


ORDINANCE NO. 1461-X

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 1313-X, THE 1999-2000 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR THE EFFLUENT REUSE AT WASTEWATER TREATMENT PLANTS PROJECT**

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

- Section 1. That the sum of \$1,100,000 is available from the Water and Sewer Capital Project Fund (2071) - Sludge Storage at Wastewater Treatment Plants (632.11).
- Section 2. That the sum of \$1,100,000 is hereby appropriated to Water and Sewer Capital Project Fund (2071) - Effluent Reuse at Wastewater Treatment Plants (632.03).
- 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 project and funds are to be carried forward to subsequent fiscal years until all funds are expended or the project is officially closed.
- 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 All ordinances in conflict with this ordinance are hereby repealed.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, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and certified copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February, 2000, and the reference having been made in Minutes Book 114 and recorded in full in Ordinance Book 50 at page 1.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the First day of March, 2000.

  
 \_\_\_\_\_  
 Nancy S. Gilbert, CMC, Deputy City Clerk  
 3-1-00

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1313-X, THE 1999-2000 BUDGET  
ORDINANCE, ESTIMATING STATE GRANT REVENUES AND PROVIDING AN  
APPROPRIATION FOR A TRANSIT COMMUTER REGISTER.

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

Section 1. That the sum of \$300,000 is hereby estimated to be available from  
the North Carolina Department of Transportation.

Section 2. That the sum of \$300,000 is hereby appropriated to the Metropolitan  
Transit Commission Operating Budget (7801).

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 All ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective immediately.

  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and certified copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February, 2000, and the reference having been made in Minutes Book 114 and recorded in full in Ordinance Book 50 at page 2.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the First day of March, 2000.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

3-1-00

ORDINANCE NUMBER: 1463-X

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1313-X, THE 1999-2000 BUDGET ORDINANCE, PROVIDING A SUPPLEMENTAL APPROPRIATION FOR DEVELOPMENT OF A COUNTY-WIDE TRANSIT SERVICE PLAN.

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

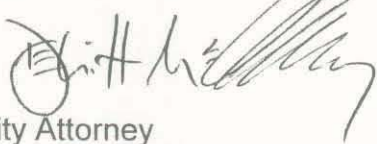
Section 1. That the sum of \$30,000 is hereby estimated to be available from the Transit Fund fund balance (7801).

Section 2. That the sum of \$30,000 is hereby appropriated to the Rapid Transit Capital Projects Fund 2098; 894,01-County-Wide Service Plan.

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

Section 4. This ordinance shall be effective immediately.

Approved as to Form:

  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and certified copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February, 2000, and the reference having been made in Minutes Book 114 and recorded in full in Ordinance Book 50 at page 3.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the First day of March, 2000.

  
Nancy S. Gilbert, CMC, Deputy City Clerk  
3-1-00



ORDINANCE NUMBER: 1464-X

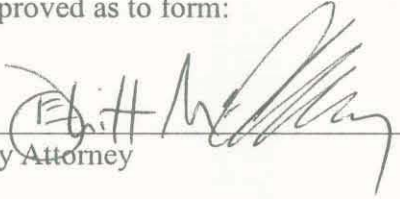
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AN ORDINANCE TO AMEND ORDINANCE NUMBER 1313-X, THE 1999-2000 BUDGET  
ORDINANCE, PROVIDING AN APPROPRIATION FOR U.S. DEPARTMENT OF JUSTICE  
GRANT

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

- Section 1. That the sum of \$43,800 is hereby estimated to be available from the U.S. Department of Justice for DNA validation.
- Section 2. That the sum of \$43,800 is hereby appropriated to the Police Department budget in the Grant Fund - 0413.
- Section 3. That the existence of this program 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. It is the intent of this ordinance to be effective upon its adoption.

Approved as to form:

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

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and certified copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February, 2000, and the reference having been made in Minutes Book 114 and recorded in full in Ordinance Book 50 at page 4.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the First day of March, 2000.

  
 \_\_\_\_\_  
 Nancy S. Gilbert, CMC, Deputy City Clerk  
 3-1-00



ORDINANCE NUMBER: 1465

AMENDING CHAPTER 3

**ORDINANCE AMENDING CHAPTER 3 OF THE CHARLOTTE CITY CODE  
ENTITLED "ANIMALS"**

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

Section 1. Subsections (c) and (e) Section 3-30 of Article III., entitled "Violations," of Chapter 3, "Animals," of the Charlotte City Code are amended to read as follows:

- "(c) *Exceptions.* The provisions of this section shall not apply to lawfully operated and located pet shops, zoological gardens, scientific research laboratories, circuses, veterinarians harboring such animals for purposes of providing professional medical treatment, wildlife rehabilitators with proper permits, or exhibitors licensed by the United States Department of Agriculture displaying such animals for educational purposes, provided that the animals are maintained in a manner so as to prevent escape.
- (e) *Compliance with state and federal regulations and safe confinement.* The confinement of animals described under paragraphs (a) and (b) above, but exempt under (c) or (d) above, must meet the regulations promulgated by the North Carolina Wildlife Commission, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting the above minimum standards, all such venomous reptiles and all such wild or exotic animals shall be confined, restrained or controlled in such manner so the physical safety, or property, of any person lawfully entering the premises shall not be endangered.

Section 2. This ordinance shall become effective March 1, 2000.

Approved as to Form:

  
City Attorney



ORDINANCE NO. 1466 ORDINANCE AMENDING CHAPTER 9

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

Section 1. Delete the existing language of the Floodway Regulations in its entirety and substitute the following new language:

§ Copyrighted. Municipal Code Corp., affiliated Municipality. 1999.

