of commerce and governmental services. Inundation from flood waters results in public expenditures for flood protection, flood disaster relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in Floodplains, causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed or otherwise unprotected from flood damages.

**Section. 9-4. Statement of purpose.**

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- ~~1.~~(a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- ~~2.~~(b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- ~~3.~~(c) Control the alteration of natural Floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
- ~~4.~~(d) Control filling, grading, dredging and other Development which may increase erosion or flood damage; and
- ~~5.~~(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**Section. 9-5. Objectives.**

- (a) The regulations of the Special Flood Hazard Areas herein set forth are intended to protect areas of designated Floodplains subject to and necessary for regulating flood waters and to permit and encourage the retention of open-land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the City as provided in the comprehensive plans as such are adopted and amended from time to time.
- (b) The specific intent in establishing Special Flood Hazard Areas composed of floodways and flood fringe areas includes the following:
  1. To control uses such as fill dumping, storage of materials, structures, buildings and any other works which, acting alone or in combination with other existing or future uses, would cause damaging flood heights and velocities by obstructing flows and reducing floodplain storage;
  2. To protect human life and health;
  3. To minimize the expenditure of public money for costly flood-control projects;
  4. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  5. To permit certain uses which can be appropriately located in flood hazard areas and to assure such permitted uses will not impede the flow of flood waters or otherwise cause danger to life and property at or above or below their locations along the floodways;

6. To minimize prolonged business interruptions;
- ~~7.~~ 7. To protect existing drainage courses that carry abnormal flows of ~~stormwater~~ storm water in periods of heavy precipitations;
8. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in Floodplains;
9. To meet the needs of the streams to carry flood waters and protect the creek channels and Floodplains from Encroachment so that flood heights and flood damage will not be increased;
- 10.- To inform existing and potential property owners that property is in a Special Flood Hazard Area as well as the associated flood risks and development restrictions;
11. -To minimize future flood losses by depicting Community Flood Fringe Areas on the Flood Insurance Rate Maps and,
- \_\_\_\_\_ 12. To help maintain a stable tax base by providing for the sound use and development of flood prone areas

~~(c)~~ This ordinance is intended to permit only that Development within the Floodplain which is appropriate in light of the probability of flood damage and presents a reasonable social and economic use of land in relation to the hazards involved. The regulations hereinafter set forth shall apply to all property located within the Special Flood Hazard Area as shown on the Flood Insurance Rate Maps (FIRM) including FEMA and/or locally approved revisions to data shown on the FIRMs. It is the intent that these regulations combine with and coordinate with the zoning ordinance regulations for the zoning district in which such property is located. Any use not permitted by the zoning regulations shall not be permitted in the Special Flood Hazard Area, and any use permitted by the zoning regulations shall be permitted in these districts only upon meeting conditions and requirements as prescribed in this ordinance.

**Section 9-6 – 9-20. Reserved.**

## ARTICLE II. DEFINITIONS

### **Section 9-21. Definitions.**

Unless specifically defined in this section, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to ~~give this ordinance~~ its allow the most reasonable application ~~of this ordinance.~~ The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Accessory Structure* means a structure which is located on the same parcel of property as the

principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

*Addition (to an existing building)* means an extension or increase in the floor area or height of a building or structure.

*Appeal* means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Building* means any structure built for support, shelter or enclosure for any occupancy or storage.

*Chemical Storage Facility* means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

*Community Base Flood* means the flood, determined using future land use conditions, having a one percent chance of being equaled or exceeded in any given year.

*Community Base Flood Elevation* means the water surface elevation shown on the Flood Insurance Rate Map ~~and in the Flood Hazard Data Table Insurance Study~~, having a one percent chance of being equaled or exceeded in any given year, determined using future land use conditions.

*Community Conditional Letter of Map Revisions (CoCLOMR)* means a letter from the Floodplain Administrator that provides conditional approval of a study that proposes to change the location of the Community Encroachment Lines, and/or the location of the Community Flood Fringe Line, and/or Community Base Flood Elevations.

*Community Encroachment Area* means the channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA Base Flood without cumulatively increasing the water surface elevation more than 0.1 foot. (see attachments).

*Community Encroachment Lines* are lateral limits of the Community Encroachment Area, within which, in the direction of the stream or other body of water, no structure or fill may be added, unless specifically permitted by this ordinance. (see attachments).

*Community Flood Fringe Area:* The land area located between the Community Encroachment Line and the Community Flood Fringe Line as defined herein. (see attachments).

*Community Flood Fringe Line* is the line that depicts the outer limits of the Community Flood Fringe Area (outer limits of the Community Special Flood Hazard Area).

*Community Letter of Map Revision (CoLOMR)* means a letter from the Floodplain Administrator that provides final approval of a study, based on as-built conditions, that changes the location of the Community Encroachment Lines and/or the Community Flood Fringe Lines.

*Community Special Flood Hazard Area* is the land subject to a one - percent or greater chance of

flooding in any given year from a Community Base Flood. It includes the FEMA Floodway, Community Encroachment Area, FEMA Flood Fringe Area, and the Community Flood Fringe Area. (see attachments ).

*Conditional Letter of Map Revision (CLOMR)* means FEMA's comments on whether a project, if built as proposed, would meet the minimum NFIP standards.

*Critical Facility* means a building used to house a function that is vulnerable or essential to the community. Uses include but are not limited to: child and adult daycare facilities, nursing homes, schools, hospitals, fire, police and medic facilities and other uses as deemed by the Floodplain Administrator.

*Development* means any manmade change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations or storage of equipment or materials.

*Disposal* means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

*Dry Public Street* means a public street at the intersection of an existing or proposed driveway where the surface of the pavement is at an elevation above the Community Base Flood Elevation.

*Dryland Access* means a gravel, paved or concrete access route, at least 12' wide, which is above the Community Base Flood Elevation and connects an Habitable Building to a Dry Public Street.

*Effective Date* means the date Flood Insurance Rate Maps and Flood Insurance Studies for a community are officially approved by FEMA and are to be used for local regulation and for compliance with NFIP sanctions.

*Elevated Building* means a non-basement building built to have the lowest floor elevated above the ground level by, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

*Encroachment* means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. Building renovations contained within the existing building footprint area are not considered an Encroachment.

*Existing Manufactured Home Park or Manufactured Home Subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) was completed before August 15, 1978.

*FEMA* is the Federal Emergency Management Agency.

*FEMA Base Flood* means the flood, determined using land use conditions at the time of the study, having a one percent chance of being equaled or exceeded in any given year.

*FEMA Base Flood Elevation (BFE)* means ~~a determination of the water surface elevations of the base flood as published elevation shown on the Flood Insurance Rate Map and in the Flood Insurance Study. This elevation, when combined with the "Freeboard", establishes the "Flood Protection Elevation". It is the elevation that indicates the water surface elevation resulting from a FEMA Base Flood that has, having a one percent chance of equaling being equaled or exceeding that level exceeded in any given year based on existing, determined using land use conditions present at the time of the study.~~

*FEMA Flood Fringe Area* is the land area located between the FEMA Floodway Lines and the line depicting the maximum elevation subject to inundation by the FEMA Base Flood as defined herein (see attachments).

*FEMA Flood Fringe Line* is the line on a map that depicts the outer limits of the *FEMA Flood Fringe Area*. (see attachments).

*FEMA Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA Base Flood, without cumulatively increasing the water surface elevation more than 0.5 foot. On the Catawba River, ~~and the portions of Six Mile Creek and Rocky River which run along the county boundary line,~~ the FEMA Floodway means the channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA Base Flood, without cumulatively increasing the water surface elevation more than 1.0 feet. (see attachments).

*FEMA Floodway Lines* are the lateral limits of the FEMA Floodway. (see attachments).

*FEMA Special Flood Hazard Area* is the land subject to a one percent or greater chance of flooding in any given year from a FEMA Base Flood. It includes the FEMA Floodway, Community Encroachment Area, and the FEMA Flood Fringe Area. (see attachments)

*Flood or Flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of run-off of surface waters from any source.

*Flood Insurance* means the insurance coverage provided under the National Flood Insurance Program.

*Flood Insurance Rate Map (FIRM)* means an official map of a community, in both digital and printed format, on which the Federal Emergency Management Agency has delineated the Special Flood Hazard Area and the risk premium zones applicable to the community. The date of Charlotte's original FIRM is August 15, 1978 and this date should be used to determine whether a structure is pre-FIRM or post-FIRM.

*Flood Insurance Study* is an examination, evaluation, and determination of Special Flood Hazard Areas, corresponding water surface elevations, flood insurance risk zones, and other flood data in a community. The study includes a Flood Insurance Study report, and/or Flood Insurance Rate Map (~~FIRMs~~FIRM).

*Floodplain* means the land subject to inundation by the Community Base Flood and is encompassed by the Community Special Flood Hazard Area.

*Floodplain Administrator* (or Administrator) means the person, agent, or his or her designees, appointed to administer, implement and enforce the provisions of this ordinance.

*Floodplain Development Permit* means either an Individual Floodplain Development Permit or a General Floodplain Development Permit issued for development in the Floodplain per the requirements of Section 9-62 of this ordinance.

*Floodplain Management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain.

