

Ordinance No. 130

An ordinance amending the
Charlotte Subdivision

AN ORDINANCE AMENDING THE CHARLOTTE SUBDIVISION
ORDINANCE TO RESTRICT THE SUBDIVISION FOR RESI-
DENTIAL PURPOSES OF LAND SUBJECT TO FLOODING

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

Section 1. Chapter 18, Article I, Section 18-5-1, entitled "General
Requirements," is hereby amended by adding thereto immediately after sub-
section (n) the following subsection:

"(o) Restrictions on the subdivision for residential purposes of
land subject to flooding. Land that is subject to flooding shall not
be subdivided for the purpose of establishing residential building lots,
except as herein provided. Land shall be construed to be subject to flood-
ing when a flood crest recurring with a probable frequency of one time in
20 years would inundate any part of a proposed lot.

If any part of a proposed residential lot is or may be subject to
flooding, the prospective subdivider may make a determination of the
crest elevation of a flood of 20 year probable frequency in accordance
with generally accepted engineering practice. This determination must
reflect the actual conditions imposed by the completed subdivision,
and must give due consideration to the effects of urbanization and
obstructions.

Upon request from a prospective subdivider, the City Engineer will
provide available hydrological and topographical data. Also, upon request,
the City Engineer will make the necessary determination of the 20 year
flood crest prior to the subdivider's preparation and submission of a
preliminary subdivision plan.

No proposed residential building lot shown that is wholly subject
to flooding as defined herein shall be approved.

No proposed residential building lot that is partially subject to
flooding as defined herein shall be approved unless there is established
on the lot plan a line representing an actual contour at an elevation
two (2) feet above the 20 year flood. Such line shall be known and
identified on the lot plan as the "building restriction flood line." All
buildings or structures designed or intended for use for residential
purposes shall be located on such a lot so that the lowest useable and
functional part of the structure shall not be below the elevation of
building restriction flood line. "Useable and functional part of the
structure" shall be defined as being inclusive of living areas, basements,

sunken dens, basement utility rooms, attached carports and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring but shall not include water lines or sanitary sewer traps, piping and cleanouts provided openings serving the structure are above the building restriction flood line.

"Where only a portion of a proposed residential building lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building, a useable lot area of not less than 1,200 square feet. The useable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the building restriction flood line."

During the construction, preparation, arrangement and installation of improvements, and facilities in subdivisions located at or along a stream bed the developed shall maintain the stream bed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course; installation of appropriately sized storm water drains, culverts or bridges shall not be construed as obstructions in the stream."

Section 2. Chapter 18, Article I, Section 18-6, entitled "Preliminary plan requirements," is hereby amended by adding at the end of subsection (d) thereof the following sentence:

"The location of any building restriction flood lines required by Section 18-5.1(o)."

Section 3. Chapter 18, Article I, Section 18-8, entitled "Final Requirements," is hereby amended by adding at the end of subsection (a) (2) thereof the following sentence:

"Building restriction flood lines as required by Section 18-5.1 (o), together with a statement inscribed on the plat as follows: "The construction of buildings or structures below the elevation of the building restriction flood line is subject to the restrictions imposed by Chapter 18, Article I, Section 18-5.1 (o) of the Charlotte City Code."

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October 15, 1962

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Section 4. This ordinance shall become effective upon adoption after a public hearing as provided by law and shall apply to preliminary subdivision plans thereafter submitted for approval.

Approved as to form:

John T. Morrissey, Sr.

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 15th day of October, 1962, the reference having been made in Minute Book 42, beginning at Page and recorded in full in Ordinance Book 13, at Pages 364, 365, 366.

Lillian R. Hoffman,
City Clerk