**Chapter 9 FLOODPLAIN REGULATIONS\***

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**\*Editor's note**--Ord. No. 2378, § 1, adopted Mar. 23, 1988, amended former Ch. 9, pertaining to similar subject matter and originating from Code 1961, § § 8A-1--8A-10; Ord. No. 688, § 1, adopted Dec. 4, 1972; Ord. No. 159, § 1, adopted Aug. 7, 1978; and Ord. No. 2172, §§ (1), (2), adopted Apr. 22, 1987. In addition, Ord. No. 2378 added new provisions which are included herein in their entirety.

**Cross reference(s)**--Definitions and rules of construction generally, § 1-3; Charlotte-Mecklenburg planning commission, § 2-31 et seq.; buildings, Ch. 5; health and sanitation, Ch. 10; housing, Ch. 11; soil erosion and sedimentation control, Ch. 18; streets and sidewalks, Ch. 19; subdivisions, Ch. 20; water, sewers and sewage disposal, Ch. 23; zoning, App. A.

**State law reference(s)**--Assessments for flood protection, G.S. § 160A-238; municipal floodway regulations, G.S. §§ 160A-458.1, 143-215.51 et seq.; promotion of health, safety and welfare of citizens, G.S. § 160A-174.

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- Art. I. In General, §§ 9-1--9-5
- Art. II. Definitions
- Art. III. General Provisions, §§ 9-6--9-14
- Art. IV. Administration, §§ 9-15--9-19
- Art. V. Provisions for Flood Hazard Reduction, §§ 9-20--9-24

**ARTICLE I. IN GENERAL**

**Sec. 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."

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-2. Statutory authorization.**

The legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143 of the North Carolina General Statutes, authorized cities to adopt regulations designed to promote the public health, safety and general welfare of its citizenry by regulating the placement of obstructions in flood hazard areas.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-3. Findings of fact.**

- (a) The flood hazard areas of Charlotte are subject to periodic inundation which results in the loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and 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 hazardous to other lands which are inadequately elevated, floodproofed or otherwise unprotected from flood damages.

(Ord. No. 2378, § 1, 3-23-88)

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

It is the purpose of this ordinance to promote the 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) 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) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream

channels and natural protective barriers which are involved in the accommodation of flood waters;

- (4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-5. Legislative intent.**

- (a) The regulations of the floodway districts and floodway-fringe districts 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 the floodway and floodway-fringe districts includes the following:
  - (1) To control in flood hazard areas, 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) To provide sufficient drainage courses to carry abnormal flows of stormwater 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 stream 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 help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize flood-blight areas; and
- (11) To insure that potential buyers are notified that property is in a flood area.

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 floodway districts and the floodway-fringe districts as shown on the Official Flood Areas Map Series. 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 floodway districts or the floodway-fringe districts, 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.

(Ord. No. 2378, § 1, 3-23-88)

## ARTICLE II. DEFINITIONS

Unless specifically defined below, 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 most reasonable application:

The use of the term ``floodway'' in this ordinance shall apply to both FLUM and FEMA floodways unless specified otherwise. The use of the terms ``floodway-fringe'' and ``floodway-fringe district'' shall apply to both FLUM and FEMA floodway fringe districts unless specified otherwise. The use of the term ``base



flood''will apply to both FEMA and FLUM base floods unless specified otherwise.

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is "new construction."

*Appeal* means a request for a review of the local administrator's interpretation of any provision of this ordinance or a request for a variance.

*Area of shallow flooding* means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of Special Flood Hazard* is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year and with a drainage area of one (1) square mile (640 acres) or greater. The area of special hazard includes floodway (encroachment area) and the flood fringe district (see attachment A and B).

*Backwater Area* is a length of stream where the water surface slope differs from the channel bed slope due to downstream obstructions (culverts, bridges, other stream, etc). The slopes are depicted on the stream profile plots included in the Mecklenburg County and City of Charlotte Flood Insurance Studies.

*Basement* means the lowest level or story of a building which has its floor subgrade on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe-loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. A wall with a loading resistance of more than twenty (20) pounds per square foot requires an architect's or professional engineer's certificate.

*Building* means any structure built for support, shelter or enclosure for any occupancy or storage, including a gas or liquid storage tank.

*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 or drilling operations.

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

*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) is completed before the effective date of this ordinance.

*Expansion to an existing manufactured home park or subdivision* means the preparation of the additional sites by the construction of facilities for servicing the lots on which the manufactures homes are to be affixed (including the installation of utilities, the construction of streets, and with final site grading or the pouring of concrete slabs.

*FEMA* is the Federal Emergency Management Agency.

*FEMA Base Flood* means the flood, determined using land use conditions as of July 1999 having a one percent chance of being equaled or exceeded in any given year.

*FEMA flood fringe district* is the land area located between the FEMA floodway encroachment lines and the line depicting the maximum elevation subject to inundation by the FEMA base flood as defined herein (see attachment A for illustration).

*FEMA Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge FEMA base flood, without cumulatively increasing the water surface elevation more than 0.5 feet. 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.

*FEMA Floodway encroachment lines* are the lateral limits of a



floodway district along a stream or other bodies of water, within which, in the direction of the stream or other body of water, no structure or fill may be added, unless specifically permitted herein. Their purpose is to preserve the flood-carrying capacity of the floodway. Their location is such that the floodway between them, including the channel, will handle the FEMA base flood flow (see attachment A).