*Floodplain Regulations Technical Guidance Document* is a document developed by Charlotte-Mecklenburg Storm Water Services Staff to more clearly explain the application of the provisions of this ordinance, specifically the Floodplain Development Permit provisions, through the use of charts and related written materials. The Technical Guidance Document shall not be a part of this ordinance, and shall be solely for illustrative and educational purposes. If there is any discrepancy between the Technical Guidance Document and this ordinance, the provisions of this ordinance shall control.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

~~*Flood Protection Elevation* means the elevation to which all structures located within the Community Special Flood Hazard Area must be elevated (or floodproofed if non-residential). Within areas where BaseFEMA Special Flood Elevations (BFEs) have been determined, this Hazard Area must be elevated (or floodproofed if non-residential). This elevation shall be is the Community Base Flood Elevation plus one ( 1 ) foot of freeboard. Along except along the Catawba River, including Lake Wylie and Mountain Island Lake the Flood Protection elevation where it is the FEMA Base Flood Elevation plus two (2) feet of freeboard). In areas where no BFE has been established, all structures and other Development must be elevated (or floodproofed if non-residential), to two (2) feet above the highest adjacent grade.~~

*Floodwall* means a wall built along a shore or bank to protect an area from flooding.

*Floodway* means the either the FEMA Floodway or the Community Encroachment Area.

*Flood Zone* means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

*Floor* (see *Lowest Floor*)

*Freeboard* means the height added to the Community Base Flood Elevation (BFE) (or FEMA BFE on the Catawba River) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the

watershed. ~~The Community Base Flood Elevation (BFE) plus the freeboard establishes the “Flood Protection Elevation”.~~

*Functionally Dependent Facility* means a facility that cannot be used for its intended purpose, unless it is located or carried out in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

*General Floodplain Development Permit* is a permit issued for certain types of Development in the Floodplain per Section 9-62 of this ordinance.

*Habitable Building* means a structure designed primarily for, or used for human habitation. This includes, but is not limited to, houses, condominiums, townhomes, restaurants, retail establishments, manufacturing buildings, commercial buildings, office buildings, manufactured homes, and similar uses. It does not include Accessory Structures. (see definition above).

*Hazardous Waste Management Facility* means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

*Highest Adjacent Grade* means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

*Historic Structure* means any structure that is:

- ~~1-(a)~~ listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- ~~2-(b)~~ certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- ~~3-(c)~~ individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program”; or
- ~~4-(d)~~ certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program. Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

*Individual Floodplain Development Permit* means a permit for Development in the Floodplain that involves activities not listed in Section 9-62-~~((b),1)~~ and may not qualify for a General Floodplain Development Permit.

*Letter of Map Revision (LOMR)* means an official amendment to the ~~currently current~~ effective FEMA FIRM based on as-built conditions, and/or more accurate data. It is issued by FEMA and may change FEMA Base Flood Elevations, the location of the FEMA Floodway Lines and/or the location of the FEMA Flood Fringe line.

*Letter of Map Amendment (LOMA)* means a letter from FEMA that officially removes a property or building from the FEMA Special Flood Hazard Area (SFHA) that was inadvertently shown in the SFHA on the FIRM.

*Letter of Map Revision based on Fill (LOMR-F)* means a letter from FEMA that officially removes a property from the FEMA Special Flood Hazard Area (SFHA) as a result of placing fill on the property.

*Levee* means a manmade structure, usually an earthen embankment, Floodwall or a combination of both that is designed and constructed to contain, control or divert the flow of water so as to provide protection from temporary flooding.

*Levee System* means a flood protection system which consists of Levee(s) and/or Floodwall(s) and associated structures, such as closure and drainage devices.

*Lowest Adjacent Grade (LAG)* means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

*Lowest Floor* means the lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's Lowest Floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

*Manufactured Home* means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

*Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Market Value* means the value of a building, excluding land value, that is determined by an appraiser certified in North Carolina. ~~The tax value of the building may be used for screening purposes using the cost approach method. Use of the "income capitalization approach" is not acceptable.~~ Market value must be determined based on the building condition prior to Start of Construction (for proposed improvements) or before damage occurred (for damage repair). The value of the land and site improvements (landscaping, driveways, detached accessory structures, etc.) is not included. The values of the use and occupancy (business income) are not included. The Floodplain Administrator may use the tax value of the building in lieu of other methods described herein.

Market value also means the actual cash value (ACV) of a building minus depreciation. Actual cash value is the cost to replace a building on the same parcel with a new building of like-kind

quality, minus depreciation due to age, use, and neglect. ACV does not consider loss in value mainly due to outmoded design or location factors. Depreciation accounts for the physical condition of a structure. Depreciation does not take into account functional obsolescence or factors that are external to the structure.

*Mean Sea Level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with the "North American Vertical Datum of 1988 (NAVD 88)."

*National Flood Insurance Program (NFIP)* means a federal program that provides insurance coverage for flood damage to qualified buildings in communities that agree to adopt and enforce ordinances that meet or exceed FEMA requirements to reduce the risk of flooding.

*New Construction* means construction of a replacement structure commenced after total demolition, or renovation/rehabilitation of an existing structure that results in the partial or complete removal of 2 external walls and has a total cost equal to or exceeding 50 percent of the ~~market value~~ Market Value of the structure before the "start of construction" of the improvement. For flood insurance purposes, New Construction also means structures for which the start of construction commenced on or after August 15, 1978, and includes subsequent improvements to such structures (see definition of Flood Insurance Rate Map).

*New Manufactured Home Park or Subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after November 27, 1972.

*NFIP* (see National Flood Insurance Program)

*Nonconforming Building or Use* means any legally existing building or use which fails to comply with the provisions of this ordinance.

*Non-solid Fence* means a fence with at least 75% open area; and with vertical supports each no more than 25 square inches in cross sectional area).

*North American Vertical Datum (NAVD)* as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain. If a datum other than NAVD 88 is used then use the datum listed as the reference datum on the applicable FIRM panel for use on Elevation Certificate completion. See Flood Insurance Administration (FIA)-20 ~~part~~ parts 1, 8.

*Open House Forum* is a public meeting held by the owner of the proposed Levee and the Director of Mecklenburg County Storm Water Services, or his designee. The purpose of the Open House Forum is to provide an opportunity for discussion between the owner that has submitted an application for the construction of a Levee, nearby property owners, and other interested parties.

*Plot Plan* means a scaled drawing of a parcel of land showing the location of significant natural features and existing and proposed manmade features.

*Post-FIRM* means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map.

*Pre-FIRM* means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map.

*Preliminary Flood Insurance Rate Map (PFIRM)* means a map(s) released by the Federal Emergency Management Agency (FEMA) for public comment prior to the Effective Date of the FIRM as established by FEMA. The map may be in both digital and printed format and shows the Community and FEMA Special Flood Hazard Areas, Community Encroachment Areas and FEMA Floodways, FEMA and Community Base Flood Elevations, flood insurance risk premium zones and other data. The data and maps are subject to change prior to the effective date.

*Preliminary Flood Insurance Study (PFIS)* means a narrative report released by the Federal Emergency Management Agency for public comment prior to the effective date. Information contained in the PFIS includes a description of past flooding and studies, the study area, engineering methods, Community and FEMA Base Flood Elevations, other community and FEMA flood data. The Flood Insurance Rate Maps are also included as part of the Flood Insurance Study. The data and maps are subject to change prior to the effective date.

*Principally Above Ground* means that at least 51% of the actual cash value of the structure is above ground.

*Project* means a development activity that is physically separate, functionally independent and not constructed at the same time as another development activity.

*Public Safety and/or Nuisance* means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

*Recreational Vehicle* means a vehicle which is: (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a car or light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporarily living quarters for recreational, camping, travel or seasonal use.

~~*Reference Level* is the portion of a structure or other Development that must be compared to the flood protection elevation to determine top of the lowest floor, for regulatory compliance purposes, of such building. Within structures in the FEMA and/or Community Special Flood Hazard Areas designated as zones A1 A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor. Area.~~

*Remedy a Violation* means to bring the structure or other Development into compliance with this ordinance or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected Development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other Development.

*Repetitive Loss* means flood-related damages sustained by a structure on two (2) separate occasions during any 10-year period for which the cost of repairs at the time of each such flood

event, on the average, equals or exceeds twenty-five percent (25%) of the Market Value of the structure before the damage occurred.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Salvage Yard* means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

*Solid Waste Disposal Facility* means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

*Solid Waste Disposal Site* means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

*Special Flood Hazard Area* means ~~either the Community Special Flood Hazard Area or the FEMA Special Flood Hazard Area.~~—See definitions above.

*Start of Construction* means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as pouring a slab or footing, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not parts of the main structure. For Substantial Improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

*Structure* means for ~~floodplain management~~Floodplain Management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, that are principally above ground.

*Substantial Damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to the condition before damage occurred would equal or exceed 50 percent of the ~~market value~~Market Value of the structure before the damages occurred. *Substantial Damage* also means flood-related damages sustained by a structure on two separate occasions during a 10 year period ~~beginning after October 11, 1999,~~ for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the ~~market value~~Market Value of the structure before the damage occurred. See definition of "Substantial Improvement."

*Substantial Improvement* means any repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, or combination thereof, where the total cost equals or exceeds 50 percent of the ~~market value~~Market Value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or Community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Substantial Improvement* also means any repair, reconstruction, or improvement to a structure on two separate occasions during a 10 year period ~~beginning after October 11, 1999,~~ for which the total cost of repairs, reconstruction or improvement at the time of each alteration, equals or exceeds 25 percent of the ~~market value~~ Market Value of the structure before the damage occurred or the Substantial Improvement began. The Floodplain Administrator may determine if separate actions constitute a single project (Section 9-101 (13))-63.(p). For the purposes of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

*Substantially Improved Existing Manufactured Home Park or Subdivision* means where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

*Technically Measurable* means an activity and/or condition that can be modeled within the stated or commonly known accuracy of the FEMA approved hydraulic models or other engineering computations, and may have an impact on Base Flood Elevations. The Floodplain Administrator will determine if a proposed activity and/or condition meets the Technically Measurable definition.

*Variance* is a grant of relief to a person from the requirements of this ordinance.

*Violation* means the failure of a structure or other Development to be fully compliant with this ordinance. A structure or other Development without the elevation certificate, other certifications or other evidence of compliance required in Articles IV and V is presumed to be in violation, until such time as the documentation is provided.

*Watercourse* means a lake, river, creek, stream, channel or other topographic feature ~~within a Special Flood Hazard Area~~ on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

*Water Surface Elevation (WSE)* means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**Section 9-22 – 9-35. Reserved.**

## **ARTICLE III. GENERAL PROVISIONS**

**Section. 9-36. Lands to which this ordinance applies.**

This ordinance shall apply to all lands in the land use jurisdiction of the City of Charlotte within the area shown on the Flood Insurance Rate Maps (FIRM) or any FEMA and/or locally approved revisions to data shown on the FIRMs, as being located within the Community Special Flood Hazard Areas or land adjacent to the Community Special Flood Hazard Areas if it is affected by the work that is taking place.

**Section. 9-37. Basis for establishing the Special Flood Hazard Areas**

~~The Flood Insurance Rate Maps (FIRM), FEMA and/or locally approved revisions to data shown on the FIRMs, Community Special Flood Hazard Areas are those identified in the effective Flood Insurance Study and other supporting data, (FIS) for Mecklenburg County including the City of Charlotte, dated March 2, 2009, and its accompanying Flood Insurance Rate Maps (FIRM), and local or FEMA approved revisions to the FIRM and/or FIS which are adopted by reference and declared to be a part of this ordinance.~~

In areas where a Preliminary FIRM and Preliminary FIS exist, Community Base Flood Elevations shown on the Preliminary FIRM and Preliminary FIS shall be used for local regulatory purposes, if they are higher than those shown on the effective FIRM and FIS. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

City of Charlotte dated August 15 1978,

Mecklenburg County Unincorporated Area, dated August 15, 1978 June 1, 1981.

**Section. 9-38. Floodplain Development Permit required.**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any Development activities. ~~The *Floodplain Ordinance Regulations Technical Guidance Document* may be used for illustrative purposes to assist in determining the applicable type of Floodplain Development Permit required.~~

**Section. 9-39. Compliance.**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

**Section. 9-40. Abrogation and greater restrictions.**

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of laws or ordinances or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises; nor is it intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that, where this ordinance imposes a greater restriction upon the use of buildings or premises or requires larger yards, courts or other open spaces than are imposed or required by such existing provisions of laws or ordinances, or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of this ordinance shall control.

**Section. 9-41. Interpretation.**

In the interpretation and applications of this ordinance, all provisions shall be:

- 1.(a) \_\_\_\_\_ Considered as minimum requirements;
- 2.(b) \_\_\_\_\_ Liberally construed to meet the purposes and objectives of this regulation as stated in Sections 9-4 and 9-5 ; and
- 3.(c) \_\_\_\_\_ Deemed neither to limit nor repeal any other powers granted under state statutes.

**Section. 9-42. Warning and disclaimer of liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Charlotte, Mecklenburg County, or on any agent, officer or employee thereof for any flood damages that result from reliance on this ordinance or by any administrative decision lawfully made hereunder.

**Section. 9-43. Penalties for violation.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of Floodplain Development Permits, Variances or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Charlotte or the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation, including but not limited to seeking injunctive relief, orders of abatement, or other similar equitable relief.

**Sections 9-44 – 9-60. Reserved.**

## **ARTICLE IV. ADMINISTRATION AND ENFORCEMENT**

**Section. 9-61. Designation of Floodplain Administrator.**

The City Manager designates the County Floodplain Administrator, and his or her designees, as the persons with the authority to administer, implement and enforce the provisions of this ordinance through a properly executed, legally binding interlocal agreement.

**–Section. 9-62. Floodplain Development Permits and certification requirements.**

- (a) A Floodplain Development Permit is required for any Development within the Community Special Flood Hazard Area (CSFHA) and is subject to the conditions below. The Floodplain Administrator is authorized to create, and amend from time to time as necessary, a Technical Guidance Document to help explain the application of the provisions of this ordinance, specifically the Floodplain Development Permit provisions, through the use of charts and related written materials. The Floodplain Regulations Technical Guidance Document shall not be a part of this ordinance, and shall be solely for illustrative and educational purposes. If there is any discrepancy between the Floodplain Regulations Technical Guidance Document and this ordinance, the provisions of this ordinance shall control.
- (b) Floodplain Development Permits fall into one of two types: General Floodplain Development Permits (GFDP) and Individual Floodplain Development Permits (IFDP). If the proposed development activities meet the requirements of the General Floodplain Development Permit, an Individual Floodplain Development Permit is not required.

\_\_\_\_\_ 1. **General Floodplain Development Permit** – The intent of the General Floodplain Development Permit (GFDP) is to allow uses or activities in the Community Special Flood Hazard Area (including the FEMA Floodway and Community Encroachment Area) which inherently will not increase FEMA and/or Community Base Flood Elevations. The following uses and activities are permitted under a GFDP, without the need for an Individual Floodplain Development Permit, flood study or variance, as long as they result in no Technically Measurable increases in FEMA and/or Community Base Flood Elevations.

- a. ~~a.~~—General farming, pasture, horticulture, forestry, wildlife sanctuaries, gardens, lawns, landscaping, mulch 12 inches or less in depth, and other similar activities;
- a.b. Utility infrastructure (poles, sewer manholes, vent pipes, underground utilities, etc.), sign poles, ~~non~~Non-solid fences, and other similar activities.
- c. ~~e.~~—On-grade driveways, trails, sidewalks, boardwalks, roads and road maintenance; storm drainage system construction, repairs and maintenance (Major & Minor system), and other similar activities. The Floodplain Administrator must be notified in writing, including a project description and sketch plan, prior to commencement of these activities.
- d. ~~d.~~—Interior renovations with a value of less than \$10,000, to a structure with its Lowest Floor ~~not meeting~~below the Flood Protection Elevation. The renovations must meet the requirements of Section 9-102 (1),(2f).
- e. ~~e.~~—Interior renovations of any value, to a structure with its Lowest Floor ~~meeting at~~or above the Flood Protection Elevation. The renovations must meet the requirements of Section 9-102 (1),(2f).

2. **Individual Floodplain Development Permits.** Individual Floodplain Development Permits are required for all ~~other~~ projects that do not meet the requirements of a General Floodplain Development Permit. Application for an Individual Floodplain Development Permit (IFDP) shall be made to the Floodplain Administrator on forms furnished by him or her prior to any Development activities proposed to be located within the Community Special Flood Hazard Area. Requirements for submittal are available from the Floodplain Administrator.

**3.(c) Certification Requirements.**

1. a.—A Final As-Built Elevation Certificate (*FEMA Form 81-31*) (for either residential or non-residential buildings) or Floodproofing Certificate (*FEMA Form 81-65*) is required after construction is completed and prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy.
2. b.—For proposed Development ~~to be located in the Community or FEMA Special Flood Hazard Area but outside~~ of the Community Encroachment Area and the FEMA Floodway, a certification from a registered land surveyor or professional engineer that states that no fill material or other development was placed within the FEMA Floodway or Community Encroachment Area of any watercourse, will be required prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy.
3. c.—For proposed Development within the Community Encroachment Area or the FEMA Floodway, an as-built topographic map prepared by a registered land surveyor or professional engineer will be required prior to issuance of a Certificate of Occupancy or Temporary Certificate of Occupancy. This is in addition to a no-rise/no-impact study or CLOMR that may be required as specified in Section 9-102 ~~(a)(6)(f)~~ may be required

4. ~~d.~~—If a manufactured home is placed within the Floodplain and the elevation of the chassis is 36 inches or higher above adjacent grade, an engineered foundation certification is required.

5. ~~e.~~—Certification Exemptions. The following structures, if located within the Floodplain, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:

a. ~~i.~~—Recreational Vehicles meeting requirements of Section 9-102 (a)(~~9j~~);

b. ~~ii.~~—Temporary Structures meeting requirements of Section 9-102 (a)(~~10j~~); and

c. ~~iii.~~—Accessory Structures less than 150 square feet meeting requirements of Section 9-102 (a)(~~11k~~).

4. **(d) Permit Application Requirements**

(a) 1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

a. ~~(i)~~—the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

b. ~~(ii)~~ the ~~he~~ location of the Community Flood Fringe Line, Community Encroachment Line, FEMA Flood Fringe Line and FEMA Floodway Line as shown on the FIRM or other flood map, or a statement that the entire lot is within the Special Flood Hazard Area;—

c. ~~(iii)~~—~~flood zone~~ Flood Zone(s) designation of the proposed development area as determined on the FIRM or other flood map ;

d. ~~(iv)~~ the FEMA Base Flood Elevation (BFE) and, Community Base Flood Elevation (CBFE) and Flood Protection Elevation (FPE).

e. ~~(v)~~ the old existing and new proposed location of any watercourse that will be altered or relocated as a result of proposed development;

f. ~~(vi)~~ the certification of the plot plan by a registered land surveyor or professional engineer as deemed necessary by the Floodplain Administrator.