*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
- (2) The unusual and rapid accumulation of run-off of surface waters from any source.

*Flood Insurance Rate Map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the FEMA base flood.

*Flood protection elevation*: The elevation to which buildings and uses regulated by this ordinance are required to be elevated or floodproofed. This elevation is shown on the Official Flood Areas Map Series.

*FLUM Floodplain Land Use Map* means a locally developed floodplain map which is used for the regulation of new development.

*FLUM 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.

*FLUM Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, computed using July 1999 land use, without cumulatively increasing the water surface elevation more than 0.1 feet, based on existing land use conditions.

*FLUM floodway encroachment lines* are lateral limits of a floodway district, based on existing land use, as shown on the Floodplain Land Use Map (FLUM), along streams or other bodies of water, within which, in the direction of the stream or other body of water, no structure or fill may be added, unless specifically permitted herein. Their purpose is to preserve the flood-carrying capacity of the floodway. Their location is such that the floodway



between them including the channel will handle the FLUM base flood flow (see attachment B).

*FLUM flood fringe district:* The land area located between the FLUM floodway encroachment lines and the line depicting the maximum elevation subject to inundation by the FLUM base flood as defined herein (see attachment B for an illustration).

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., the top of the slab in concrete slab construction or the top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Functionally dependent facility* means a facility which cannot be used for its intended purpose, unless it is located or carried out in close proximity to water, such as 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.

*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: (a) listed individually in the National Register of Historic Places (a list 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; (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; (c) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified, or (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices 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 a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest Floor* means the lowest floor of the lowest enclosed area (including the basement and/or attached garage, see "floor"). 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 a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

*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.

*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 "National Geodetic Vertical Datum (NGVD)."

*New construction* means structures for which the "start of construction" commenced on or after August 15, 1978, and includes subsequent improvements to such structures.

*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 the effective date of this ordinance.

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

*North America 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 1,8.



*Official Flood Areas Map Series:* Those maps in both digital and printed format which show the location of the defined floodway and floodway-fringe districts and other pertinent data within the City of Charlotte.

*Recreation 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 temporary living quarters for recreational, camping, travel or seasonal use.

*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.

*Special Flood Hazard Area* is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year and with a drainage area of one square mile (640 acres) or greater. The area of special flood hazard includes floodway (encroachment area) and flood fringe district (see attachment A and B).

*Start of Construction* for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement, and 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 of slabs or footing, installation of piles, construction of columns, or any work beyond the stage 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 purposes, a walled



and roofed building, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground.

*Substantial Damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage 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 equals or exceeds 25 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

*Substantial improvement* means any repair, reconstruction or improvement of a structure, where the cost equals or exceeds fifty (50) percent of the market value of the structure, either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

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 cost of repairs, reconstruction, or improvement at the time of each alteration equals or exceeds 25 percent of the market value of the structure before the alteration occurred.

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. The term does not, however, include either:

- (1) Any project for the improvement of a structure to comply with the existing state and local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

*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.

Variance is a grant of relief to a person from the requirements of this ordinance in accordance with Section 9-19 which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

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 that documentation is provided.

(Ord. No. 2378, § 1, 3-23-88)

### ARTICLE III. GENERAL PROVISIONS

#### Sec. 9-6. Compliance with ordinance required.

No structure or land shall hereafter be used; and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance. From the October 11, 1999 until a FLUM map is adopted for a floodway and floodway fringe district, the Interim Policy contained in Appendix A shall control the location, extension, conversion, and structural alteration of structures and lands in that floodway and floodway fringe district, in addition to all other provisions of this Ordinance not inconsistent with the provisions of Appendix A.

(Ord. No. 2378, § 1, 3-23-88)

#### Sec. 9-7. Lands to which this ordinance applies.

This ordinance shall apply to all lands in the land use jurisdiction of the City of Charlotte and within the area shown on the Official Flood Areas Map Series as being located within the boundaries of the floodway and/or flood fringe districts or land adjacent to the flood fringe district if it is effected by the work that is taking place.

(Ord. No. 2378, § 1, 3-23-88; Ord. No. 1188, § 1(A), 1-25-99)

#### Sec. 9-8. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard, identified by the Federal



Emergency Management Agency in its FIRM maps and the City of Charlotte in its Official Flood Areas Map Series, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance. Provided, however, those areas of special flood hazard identified in the Mallard Creek Revised Flood Areas Maps and other supporting data shall be governed by said maps.

(Ord. No. 2378, § 1, 3-23-88; Ord. No. 1188, § 1(B), 1-25-99)

**Sec. 9-9. Floodlands development permit required.**

A Floodlands Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-10. 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. From October 11, 1999 until a FLUM Map is adopted for a floodway and floodway fringe district, the Interim Policy contained in Appendix A shall control the location, extension, conversion and structural alteration of structures and lands in that floodway and floodway fringe district, in addition to all other provisions of this Ordinance not inconsistent with the provisions of Appendix A.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-11. 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.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-12. Interpretation.**

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

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-13. 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 areas of special flood hazard 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 or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or by any administrative decision lawfully made hereunder.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-14. 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 variance 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 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.

(Ord. No. 2378, § 1, 3-23-88)

**ARTICLE IV. ADMINISTRATION**

**Sec. 9-15. Designation of local administrator.**



The City Manager or his/her designated agent is hereby appointed to administer and implement the provisions of this ordinance (hereinafter referred to as the county engineer).