(b) 2. Proposed ~~elevation, and method thereof,~~ elevations of all development within a Community or FEMA Special Flood Hazard Area including but not limited to:

- a. ~~(i)~~—Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
  - b. ~~(ii)~~—Elevation in relation to mean sea level to which any non-residential structure in Zone AE, will be floodproofed; and
  - c. ~~(iii)~~—Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
- ~~(e)~~3. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an inspection and operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
- ~~(d)~~4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- a. ~~(i)~~—The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
  - b. ~~(ii)~~—Openings to facilitate automatic equalization of hydrostatic flood forces on walls -when solid foundation perimeter walls are used in Community Special Flood Hazard Area 9-102, (d)).
  - c. ~~(iii)~~—Usage details of any enclosed areas below the lowest floor.
  - d. ~~(iv)~~Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
  - e. ~~(v)~~—Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
  - f. ~~(vi)~~Documentation for proper placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of 9-102, (9), (10i), (j) are met
  - g. ~~(vii)~~—A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

**5.(e) Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

1. ~~(a)~~—A description of the development to be permitted under the floodplain development permit.
2. ~~(b)~~—The Special Flood Hazard Area determination for the proposed development
3. ~~(c)~~—The Flood Protection Elevation required for the reference level and all attendant utilities.
4. ~~(d)~~—The Flood Protection Elevation required for the protection of all public utilities.
5. ~~(e)~~—All certification submittal requirements with timelines.
6. ~~(f)~~—A statement that no fill material or other development shall encroach into the ~~floodway~~Community Encroachment Area or ~~non-encroachment area~~FEMA Floodway of any watercourse, as applicable.
7. ~~(g)~~—The flood openings requirements per Section 9-102 (4)~~d~~.

**Section. 9-63. Duties and responsibilities of the Floodplain Administrator.**

The Floodplain Administrator is authorized to and shall perform, but not be limited to, the following duties:

- 1.~~(a)~~ Reviewing, approving, and issuing all Floodplain Development Permits in a timely manner to assure that the permit requirements of this ordinance have been satisfied.
- 2.~~(b)~~ Reviewing, approving and issuing all documents applicable to Letters of Map Change.
- 3.~~(c)~~ Advising the permittee that additional federal or state permits may be required; and if specific federal or state permits are known, requiring that copies of such permits be provided and maintained on file with the Floodplain Development Permit.
- 4.~~(d)~~ Notifying adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submitting evidence of such notification to the Federal Emergency Management Agency.
- 5.~~(e)~~ Assuring that within available resources, maintenance is provided within the altered or relocated portion of any altered Watercourse so that the flood-carrying capacity is maintained.
- 6.~~(f)~~ Not issuing a Floodplain Development Permit for Encroachments within the Community Encroachment Area and/or the FEMA Floodway unless the certification and flood hazard reduction provisions of Article V are met.
- 7.~~(g)~~ Reviewing and recording the actual elevation (in relation to mean sea level) of the

Reference Level (including basement) of all new or substantially improved structures, in accordance with Section 9-62 (3c).

- 8-(h) Reviewing and recording the actual elevation (in relation to mean sea level) to which the new or substantially improved non-residential structures have been floodproofed, in accordance with Section 9-62 (3c).
- 9-(i) Obtaining certifications from a registered professional engineer or architect in accordance with Section 9-102 (a)(2b) when floodproofing is utilized for a particular non-residential structure.
- 10-(j) Making the interpretation of the exact location of boundaries within the FEMA Special Flood Hazard Area or the Community Special Flood Hazard Area when, for example, where there appears to be conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance. Procedures for changing flood hazard area boundaries and lines depicted on the Flood Insurance Rate Maps are identified in the National Flood Insurance Program regulations (44 CFR Parts 59-78).
- 11-(k) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- 12-(l) Making on-site inspections of projects.
- 13-(m) Serving notices of violation, issuing stop work orders, revoking permits and taking corrective actions.
- 14-(n) Maintaining a copy of the Letter of Map Amendment issued from FEMA ~~in the Floodplain Development Permit file~~ when a property owner has received a Letter of Map Amendment (LOMA). (A LOMA is typically applied for and approved when the exact location of boundaries of the FEMA Special Flood Hazard Area conflicts with the current, natural topography information at the site.)
- 15-(o) Determining the required information to be submitted with an application for approval of an Individual Floodplain Development Permit.
- 16-(p) Reviewing information provided by a property owner or his designated agent for the purpose of making a determination of the total cost of repairs as it relates to a Substantial Improvement, including a determination of whether a series of repairs, reconstructions or improvements constitute one single alteration such that the total cost of the repairs, reconstructions or improvements will be the cumulative cost from the first alteration.
- 17-(q) Reviewing information provided by a property owner or his designated agent for the purpose of making a determination of whether the proposed construction activities constitute New Construction for purposes of this ordinance.
- 18-(r) Reviewing and acknowledging FEMA Conditional Letters of Map Revision and FEMA Letters of Map Revision.

- ~~19.~~(s) Reviewing and approving Community Conditional Letters of Map Revision and Community Letters of Map Revision
- ~~20.~~(t) Making on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit.
- ~~21.~~(u) Issuing stop-work orders. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- ~~22.~~(v) Revoking Floodplain Development Permits. The Floodplain Administrator may revoke and require the return of the Floodplain Development Permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentation made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked. Revoked permits may be resubmitted for approval using the requirements of the ordinance in effect at the time of the original submittal unless they were revoked because of the intentional submission of incorrect information by the permittee or his agent, or under other circumstances where allowing resubmittal using the requirement of the ordinance in effect at the time of the original submittal would not be equitable or consistent with public policy. However, base flood elevations that govern the elevation to which the structure is built must comply with the regulations and flood elevations in effect at the time of application for the building permit.
- ~~23.~~(w) Making periodic inspections. The Floodplain Administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- ~~24.~~(x) Providing owners of structures in the Floodplain with information concerning their flood risk, and (for structures with the Lowest Floor below the Flood Protection Elevation) inform potential buyers of Substantial Improvement restrictions through the recordation of a notice in the property chain of title or other similar notice.
- ~~25.~~(y) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 9-62 (b)-(3c).
- ~~26.~~(z) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 9-62 (b)-(3c).

**Section. 9-64. Corrective Procedures.**

1. (a) Violations to be corrected. When the Floodplain Administrator finds violations of applicable state and local laws and notifies the property owner or building occupant of the violation, the owner or occupant shall immediately remedy each violation of law cited in the notice.
2. (b) Actions in event of failure to take corrective action. If the owner or occupant of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give written notice, by certified or registered mail to the last known address or by personal service that:
  - a. 1. The building or property is in violation of the Floodplain Regulations;
  - b. 2. A hearing will be held before the Floodplain Administrator at a designated place and time, not later than twenty (20) calendar days after the date of the notice; at which time the owner or occupant shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
  - c. 3. Following the hearing, the Floodplain Administrator may issue such order to alter, vacate or demolish the building, or to remove fill or other unauthorized Encroachment, as appears appropriate.
3. (c) Order to take corrective action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or Development is in violation of the Floodplain Regulations, he shall issue an order in writing to the owner or occupant, requiring the owner or occupant to remedy the violation within such period, not less than sixty (60) calendar days, ~~as nor more than one hundred eighty (180) calendar days. If the Floodplain Administrator may prescribe; provided that, where the Floodplain Administrator finds~~ determines that there is imminent danger to ~~life~~ public health, safety or welfare or other property, he may order that immediate corrective action be taken ~~in such lesser period as may, and if no corrective action is taken as ordered, the Floodplain Administrator, with the written authorization of the eCity mManager, shall have the authority to enter upon the property to perform the work necessary to correct the condition and the owner or occupant shall be feasible~~ responsible for the actual costs incurred.
4. (d) Appeal. Any owner or occupant who has received an order to take corrective action may appeal the order to the Charlotte Zoning Board of Adjustment (hereinafter referred to as the "Board of Adjustment" or "Board") as provided in Article VI, Section 9-82. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order.
5. (e) Failure to comply with order. If the owner or occupant of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Board of Adjustment following an appeal, he/she shall be guilty of a misdemeanor and shall be punished in the discretion of the court. In addition, the owner or

occupant shall be subject to civil enforcement as described in Article III, Section 9-43.

**Sections 9-65 – 9-80. Reserved.**

## **ARTICLE VI. APPEALS AND VARIANCES**

### **Section. 9-81. Authority of Board of Adjustment.**

- (a) The Board of Adjustment shall hear and decide appeals from any order, decision, determination or interpretation made by the Floodplain Administrator pursuant to or regarding these regulations.
- (b) The Board of Adjustment shall hear and decide petitions for Variances from the requirements of this ordinance.

### **Section 9-82. Initiation and Filing of Appeal.**

- (a) An appeal of an order, decision, determination or interpretation made by the Floodplain Administrator may be initiated by any person aggrieved by any officer, department, board or bureau of the city.
- (b) A notice of appeal in the form prescribed by the Board of Adjustment must be filed with the Board's Clerk, with a copy to the Floodplain Administrator, within twenty (20) days of the order, decision, determination or interpretation and must be accompanied by a nonrefundable filing fee as established by the city council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section and the Board of Adjustment shall have no jurisdiction to hear the appeal.

### **Section 9-83. Standards and Hearing Procedure.**

- (a) The Board of Adjustment will conduct the hearing on an appeal of an order, decision, determination or interpretation of these regulations in accordance with its normal hearing procedures as set out in the City of Charlotte Zoning Code.
- (b) At the conclusion of the hearing, the Board of Adjustment may reverse or modify the order, decision, determination or interpretation under appeal upon finding an error in the application of these regulations on the part of the Floodplain Administrator who rendered the decision, determination or interpretation. In modifying the decision, determination or interpretation, the Board will have all the powers of the officer from whom the appeal is taken.

### **Section 9-84. Initiation and Filing of Variance Petition.**

- (a) A petition for Variance may be initiated only by the owner of the affected property, or an agent authorized in writing to act on the owner's behalf.
- (b) A petition for a Variance from these regulations in the form prescribed by the Board of Adjustment must be filed with the Board's Clerk, with a copy to the Floodplain Administrator, and be accompanied by a nonrefundable filing fee as established by the city council.

**Section 9-85. Factors for Consideration and Determination of Completeness**

- (a) In passing upon Variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:
- a.1. Danger that materials allowed to be placed in the floodway as a result of the Variance may be swept onto other lands to the injury of others during a Community Base Flood;
  - b.2. Danger to life and property due to flooding or erosion damage from a Community Base Flood;
  - c.3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage during the Community Base Flood;
  - d.4. Importance of the services provided by the proposed facility to the community;
  - e.5. Necessity to the facility of a waterfront location, where applicable;
  - f.6. Availability of alternative locations, not subject to flooding or erosion damage during a Community Base Flood, for the proposed use;
  - g.7. Compatibility of the proposed use with existing and anticipated Development;
  - h.8. Relationship of the proposed use to the Mecklenburg County Floodplain Management Guidance Document, Mecklenburg County Flood Hazard Mitigation Plans, the Mecklenburg County Greenway Plan, and any other adopted land use plans for that area;
  - i.9. Safety of access to the property in times of a Community Base Flood for ordinary and emergency vehicles.
  - j.10. Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters during a Community Base Flood expected at the site; and
  - k.11. Costs of providing governmental services during and after flood events, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
- (b) A written report addressing each of the above factors shall be submitted with the application for a Variance.
- (c) Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of Variances as it deems necessary to further the purposes of this ordinance.
- (d) Variances may be issued for the repair or rehabilitation of Historic Structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the Variance is the minimum necessary to preserve the historic character and design of the structure.
- (e) functionally dependent facilities if determined to meet the definition as stated in Article 2II

of this ordinance, provided provisions of Article ~~6~~VI have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

(f) any other type of development, provided it meets the requirements of this Section.

**Section 9-86. Conditions for Variances.**

- (a) Variances shall not be issued when the Variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
- (b) Variances shall not be issued within any designated Floodway if the Variance would result in any increase in flood levels during the Community and/or FEMA Base Flood discharge unless the requirements of 9-102 ~~(a)~~ ~~(6, (f))~~ are met.
- (c) Variances shall only be issued upon a determination that the Variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued prior to approval of a Floodplain Development Permit.

**Section 9-87. Standards for Granting Variance.**

- (a) Variances shall only be issued upon:
  - 1. ~~(i)~~ a showing of good and sufficient cause;
  - 2. ~~(ii)~~ a determination that failure to grant the Variance would result in exceptional hardship; and
  - 3. ~~(iii)~~ a determination that the granting of a Variance will not result in increased flood heights (unless the requirements of Section 9-102 ~~(a)~~ ~~(6f)~~ are met), additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.
- (b) — The fact that the property could be utilized more profitably or conveniently with the Variance than without the Variance shall not be considered as grounds for granting the Variance.

**Section 9-88. Miscellaneous Conditions.**

- (a) — In addition to consideration of the items in 9- 85(a), if Dryland Access cannot be obtained, a Variance to the requirement for Dryland Access may be granted by the Board of Adjustment upon consideration of the following conditions:
  - 1. — a. — a determination that all possible alternatives have been investigated in an attempt to provide the safest access from a proposed Habitable Building to a dry public street.

- ~~2.~~ ~~b.~~ the existence of a site plan prepared by a Licensed Land Surveyor or Professional Engineers indicating that the proposed access to Habitable Buildings on the property poses the least risk from flooding.
- (b) In addition to consideration of the items in 9-85(a), a Variance may be issued by the Board of Adjustment for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following criteria are met:
- ~~a.~~1. The use serves a critical need in the community.
  - ~~b.~~2. \_\_\_\_\_ No feasible location exists for the use outside the Special Flood Hazard Areas.
  - ~~c.~~3. The Lowest Floor of any structure is elevated above the Community Base Flood Elevation or is designed and sealed by a Professional Engineer or a Registered Architect to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
  - ~~d.~~4. \_\_\_\_\_ There will be no storage of materials or tanks which could flood within the Special Flood Hazard Area unless they are contained in a structure as defined in c) above.
  - ~~e.~~5. The use complies with all other applicable laws and regulations.
  - ~~f.~~6. The City of Charlotte has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the Variance.

**Section 9-89. Notification and Recordkeeping.**

- (a) Any applicant to whom a Variance from the FEMA Base Flood Elevation is granted shall be given written notice specifying the difference between the FEMA Base Flood Elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced Lowest Floor elevation. Such notification shall be maintained with a record of all Variance actions.
- (b) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances regarding FEMA minimum standards to the Federal Emergency Management Agency and the State of North Carolina upon request.

**Section 9-90. Appeal from Board of Adjustment.**

- (a) Any person aggrieved by the final decision of the Board of Adjustment to grant or deny a Floodplain Development Permit shall have 30 days to file an appeal to Mecklenburg County Superior Court, as provided in N.C.G.S. 143-215.57 (c).
- (b) Any party aggrieved by the decision of the Board of Adjustment related to any other order,

decision, determination or interpretation of these regulations, including the granting or denial of a Variance, shall have 30 days from the receipt of the Board's decision to file a petition for review in the nature of *certiorari* in Mecklenburg County Superior Court.

**Section 9-91 – 9-100. Reserved.**

## ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

### Section. 9-101. General standards.

~~(a)~~— In all Special Flood Hazard Areas, the following provisions are required:

- ~~1.~~(a) All New Construction and Substantial Improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- ~~2.~~(b) Manufactured Homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, the use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- ~~3.~~(c) All New Construction and Substantial Improvements shall be constructed with materials and utility equipment resistant to flood damage;
- ~~4.~~(d) All New Construction or Substantial Improvements shall be constructed by methods and practices that minimize flood damage;
- ~~5.~~(e) Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Flood Protection Elevation. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric wiring, and outlets/switches;
- ~~6.~~(f) All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system;
- ~~7.~~(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system and discharges from the systems into floodwaters;
- ~~8.~~(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- ~~9.~~(i) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "New Construction" as contained in this ordinance;

~~10.~~(j) Construction of new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted except by variance, in Special Flood Hazard Area. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated above the Community Base Flood Elevation or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;

~~11.~~(k) Any new critical facility must be located outside of the 500-year (0.2%) flood fringe area and elevated at least one foot above the 500-year (0.2%) flood elevation or the Community Base Flood Elevation whichever is greater. The determination of this flood fringe area and elevation will be provided by the Floodplain Administrator;

~~12.~~1. Subdivisions.— All Development proposals submitted for review and approval in accordance with the City of Charlotte Subdivision Ordinance shall also comply with the following provisions:

- a. locate and construct public utilities and facilities, such as sewer, gas, electrical and water systems, to minimize flood damage;
- b. construct all new streets located in a Community Special Flood Hazard Area in accordance with the applicable provisions of the Subdivision Ordinance;
- c. design and construct adequate drainage to reduce exposure to flood hazards; and
- d. take such other appropriate measures needed to minimize flood damage.

~~13.~~ For the purpose of determining Substantial Improvement, the Floodplain Administrator shall make a determination of the total cost of repairs as it relates to a Substantial Improvement, including a determination of whether a series of repairs, reconstructions or improvements constitute one single alteration such that the total cost of the repairs, reconstructions or improvements will be the cumulative cost from the first alteration.

~~14.~~(m) When a structure is partially located in a ~~special flood hazard area~~ Community or FEMA Special Flood Hazard Area, the entire structure shall meet the requirements for ~~new construction~~ New Construction and ~~substantial improvements~~ Substantial Improvements.

~~15.~~(n) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

#### **Section. 9-102. Specific standards.**

(a) — In all Community and FEMA Special Flood Hazard Areas where Community and FEMA Base Flood Elevation data have been provided, as set forth in Section 9-37, the following provisions are required:

1-(a) Residential construction.

New Construction or Substantial Improvement of any residential structure shall have the Lowest Floor, elevated to the Flood Protection elevation. Where a ~~lot an~~ area is impacted by FEMA and/or Community Base Flood Elevations from both the Catawba River and a stream flowing into the Catawba River, the higher of the FEMA and/or Community Base Flood Elevations will apply.

a-1. ~~Substantial Improvement~~—Community Base Flood Elevation Exemption:

~~Existing - Substantial Improvement to~~ existing buildings having the Lowest Floor located at least one foot above the FEMA Base Flood Elevation, but less than ~~one foot above the Community Base Flood Protection Elevation that are proposing a Substantial Improvement,~~ are exempt from ~~elevating the requirement to elevate the Lowest Floor to or above the Flood Protection Elevation.~~ However, the property owner must record an Affidavit of Floodplain Construction ~~below~~ Below Community Base Flood Elevation (“Affidavit”) with the Mecklenburg County Register of Deeds Office prior to the issuance of a building permit. The Affidavit (provided in the Floodplain Regulations Technical Guidance Document) will acknowledge that the property owner elected to proceed with the renovations/rehabilitations, and was made aware of the Community Base Flood Elevations and that in the future there will be:

- i-a. potential for flood losses,
- ii-b. potential for mandatory purchase of flood insurance,
- iii-c. potential for FEMA substantial improvement rules to apply, and
- iv-d. no local funds available for flood mitigation assistance (buyouts, elevations, etc).

b. 2. Non-substantial Improvements Notice

Renovations/rehabilitations costing between 25% and 50% of the Market Value of the existing building and said building having the Lowest Floor below the Flood Protection Elevation, will require the property owner to record a Notice of Floodplain Improvements (provided in the Floodplain Regulations Technical Guidance Document) with the Mecklenburg County Register of Deeds Office prior to the issuance of a Building Permit.