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-16. Floodlands development permit and certification requirements.**

Application for a floodlands development permit shall be made to the county engineer on forms furnished by him or her prior to any development activities. The Floodlands Development Permit may include, but not be limited to, three (3) sets of plans drawn to scale showing: The nature, location, dimensions and elevations of the area in question; the existing or proposed structures; and the location of fill, materials storage areas and drainage facilities. Specifically, the following information is required:

- (1) Where base flood elevation data is provided in accordance with Article IV, Section 9-17(10), the application for a development permit within the area of special flood hazard on the Flood Insurance Rate Map and the Official Flood Areas Map Series shall show:
  - a. The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and
  - b. If the structure has been floodproofed in accordance with article V, section 9-24(2), the elevation (in relation to mean sea level) to which the structure was floodproofed.
- (2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
- (3) Where any watercourse will be altered or relocated as a result of proposed development, the application for a Floodlands Development Permit shall include: A description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to the properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- (4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential

floodproofed structures meet the floodproofing criteria in Article V, Section 9-21(2).

- (5) A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. 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 for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one-day (21) calendar period and prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stopwork order for the project.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-17. Duties and responsibilities of the local administrator.**

Duties of the Mecklenburg County Engineer or his designated agent shall include, but not be limited to:

- (1) Reviewing all floodlands development permits to assure that the permit requirements of this ordinance have been satisfied.
- (2) 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 development permit.
- (3) 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.

- (4) Assuring that within available resources, maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Preventing encroachments within floodways, unless the certification and flood hazard reduction provisions of Article V are met.
- (6) Verifying and recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article IV, Section 9-16(5).
- (7) Verifying and recording the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Article IV, Section 9-16(5).
- (8) When floodproofing is utilized for a particular structure, obtaining certifications from a registered professional engineer or architect in accordance with Article V, Section 9-21(2).
- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be conflict between a mapped boundary and actual field conditions), making the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.
- (10) When base flood elevation data or floodway data has not been provided in accordance with Article III, Section 9-8, obtaining, reviewing and reasonably utilizing any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to Article V, Section 9-23(4), in order to administer the provisions of this ordinance.
- (11) All records pertaining to the provisions of this ordinance shall be maintained in the office of the local administrator and shall be open for public inspection.
- (12) Make on-site inspections of projects in accordance with

Article 4, Section 18(4).

- (13) Serve notices of violation, issue stop work orders, revoke permits and take corrective actions in accordance with Article 4, Section 18.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-18. Administrative procedures.**

- (a) *Inspections of work in progress.* As the work pursuant to a permit progresses, the local 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. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (b) *Stop orders.* Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop order shall be in writing and directed to the person doing the work. The stop 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.
- (c) *Revocation of permits.* The local administrator may revoke and require the return of the floodlands 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.
- (d) *Periodic inspections.* The local 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.
- (e) *Violations to be corrected.* When the local administrator finds violations of applicable state and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each



immediately remedy the violations of law in the property he owns or occupies.

- (f) *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 administrator shall give him written notice, by certified or registered mail to his last known address or by personal service:
- (1) That the building or property is in violation of the Floodplain Regulations;
  - (2) That a hearing will be held before the local administrator at a designated place and time, not later than ten (10) 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
  - (3) That following the hearing, the local administrator may issue such order to alter, vacate or demolish the building, or to remove fill, as appears appropriate.
- (g) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Floodplain Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than sixty (60) days, the administrator may prescribe; provided that, where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (h) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the City Council by giving notice of appeal in writing to the administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The City Council shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order. All such decisions of the City Council are subject to review by the Mecklenburg County Superior Court as provided in N.C.G.S. 143-215.57(c) as such statute may be amended from time to time.
- (i) *Failure to comply with order.* If the owner 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 City Council following an appeal, he shall be guilty of a misdemeanor and shall be

punished in the discretion of the court.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-19. Variance procedures.**

- (a) The Zoning Board of Adjustment, as established by the City of Charlotte, shall hear and decide appeals and requests for variances from the requirements of this ordinance, and any proposed encroachment requests that would result in an increase in the floodway elevations or floodway widths during the occurrence of a base flood.
- (b) Any person aggrieved by the decision of the Board of Adjustment or any taxpayer may appeal such decision to the Mecklenburg County Superior Court, as provided in N.C. G.S. 143-215.57(c), as such statute may be amended from time to time.
- (c) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (d) In passing upon such application, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance and the:
  - (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 base flood;
  - (2) Danger to life and property due to flooding or erosion damage from a base flood;
  - (3) Susceptibility to the proposed facility and its contents to flood damage and the effect of such damage during the base flood;
  - (4) Importance of the services provided by the proposed facility to the community;
  - (5) Necessity to the facility of a waterfront location, where applicable;
  - (6) Availability of alternative locations, not subject to flooding or erosion damage during a base flood, for the proposed use;
  - (7) Compatibility of the proposed use with existing and



- anticipated development;
- (8) Relationship of the proposed use to the Mecklenburg County Floodplain Management Guidance, Mecklenburg County Flood Hazard Mitigation Plans, the Mecklenburg County Greenway Plan, and any other adopted land use plans for that area;
  - (9) Safety of access to the property in times of a base flood for ordinary and emergency vehicles;
  - (10) Expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters during a base flood and the effects of wave action, if applicable, expected at the site; and
  - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
- (e) 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.
- (f) Variances shall not be issued within any designated FEMA Floodway if any increase in flood levels during the base flood discharge would result, except that a variance can be issued for stream crossings which would not raise the base flood elevation level more than one (1) foot.
- (g) Conditions for variances:
- (1) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
  - (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (3) Variances within the FEMA Floodway (i.e. within the 0.5 encroachment lines) shall only be issued upon:
    - a. Showing a good and sufficient cause;
    - b. A determination that the difficulty or exceptional hardship resulting from the application of this ordinance would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the

variance that without the variance shall not be considered as grounds for granting the variance; and