2-(b) Nonresidential construction.

New Construction or Substantial Improvement of any commercial, industrial or nonresidential structure shall meet the requirements for residential construction in Section 9-102 (a), ~~4~~ above, or the structure may be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.- A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the ~~official~~ Floodplain Administer as set forth in Section 9-62

(3). c). Floodproofing requirements are provided in the Floodplain Regulations Technical Guidance Document

~~3. New Buildings Removed From the FEMA Special Flood Hazard area by Fill.~~

~~When new buildings have been constructed on land that has been removed from the FEMA Special Flood Hazard Area by the placement of fill, they must have the Lowest Floor (including basement) elevated at least one foot (two feet on the Catawba River) above the Community Base Flood Elevation.~~

4. 1. Community Base Flood Elevation Exemption - Substantial Improvement to existing buildings having the Lowest Floor located at least one foot above the FEMA Base Flood Elevation, but less than the Flood Protection Elevation, are exempt from the requirement to elevate the Lowest Floor to or above the Flood Protection Elevation. However, the property owner must record an Affidavit of Floodplain Construction Below Community Base Flood Elevation ("Affidavit") with the Mecklenburg County Register of Deeds Office prior to the issuance of a building permit. The Affidavit (provided in the Floodplain Regulations Technical Guidance Document) will acknowledge that the property owner elected to proceed with the renovations/rehabilitations, and was made aware of the Community Base Flood Elevations and that in the future there will be:

- e. potential for flood losses,
- f. potential for mandatory purchase of flood insurance,
- g. potential for FEMA substantial improvement rules to apply, and
- h. [if] no local funds available for flood mitigation assistance (buyouts, elevations, etc).

2. Non-substantial Improvements Notice

Renovations/rehabilitations costing between 25% and 50% of the Market Value of an existing building having the Lowest Floor below the Flood Protection Elevation, will require the property owner to record a Notice of Floodplain Improvements (provided in the Floodplain Regulations Technical Guidance Document) with the Mecklenburg County Register of Deeds Office prior to the issuance of a Building Permit.

(c) Elevated buildings.

~~New Construction or Substantial Improvement of elevated buildings, that include~~Substantially Improved structures with fully enclosed areas formed by foundation and other exterior walls below the Community Base Flood Elevation shall meet the following requirements of Section 9-102 (a), and;

1. Enclosed areas shall not be designed to preclude finished living space for human habitation and shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. The walls shall be designed

to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

~~a.2.~~ Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- ~~a.~~ Provide a minimum of two (2) openings, ~~having a~~
- ~~i.b.~~ The total net area of not less than all openings must be at least one (1) square inch for every square foot of enclosed area subject to flooding;
- ~~ii.c.~~ The bottom of all openings shall be no higher than one (1) foot above adjacent grade at the opening;
- ~~iii.d.~~ Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
- ~~iv.e.~~ Openings must be on different sides of the enclosed area if possible; and
- ~~v.f.~~ If the building has more than one enclosed area, each must have openings.

~~b.3.~~ Foundation enclosures:

- ~~i.a.~~ Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.
- ~~ii.b.~~ Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

~~e.4.~~ Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or enter to the living area (stairway or elevator).

~~d.5.~~ The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

~~6.~~ ~~\_\_\_\_\_e.~~ The enclosed area shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and.

~~5.(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. If Dryland Access cannot be obtained, a Variance to the requirement for Dryland Access may be granted by the Board of Adjustment.

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. ~~The following are exempt from the 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:
  - a. Substantial Improvement to an existing Habitable Building where the property does not have ~~any access to a Dry Public Street.~~ Dryland Access.
  - b. 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' wide; and
    - iii. Be constructed entirely at or above the elevation of highest point of the public street adjacent to the property.

6-(e) FEMA Floodway and Community Encroachment Area.—~~The FEMA Floodway and the Community Encroachment Area are very hazardous areas due to the velocity of floodwaters which carry debris and potential projectiles and have erosion potential. The following provisions shall apply within each of these designated areas:~~

- a. ~~Community Encroachment Area. No Encroachments, requiring an Individual Floodplain Development Permit (Section 9-62), including fill, New Construction, Substantial Improvements and other Development shall be permitted within the Community Encroachment Area unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such Encroachment would not result in increased flood heights of greater than 0.10' during the occurrence of a Community Base Flood. Such certification and associated technical data by a registered engineer shall be approved by the Floodplain Administrator. Any change which would cause a rise of more than 0.10' in the Community Base Flood Elevation will require notification of impacted property owners, and a Community Conditional Letter Of Map Revision (CoCLOMR) from the Floodplain Administrator. If approved and constructed, as built plans must be submitted and approved by the Floodplain Administrator and a Community Letter of Map Revision (CoLOMR) issued. A Certificate of Occupancy will not be issued without the above stated Community Letter of Map Revision.~~

~~Projects impacting existing Habitable Buildings that increase the Community Base~~

~~Flood Elevation more than 0.00' will not be allowed without a Variance.~~

~~b. FEMA Floodway: No Encroachments requiring an Individual Floodplain Development Permit (Section 9-62 ), including fill, New Construction, Substantial Improvements and other Development shall be permitted within unless the following conditions are met:~~

~~1. FEMA Floodway unless it has been demonstrated through~~

~~a. a hydrologic and hydraulic analysis must be provided by a registered professional engineer and performed in accordance with standard engineering practice indicating that such the Encroachment would not result in any (0.00') increase in the FEMA Base Flood Elevations during the occurrence of a FEMA Base Flood and no increase in the Community Base Flood Elevations during the occurrence of the Community Base Flood. Such analysis performed by a registered professional engineer shall be approved by the Floodplain Administrator. Any change which would cause a rise in the FEMA Base Flood Elevation or an increase in the FEMA Floodway width during the occurrence of the FEMA Base Flood will require notification of impacted property owners, and a Conditional Letter Of Map Revision from FEMA. If approved and constructed, as built plans must be submitted by the property owner and approved by FEMA and a Letter Of Map Revision issued. A Certificate of Occupancy will not be issued without the above stated Conditional Letter of Map Revision., and approved by the Floodplain Administrator, or~~

~~Any change which would cause a rise in the Community Base Flood Elevation or an increase in the width of the Community Encroachment Area during the occurrence of the Community Base Flood will require notification of impacted property owners, and a Community Conditional Letter Of Map Revision (CoCLOMR).~~

~~Projects which cause a rise of greater than 0.00' in the FEMA Base Flood Elevation and impact an existing Habitable Building, will not be allowed.~~

~~e.b. a Conditional Letter Of Map Revision (CLOMR) from FEMA will be required prior to approval for any Encroachment which would cause a rise in the FEMA Base Flood Elevation during the occurrence of the FEMA Base Flood. A Letter Of Map Revision (LOMR) from FEMA must be obtained within six (6) months of completion of the project. Final approval, including Certificates of Occupancy will not be issued until a Letter of Map Revision is issued.~~

~~c. Encroachments into the FEMA Floodway must also meet the requirements of 9-102,(e),2 below.~~

~~2. Community Encroachment Area~~

~~a. a hydrologic and hydraulic analysis must be provided by a registered professional engineer and performed in accordance with standard engineering practice indicating that the Encroachment would not result in increased flood heights of greater than 0.10' during the occurrence of a Community Base Flood.~~

b. a Community Conditional Letter Of Map Revision (CoCLOMR) from the Floodplain Administrator is required for any change which would cause a rise of more than 0.10' in the Community Base Flood Elevation. Impacted property owners must be notified prior to approval of a CoCLOMR. If approved and constructed, as-built plans must be submitted and approved by the Floodplain Administrator and a Community Letter of Map Revision (CoLOMR) issued within six (6) months of completion of the project. Final approval, including Certificates of Occupancy will not be issued until a Community Letter of Map Revision has been issued.

c. Projects impacting existing Habitable Buildings that increase the Community Base Flood Elevation more than 0.00' will not be allowed without a Variance.

3. Temporary Encroachments. Certain temporary Encroachments into the Community Encroachment Area and/or the FEMA Floodway may be exempt from meeting the requirements of Sections 9-102 (e) 1. and 2. Examples of temporary Encroachments include but are not limited to: sediment control devices including basins, check dams diversions, etc, temporary stream crossings, haul roads/construction entrances, storage of equipment, soil stockpiling. The following conditions that must be met to qualify for the exemption:

a. The proposed Encroachment shall not be in place more than three months and is renewable for up to one year with written approval from the Floodplain Administrator. Temporary sediment control devices may be kept in place longer than one year if required by the appropriate regulatory agency, and,

b. Supporting documentation, including hydrologic and/or hydraulic analyses (if required by the Floodplain Administrator) must be submitted by a registered professional engineer indicating that the proposed project will not impact any existing habitable building or overtop any roadway surfaces.

c. The temporary Encroachment will require an Individual Floodplain Development Permit unless it is included in another IFDP.

4. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Section 9-102 (a)(8h) are met.