- c. A determination that a variance will not result in increased flood heights (except as allowed by Section 9-19(6) for stream crossings) additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public or conflict with other existing local laws or ordinances.
- (4) Variances within the FLUM Floodway (i.e. within the 0.1 encroachment lines) but outside the FEMA Floodway shall only be issued upon:
    - a. Showing a good and sufficient cause;
    - b. A determination that difficulty or exceptional hardship resulting from the application of this ordinance would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance that are without the variance shall not be considered as grounds for granting the variance; and
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public or conflict with other existing local laws or ordinances.
  - (4) 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.
  - (5) The local administrator shall maintain the records of all appeal actions in the FEMA Floodway and FEMA Flood Fringe and report any variances in the FEMA Floodway and FEMA Flood Fringe to the Federal Emergency Management Agency upon request.

(Ord. No. 2378, § 1, 3-23-88)



ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 9-20. General standards.

In all areas of special flood hazard, the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) 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) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) 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;
- (6) All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of floodwaters into the system;
- (7) 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) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and
- (9) 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

chapter.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-21. Specific standards.**

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article III, Section 9-8 and Article IV, section 9-17(10), the following provisions are required:

- (1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, and attached garages elevated no lower than one foot above the FLUM base flood elevation. Provided, however, residential construction in the areas of special flood hazard identified on the Mallard Creek Revised Flood Areas Maps shall have the lowest floor, including basement, and attached garages elevated no lower than two (2) feet above the base flood elevation as shown on said maps. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided.
- (2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or nonresidential structure shall have the lowest floor, including basement, elevated no lower than one foot above the level of the FLUM base flood elevation. Provided, however, construction of any commercial, industrial, or nonresidential structure in the areas of special flood hazard identified on the Mallard Creek Revised Flood Areas Maps shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation as shown on said maps. Structures located in the floodway-fringe or the floodway 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 as set forth in Article IV, Section 9-16(5).
- (3) *Elevated buildings.* New construction or substantial improvement of elevated buildings, that include fully



enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
  1. Provide a minimum of two (2) openings, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  2. The bottom of all openings shall be no higher than one (1) foot above grade; and
  3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- b. 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.
- c. 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. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclosed storage areas.

(4) *Floodways*. Located within the areas of special flood hazard, established in article III, section 9-8, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- a. *FEMA Floodway*. With the exception of stream crossings which shall not raise the base flood

elevation level more than one (1) foot, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted within the FEMA Floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such encroachment would not result in any increase in flood level during occurrence of a FLUM base flood discharge, changes in FEMA Floodway elevations, or FEMA Floodway width. Such certification and technical data by a registered professional engineer shall be presented to the local administrator.

Any change which would cause a rise of more than one foot in the FEMA base flood elevation, or any change in the FEMA floodway elevation, or any change in the FEMA floodway width, will require a variance and a Conditional Letter of Map Revision from FEMA. If approved and constructed, as-built plans must be submitted and approved by FEMA and a letter of map revision issued. A Certificate of Occupancy will not be issued without the above stated letter of map revision.

b. FLUM Floodway. With the exception of stream crossings which would not raise the FLUM base flood elevation level more than one foot, no encroachment, within the FLUM floodway (but outside the FEMA floodway) including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice, that the proposed encroachment would not result in increased flood heights which would have a substantial adverse impact on other properties, during the occurrence of a FLUM base flood. Such certification and technical data by a registered engineer shall be presented to the local administrator.

c. The following uses shall be permitted by right within the floodway district to the extent that they are otherwise permitted by the zoning ordinance, and provided they do not employ structures, fill or storage of materials or equipment, except as provided herein:

1. General farming, pasture, outdoor plant



nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses;

2. Loading areas, parking areas, rotary aircraft ports and other similar uses, provided they are no closer than twenty-five (25) feet to the stream bank;
3. Lawns, gardens, play areas, bikeways, pedestrian pathways and other similar uses;
4. Golf courses, tennis courts, driving ranges, archery range, picnic grounds, parks, swimming pools, hiking or horseback riding trails, open space and other similar private and public recreational uses;
5. Streets, bridges, overhead utility lines, creek and storm drainage facilities, man-made wetlands and water quality BMPs, sewage or waste treatment plant outlets, water supply intake structures and other similar public community or utility uses;
6. Temporary facilities (for a specified number of days), such as displays, circuses, carnivals or similar transient amusement enterprises;
7. Boat docks, ramps, piers or similar structures;
8. Dams, provided they are constructed in accordance with specifications approved by the public works department.

Uses not listed above or not permitted elsewhere in this ordinance may not be established in the floodway area.

- d. If Article V, Section 9-21(4)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.
- e. 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 subdivisions provided the anchoring and the elevation standards article V, Section 9-21(3) are met.

(5) *Manufactured Homes:*

Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage: as a result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevation no lower than one (1) foot above the FLUM base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Article V, Section 21(3a) of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the FLUM base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.

a. 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 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.

b. 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 area of special flood hazard. This plan shall be filed with and approved by the local administrator and the local Emergency Management Coordinator.

(6) *Recreational Vehicles.* A recreational vehicle is ready



for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnection type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:

- a. be on site for fewer than 180 days;
- b. be fully licensed and ready for highway use; or
- c. meet the requirements of Article 4, Section 16 and Article 5, Sections 20 and 21(5).

(7) *Temporary Structures.* Prior to issuance of a development permit for a temporary structure the following requirements must be met:

- a. All applicants must submit to the local 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:
  - (i) the name, address, and phone number of the individual responsible for the removal of the structure;
  - (ii) the time frame prior to the event at which a structure will be removed;
  - (iii) a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
  - (iv) designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be removed.
- b. The above information shall be submitted in writing to the local administrator for review and written approval.

(8) *Accessory Structure.* When accessory structures (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met;

- a. Accessory structures shall not be used for human habitation;
- b. Accessory structures shall be designed to have a low flood damage potential;
- c. Accessory structures shall be firmly anchored in accordance with Article V, Section 20(1); and
- d. Service facilities such as electrical and heating equipment shall be elevated in accordance with

Article V, Section 20(4).

(Ord. No. 2378, § 1, 3-23-88; Ord. No. 1188, § 1, (C), 1-25-99)

**Sec. 9-22. Standards for streams with drain. age areas of one square mile or greater not having established base flood elevations and/or floodways.**

Located within the areas of special flood hazard, established in article III, section 9-8, are small streams where no base flood data have been provided or where no floodways have been identified.

The following provisions apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements or new development, shall be permitted within a distance of the stream bank equal to one (1) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided, demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the FLUM base flood discharge.
- (2) Article V, section 9-22(1) is satisfied and FLUM base flood elevation data are available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of article V and shall be elevated or floodproofed in accordance with elevations established in accordance with article IV, section 9-17(10). When FLUM base flood elevation data are not available from a federal, state or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-23. Standards for subdivision proposals.**

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage



provided to reduce exposure to flood hazards; and

- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development.

(Ord. No. 2378, § 1, 3-23-88)

**Sec. 9-24. Standards for areas of shallow flooding (AO Zones).**

City of Charlotte Flood Maps contain no AO zones.

(Ord. No. 2378, § 1, 3-23-88)

Appendix A

**INTERIM FLOOD POLICY**

**BACKGROUND:** Current regulations require that new buildings in FEMA regulated floodplains must be built such that the lowest floor is elevated at least one foot (two feet in Cornelius and Matthews) above the 100-year flood elevation. These flood elevations were determined by studies which were initially conducted in the 1970's with limited revisions since then. The initial study was based on predicted 1995 land use, at that time. Actual land use and floodplain modeling have changed significantly since these original studies were developed.

Recent floodplain studies have been completed on McAlpine Creek and Mallard Creek, which simulate the impact of existing land use, future land use and flood fringe filling on flood elevations. The results indicate that on average, flood elevations increase when the model incorporates existing land use, future land use and flood fringe filling. The study also indicates that flood heights upstream of bridges and culverts show a greater increase than in other areas. The data employed is the best available, however caution should be used when building in or near floodplains. The proposed elevation requirements will serve as the minimum requirements. Additional freeboard should be considered when possible.

ALL FEMA streams will be restudied to result in updated flood elevations. The majority of these will be completed by the summer of 2000. As each stream study is completed, a Floodplain Land Use Map (FLUM) will be produced and adopted. The new elevations will then be used for regulation.

**PURPOSE:** The purpose of the interim flood regulations is to prevent buildings from being constructed such that they may be damaged by 100-year flood heights. The policy will be in affect on FEMA regulated streams until new flood studies are completed and adopted by the City, County and Towns. The interim policy will require additional freeboard above the Base Flood Elevations (as indicated in the existing Flood Insurance Study and Flood Insurance Rate Maps for Charlotte and Mecklenburg County) for new construction or substantial improvement of structures located in FEMA floodplains.



## INTERIM POLICY

### Areas Subject to the Interim Policy

All areas within the Flood Fringe Lines as shown on the Flood Insurance Rate Maps (FIRM)s and those areas outside the Flood Fringe Lines that are within 100 feet of the Flood Fringe Lines, as measured perpendicular to the Flood Fringe Lines, are subject to this Policy. Storm Water Services will determine if the proposed construction is in an area affected by backwater from a creek crossing. Based on that determination, the following two options are available to the property owner.

1) Areas Not Impacted by Backwater

- (a) Elevate the lowest floor at least 5.7 feet above the Base Flood Elevation (no additional freeboard will be required above the 5.7') – or –
- (b) Submit an individual study to determine a site-specific elevation using the process outlined below.

2) Areas Impacted by Backwater/Alternate Elevations

- (a) Submit an individual study to determine a site-specific elevation using the process outlined below.