7.(f) Additions/Improvements.

a.1. —Additions and/or improvements to non-compliant portions of pre-FIRM structures whereas the addition —and/or improvements in combination with any interior modifications to the existing structure are:

i. area not a Substantial Improvement, the addition and/or improvementsimprovement must;

i. be designed to minimize flood damages and must

ii. not be any more non-conforming have an enclosed area lower than that of the existing structure-

ii.-are iii. not add additional non-conforming area

iii. be constructed of flood resistant materials

b. a Substantial Improvement, both the existing structure and the addition and/or improvements must comply with the standards of Section 9-102, (a), 1., (b).

~~2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall require only the addition to comply with the standards of Section 9-102, (a), 1~~

~~e.2. Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure are:~~  
~~i. are~~ a. not a Substantial Improvement, the addition and/or improvements only must comply with the standards for New Construction.

~~ii. are~~ b. a Substantial Improvement, both the existing structure and the addition and/or improvements must comply with the standards of Section 9-102, (a), 1., (b).

3. ~~8.~~ Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall require only the addition to comply with the standards of Section 9-102 (a), (b).

4. Customary maintenance and/or repair are not considered additions and/or improvements

(g) Manufactured Homes:

~~a. 1.~~ 1. New and replaced Manufactured homes shall be elevated such that the Lowest Floor of the manufactured home is elevated at least one (1) foot above the Community Base Flood Protection Elevation.

~~b. 2.~~ 2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement, either by certified engineered foundation system, or in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by raising the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

~~e. 3.~~ 3. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivision located within the Special Flood Hazard Area. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

~~d.4.~~ All enclosures or skirting below the lowest floor shall meet the requirements of -Section 9-102 (4d).

9.(h) Recreational Vehicles shall either:

- ~~a.1.~~ be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- ~~b. 2.~~ meet all the requirements for New Construction.

~~10.(i)~~ Temporary Structures. Prior to issuance of a Floodplain Development Permit for a temporary structure the following requirements must be met:

- a. 1. All applicants must submit to the Floodplain Administrator a plan for removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
  - ~~a. i.~~ a specified time period for which the temporary use will be permitted. The time specified may not exceed three months, and is renewable up to one year;
  - ~~ii.~~ b. the name, address, and phone number of the individual responsible for the removal of the structure;
  - ~~iii.~~ c. the time frame prior to the event at which a structure will be removed;
  - ~~iv.~~ d. a copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed; and
  - ~~v.~~ e. designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be removed.
- ~~b.~~ 2. The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.

~~11.(j)~~ Accessory Structure. When accessory structures (sheds, detached garages, etc.), are to be placed in the Floodplain Community and/or FEMA Special Flood Hazard Area the following criteria shall be met:

- ~~a.1.~~ Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- ~~b.2.~~ Accessory structures shall be designed to have a low flood damage potential;
- ~~e.3.~~ Accessory structures shall be firmly anchored in accordance with Section 9-101 (a)(1); and);
- ~~d.4.~~ Service facilities such as electrical and heating equipment shall be elevated in accordance with Section 9-101 (a)(5)-e);

~~e.5.~~ Accessory structures shall have hydrostatic openings per Section 9-102 (a)(4).d);

~~f.6.~~ Accessory structures under 150 square feet do not require an elevation or floodproofing certificate.

~~g.7.~~ Accessory structures shall not be temperature-controlled

~~12. All parking areas (k) Parking Spaces. The lowest level of any parking space required for new or substantially improved non-single family Habitable buildings must be at an elevation such that water depths would be less no more than 6" deep in any parking space during 0.5' below the occurrence of a Community Base Flood.~~

~~13. Levees. In all Community and FEMA Special Flood Hazard Areas where Community and FEMA Base Flood Elevation data have been provided, the following provisions for Levees are required as set forth in Section 9-37.~~

### **General Levee Requirements**

~~1. (l) Levees. Levees will be treated as Development in the Floodplain and are subject to all applicable sections of this Ordinance.~~

~~2. The primary purpose of a Levee must be to protect Habitable Buildings from flooding above the Lowest Floor from a Community Base Flood event. However, the protection of buildings that are not Habitable Buildings or Habitable Buildings that flood in less than the Community Base Flood event are permissible incidental results of the location of the Levee.~~

~~3. With the exception of a Levee that protects a building or feature that must be located in the vicinity of a stream to be functional such as a stream monitor, water/sewer facility or other uses approved by the Floodplain Administrator, Levees require the approval of the Director of Mecklenburg County Storm Water Services, or his designee, regardless of their location within the Community Special Flood Hazard Area (entire Floodplain).~~

1. Levees shall not be constructed solely to protect vacant property from flooding.

4.2. With the exception of a Levee that protects a building or feature that must be located in the vicinity of a stream to be functional such as a stream monitor, water/sewer facility or other uses approved by the Floodplain Administrator, proposed Levees require the owner approval of the Levee and the Director of Mecklenburg County Storm Water Services, (Director), or his designee, shall conduct an Open House Forum prior to consideration regardless of approval. The Open House Forum initiates a 30-day comment period for the Director or his designee to receive comments from the public. their location within the Floodplain.

3. An Open House Forum shall be held prior to consideration of approval of a proposed levee. The Open House Forum will initiate a 30-day comment period for the Director or his designee to receive comments from the public. The Open House Forum shall be

conducted by the owner of the proposed Levee and the Director of Mecklenburg County Storm Water Services, or his designee.

5.4. Owners of land adjacent to a proposed Levee shall be notified of the Open House Forum and be provided an opportunity to submit written comments during the 30-day comment period. Notification is to occur through regular mail, as well as a sign being placed at a conspicuous place at the creek and along the public and private road(s) of the properties that would be protected by the proposed Levee.

6.5. After the end of the 30-day comment period, but no more than 60 days from the end of the comment period, the Director shall approve or disapprove the application or request more information from the owner of the Levee. If the Director determines that the additional information is sufficiently significant, the Director may offer an additional 30-day comment period to all parties involved. Consistent with Article VI, the Director's decision may be appealed to the Zoning Board of Adjustment

7.6. Regardless of whether the proposed Levee would meet FEMA certification requirements, floodplain lines and flood elevations will not be modified on the landward side of the levee based on the location, performance or any other aspects of the Levee.

7. An instrument must be recorded in the chain of title for all parcels protected by a levee indicating the level of protection provided by the levee and the maintenance requirements as described in 8.g, below.

#### 8. Levee Permitting Requirements

Prior to the issuance of a Floodplain Development Permit for construction of a proposed Levee, the applicant must submit the following information in writing to the Floodplain Administrator for review and written approval:

- a. Plans and/or specifications showing the location of the proposed Levee is as far away from the adjacent creek as reasonably possible;
- b. A copy of the written approval for the Levee received from the Director of Mecklenburg County Storm Water Services;
- c. Verification of notification to owners of land adjacent to the proposed Levee (those within 500 feet of the property lines of the parcel on which the proposed Levee is to be located or within a distance equal to the length of the proposed Levee, whichever is greater), Notification is also to include properties that are in the Community Special Flood Hazard Area and within the hydraulic modeling limits as described below;
- d. Copies of all written comments received from property owners referenced above;
- e. ~~Hydrologic and hydraulic flood models showing~~ If the proposed conditions if the Levee/levee is proposed to be located within the Community Encroachment Area, a hydrologic and hydraulic analysis must be provided by a registered professional

engineer and that accounts performed in accordance with standard engineering practice. In addition to the requirements of Section 9-102, (e) the analysis shall also:

- i. show no increase in water surface elevations on any existing habitable building using the current and future discharges for the future construction of other Levees; 10, 25, 50, 100-year frequency flows,
- ii. account for all feasible future levees in the area as deemed appropriate by the Floodplain Administrator;

\_\_\_\_\_ f. A copy of the contract with the entity responsible for construction of the proposed Levee;

\_\_\_\_\_ g. A copy of the maintenance plan for the Levee which has been certified by a NC Professional Engineer, which shall include a description of the process by which the Levee will be inspected annually and provide for updated plans to be provided annually to property owners and residents intended to benefit from the Levee.

9. Levees constructed on an individual single family residential parcel are exempt from the requirements of Section 9- 102, (m) 2, 3, 4, 5, 7 and 8.

**Section. 9-103. Standards for streams with drainage areas of one square mile or greater not having established Community or FEMA Base Flood Elevations and Community Encroachment Areas and FEMA Floodways.**

~~1-(a)~~ All streams in Mecklenburg County with drainage areas of one square mile or greater, have established Community and FEMA Base Flood Elevations and Community Encroachment Areas and FEMA Floodways.

## **Article VII. LEGAL STATUS PROVISIONS**

**Section 9-104. Legal Status Provisions**

~~1-(a)~~ Effect on rights and liabilities under the existing Floodplain Regulations.

\_\_\_\_\_ 1. This ordinance in part comes forward by re-enactment of some of the provisions of the Floodplain Regulations enacted *November 27 1972*, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Floodplain Regulations of Charlotte enacted on *November 27, 1972*, as amended, which are not reenacted herein, are repealed.

\_\_\_\_\_ 2. The date of the initial Flood Damage Prevention Ordinance for Mecklenburg County is

December 4, 1972.

2 (b) Effect upon outstanding Floodplain Development Permits.

1. Nothing herein contained shall require any change in the plans, construction, size or designated use of any Development or any part thereof for which a Floodplain Development Permit has been granted by the Floodplain Administrator before the time of passage of this Floodplain Regulation ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of two (2) years subsequent to passage of this ordinance or any revision thereto, such permit shall become void and construction or use shall be in conformity with the provisions of this ordinance.

2. Any application(s) for a Floodplain Development Permit received prior to the effective date of these Floodplain Regulations shall be reviewed under the regulations in effect at the time of the initial application.