### Individual Study Process

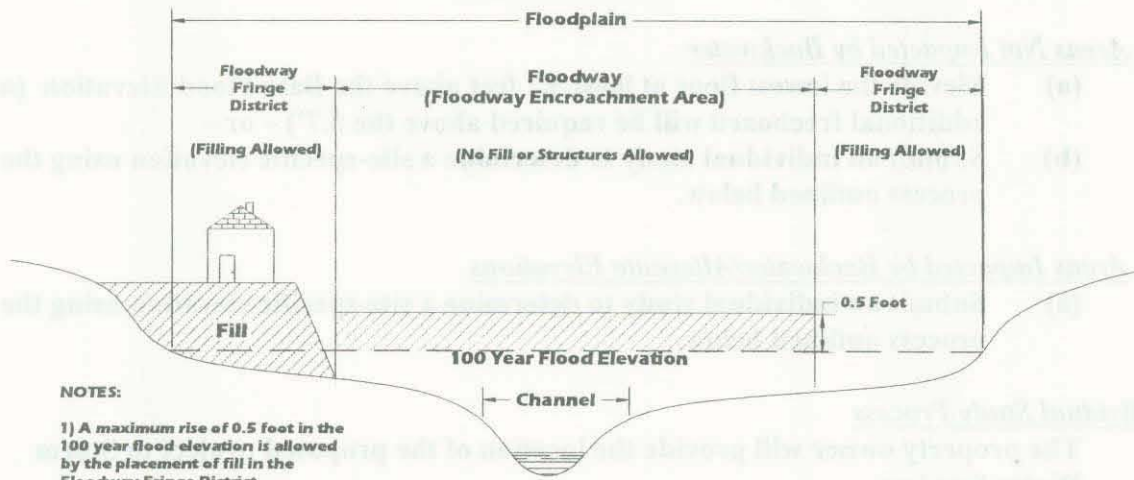
- A) The property owner will provide the location of the proposed project to Storm Water Services.
- B) Storm Water Services will determine the 100-year discharge for the area in question and provide it to the property owner.
- C) The property owner will determine the 100-year water surface elevation (based on future land use) using HEC RAS or HEC II hydraulic models.
- D) The property owner shall submit a hydraulic model to Storm Water Services for review.
- E) Storm Water Services shall require the property owner to elevate the structure 1.6 feet above the calculated 100-year water surface elevation.

### **Notes:**

- 1) Backwater Area is a length of stream where the water surface slope differs from the channel bed slope due to downstream obstructions (culverts, bridges, other streams, etc). The slopes are depicted on the stream profile plots included in the Mecklenburg County and City of Charlotte Flood Insurance Studies.

# Attachment A

## FEMA Floodplain Cross Section



**NOTES:**

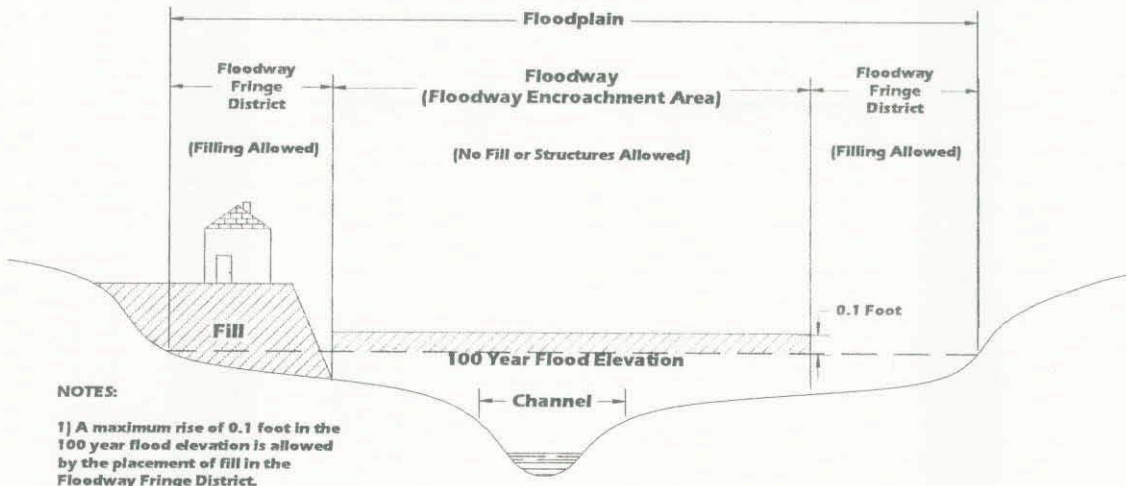
- 1) A maximum rise of 0.5 foot in the 100 year flood elevation is allowed by the placement of fill in the Floodway Fringe District.
- 2) Flood regulations allow fill, elevated structures, and floodproofed structures, [non-residential] in the Floodway Fringe District.



# Attachment B

*Handwritten signature and notes*

## FLUM Floodplain Cross Section



**NOTES:**

- 1) A maximum rise of 0.1 foot in the 100 year flood elevation is allowed by the placement of fill in the Floodway Fringe District.
- 2) Flood regulations allow fill, elevated structures, and floodproofed structures, [non-residential] in the Floodway Fringe District.

*Faint, mirrored text from the reverse side of the page, including references to the City of Charlotte and Ordinance 2000-14.*

*Witness line text: WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 28th day of February, 2000.*

*Signature and name of Nancy B. Gilbert, Clerk of the City of Charlotte, North Carolina.*

Approved as to form:

*Justin A. Starnett*  
Att. City Attorney



**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and certified copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February, 2000, and the reference having been made in Minutes Book 114 and recorded in full in Ordinance Book 50 at pages 7- 42

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the First day of March, 2000.