3. Any incomplete application(s) for a Floodplain Development Permit will be valid only for ninety (90) days after the Floodplain Administrator has requested additional information from the applicant or his agent. If ninety (90) days after the owner or his agent has received the request for additional information the applicant has failed to submit reasonably complete information that demonstrates a good faith effort to provide all the additional information requested, as determined by the Floodplain Administrator, the application will become void. Any subsequent submittals will be considered as new applications and reviewed under the regulations in effect on the date the subsequent submittal is received by the Floodplain Administrator.

3-(c) Expiration of Floodplain Development Permits issued after Floodplain Regulation adoption.

1. Individual Floodplain Development Permits issued pursuant to this ordinance expire two years after the date of issuance unless ~~(i)~~ the work has commenced within two (2) years after the date of issuance, or ~~(ii)~~ the issuance of the permit is legally challenged in which case the permit is valid for two (2) years after the challenge has been resolved.

~~Any incomplete~~ 2. Incomplete application(s) for an Individual Floodplain Development Permit;

a. will be valid only for ninety (90) days after the Floodplain Administrator has requested additional information from the applicant or his agent. ~~If~~

b. if ninety (90) days after the owner or his agent has received the request for additional information the applicant has failed to submit reasonably complete information that

demonstrates a good faith effort to provide all the additional information requested, as determined by the Floodplain Administrator, the application will become void. Any subsequent submittals will be considered as new applications and reviewed under the regulations in effect on the date the subsequent submittal is received by the Floodplain Administrator.

**SEVERABILITY.**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**EFFECTIVE DATE.**

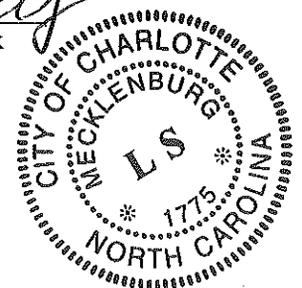
This ordinance shall become effective upon adoption.

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Pages (707-748).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012.

  
Stephanie C. Kelly, MMC, City Clerk



AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X, THE 2011-2012 BUDGET ORDINANCE, APPROPRIATING FUNDING FROM THE CITY'S CAPITAL RESERVE FUND AND STATE OF NORTH CAROLINA FOR BUSINESS INCENTIVES.

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That available to United Technologies Corporation are the sums of:

\$2,500,000 from the State of North Carolina; and  
\$875,000 from the City's Capital Reserve Fund.

Section 2. That the sums of:

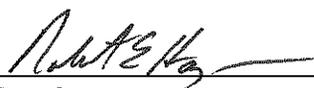
\$2,500,000 is hereby appropriated to the Life to Date Neighborhood Development Grants Fund for the One North Carolina Grant 6807 - 900.91; and  
\$875,000 is hereby appropriated to Fund 0101, Center to be determined.

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

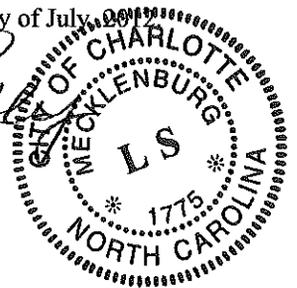
  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Pages (749-750).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012.

  
Stephanie C. Kelly, MMC, City Clerk



ORDINANCE NO. 4914-X

O-55

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X, THE 2011-2012 BUDGET ORDINANCE APPROPRIATING \$79,000 IN ASSETS FORFEITURE FUNDS FOR ELIGIBLE LAW ENFORCEMENT PROJECTS AND EXPENSES**

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BE IT ORDAINED, by the City Council of the City of Charlotte:

Section 1. That the sum of \$79,000 is hereby estimated to be available from the Police Assests Forfeiture Funds: Fund 0413, Center 0044490, Account 0004139

Section 2. That the total sum of \$79,000 is hereby appropriated to the Public Safety Grant Fund (0413), Center 0044490, Account 0031640 as follows:

Administrative Officer in Homicide Support Group (salary and benefits)	\$50,000
District Attorney's Office training on gang related issues and assistance to crime victims	\$24,000
Contribution of the National Law Enforcement Museum	\$5,000

Section 3. All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective upon adoption.

Approved as to form:

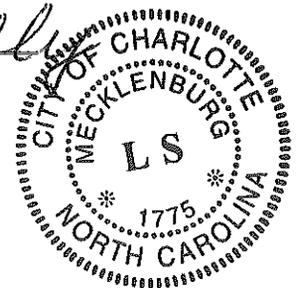
  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Page 751.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012.

  
Stephanie C. Kelly, MMC, City Clerk



**AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X , THE 2011-2012 BUDGET ORDINANCE, APPROPRIATING \$20,500,000 RECEIVED FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) GRANT TO FUND AIRPORT PROJECTS RELATED TO THE NEW RUNWAY.**

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BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$20,500,000 is available from the Federal Aviation Administration (FAA) Grant to fund Airport projects related to the new runway

Section 2. That the sum of \$20,500,000 is hereby appropriated to the Airport Capital Investment Plan Budget:

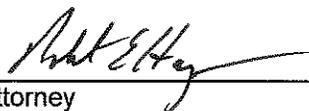
2090 - 540.01	\$ 1,104,269
2090 - 540.03	\$ 3,303,205
2090 - 540.05	\$ 580,080
2090 - 540.14	\$ 386,117
2090 - 540.15	\$ 1,105,086
2090 - 540.16	\$ 52,374
2091 - 554.07	\$ 13,968,869

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

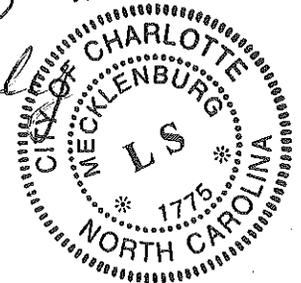
  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Page 752.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012.

  
Stephanie C. Kelly, MMC, City Clerk



ORDINANCE NO. 4916-X

O-57

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X , THE 2011-2012 BUDGET ORDINANCE, APPROPRIATING \$2,855,000 FROM THE AIRPORT DISCRETIONARY FUND FOR THE CONSTRUCTION OF A DEICING REFILL STATION.**

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BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$2,855,000 is available from the Airport Discretionary Fund for the construction of a Deicing Refill Station

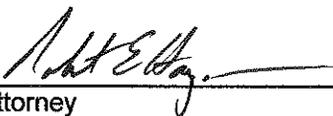
Section 2. That the sum of \$2,855,000 is hereby appropriated to the Airport Capital Investment Plan Fund: 2091-554.01 and will be repaid with Passenger Facility Charge (PFC) revenues or future FAA grant funds

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

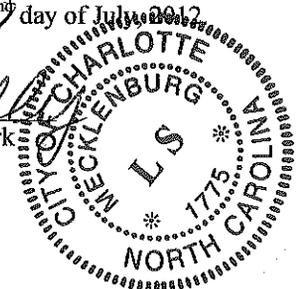
  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Page 753.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012

  
Stephanie C. Kelly, MMC, City Clerk



ORDINANCE NO. 4917-X

O-58

AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X , THE 2011-2012 BUDGET ORDINANCE, APPROPRIATING \$889,910 FROM THE AIRPORT DISCRETIONARY FUND FOR THE CONTRACT AMENDMENT WITH DAS ARCHITECTURE, INC. FOR THE DESIGN OF A NEW FOOD COURT

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$889,910 is available from the Airport Discretionary Fund for the design of a new food court

Section 2. That the sum of \$889,910 is hereby appropriated to the Airport Capital Investment Plan Fund: 2084-529.73

Section 3. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

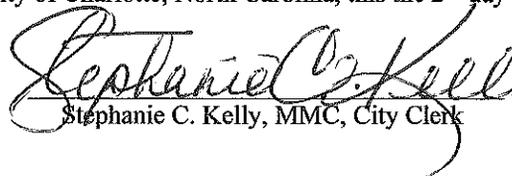
Approved as to form:

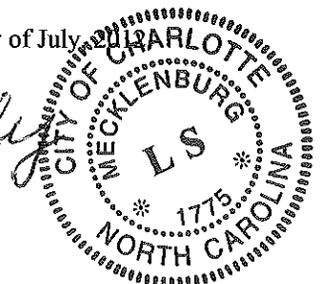
  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Page 754.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012

  
Stephanie C. Kelly, MMC, City Clerk



AN ORDINANCE TO AMEND ORDINANCE NUMBER 4682-X , THE 2011-2012 BUDGET ORDINANCE,  
APPROPRIATING \$549,894 RECEIVED FROM TRANSPORTATION SECURITY ADMINISTRATION (TSA)

BE IT ORDAINED, by the City Council of the City of Charlotte;

Section 1. That the sum of \$549,894 is available from Other Transaction Agreement (OTA) from the Transportation Security Administration (TSA)

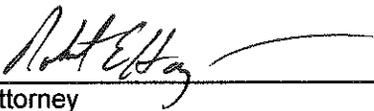
Section 2. That the sum of \$549,894 is hereby appropriated to the Airport Capital Investment Plan Fund:  
2087 - 529.56

Section 3. That the existence of the project may extend beyond the end of the fiscal year.  
Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 4. All ordinances in conflict with this ordinance are hereby repealed.

Section 5. This ordinance shall be effective upon adoption.

Approved as to form:

  
\_\_\_\_\_  
City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 25<sup>th</sup> day of June, 2012 the reference having been made in Minute Book 133, and recorded in full in Ordinance Book 57, Page 755.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 2<sup>nd</sup> day of July, 2012.

  
Stephanie C. Kelly, MMC, City Clerk