*Nancy S. Gilbert, CMC*  
Nancy S. Gilbert, CMC, Deputy City Clerk  
3-1-00



ORDINANCE NO. 1467-X

**AN ORDINANCE TO AMEND ORDINANCE NO. 1313-X, THE 1999-2000 BUDGET ORDINANCE, AUTHORIZING MID-YEAR TRANSFERS OF FUNDS.**

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

**Section 1.** That the sum of \$7,875,000 is hereby available for transfer from the following General CIP Fund 2010 projects; and that this amount is hereby appropriated to the following four projects within Fund 2010:

<b>Transfer From</b>		<b>Amount</b>
<b>Project No./ Title</b>		
233.00	Beatties Ford Left Turn Lanes	\$60,000
237.00	Light Rail ROW Protection	2,800,000
273.00	Transit Radius Improvements	170,000
288.01	Bridge Over Rail Line at Mt. Holly	2,230,815
320.00	Participation in State Roads- Albemarle	300,000
360.00	Sardis Road Widening	19,303
365.00	Participation in State Roads-Harris	31,000
387.00	Safer Roads Demonstration Program	400,000
390.01	Colony Road Widening-Phase II	1,500,000
391.00	Participation in State Roads-Newell	10,000
467.00	Carmel Road Widening	300,000
480.80	Non-System Residential St. Improvements	14,288
490.00	Participation in State Roads-Quail Hollow	39,594
<b>Total</b>		<b>\$7,875,000</b>

<b>Transfer To</b>		
<b>Project No./ Title</b>		
287.00	TSM Intersection Improvements	\$3,475,000
288.03	Hoskins Road Widening	300,000
288.04	Prosperity Church Road Widening	1,200,000
288.05	Johnston Road Extension	2,900,000
<b>Total</b>		<b>\$7,875,000</b>

**Section 2.** That the sum of \$500,000 is available from Environmental Bonds and is hereby appropriated to the General CIP Fund 2010 265.51- Environmental Improvements at City Facilities.

**Section 3.** That the additional sum of \$11,529 is estimated to be available from the following Emergency Management grants and is hereby appropriated to the projects as indicated. These projects may extend beyond the end of the fiscal year; therefore, the appropriations are authorized through the life of the projects.

Duke Energy – 530.31 Emergency Planning	\$4,500
State Department of Crime Control and Public Safety – 530.32 Emergency Planning	7,029
<b>Total</b>	<b>\$11,529</b>

**Section 4.** That the sum of \$108,800 is estimated to be available from the following grants and is hereby appropriated to the Community Relations Committee in General Fund 0101. These projects may extend beyond the end of the fiscal year; therefore, the appropriations are authorized through the life of the projects.

US HUD- Fair Housing Assistance	\$88,800
NC AOC- Dispute Settlement Program	20,000
<b>Total</b>	<b>\$108,800</b>

**Section 5.** That the additional sum of \$177,000 is estimated to be available from the NC Department of Transportation and is hereby appropriated to Department of Transportation in General Fund 0101. This project may extend beyond the end of the fiscal year; therefore, the appropriations are authorized through the life of the project.

**Section 6.** That the sum of \$3,577,009 is estimated to be available from the following grants and is hereby appropriated to the Neighborhood Development KBU in the appropriate Funds indicated below. These projects may extend beyond the end of the fiscal year; therefore, the appropriations are authorized through the life of the projects.

NC Department of Commerce- Employment Training Fund 6345	\$1,730,009
US EPA- Brownfields Loan Program- Fund 6807	500,000
US HUD- Economic Development Initiatives- Fund 6807	950,000
US HUD- HOPWA- Fund 6807	397,000
<b>Total</b>	<b>\$3,577,009</b>



**Section 7.** That the sum of \$1,199,849 is available from the General Fund 0101- Assets Forfeiture fund balances and is hereby appropriated to the CMPD in General Fund 0101. These projects may extend beyond the end of the fiscal year; therefore, the appropriations are authorized through the life of the projects.

**Section 8.** That the sum of \$86,000 is estimated to be available from security alarm fines and is hereby appropriated to the CMPD in General Fund 0101.

**Section 9.** That the sum of \$48,797.87 is estimated to be available from the General Fund 0101 fund balance and is hereby appropriated to the Transportation KBU in General Fund 0101 for the Park It! Program.

**Section 10.** That the additional sum of \$300,000 in estimated utility cut repair reimbursements and is hereby appropriated to the Transportation KBU in General Fund 0101 for Street Maintenance.

**Section 11.** That the sum of \$562,273.22 is available from the Transit Fund 7801 and is hereby appropriated for reimbursement to the General Fund 0101 fund balance for prior year expenditures.

**Section 12.** That the sum of \$1,725,000 is available in the Rapid Transit CIP Fund 2098 (894.02- Light Rail ROW Protection) and is hereby transferred to the General CIP Fund 2010 (237.00- Light Rail ROW Protection).

**Section 13.** That the sum of \$600,000 is available in the SafeLight Fund 0180 fund balance and is hereby appropriated to the SafeLight Fund 0180 for the SafeLight Program expenditures.

**Section 14.** That the sum of \$250,000 is available in the Water and Sewer Operating Fund 7101 from the following revised revenues and is hereby appropriated in Water and Sewer Operating Fund 7101 as follows.

<b>Revenues</b>	<b>Original Budget</b>	<b>Revised Budget</b>
Interest on Investments	\$3,000,000	\$3,600,000
Fund Balance	987,797	637,797

**Appropriations**

Technology	\$750,000	\$1,000,000
Transfers to Debt Service	62,089,200	59,976,840
Transfer to CIP	5,184,500	6,754,500
Contingency	150,000	692,360

**Section 15.** That the sum of \$1,410,800 is available in the Water and Sewer Debt Service Funds from the following revised revenues and is hereby appropriated in Water and Sewer Debt Service Funds.

<b>Revenues</b>	<b>Original Budget</b>	<b>Revised Budget</b>
Transfers from Water and Sewer Operating Fund	\$59,089,200	\$56,376,840
Interest on Investments	150,000	150,000
Proceeds from Bond Sales	0	1,742,460
Interest on Bonds	0	318,000
Interest Transferred from Other Funds	5,520,000	7,543,700
Other	0	39,000
<b>Total</b>	<b>\$64,759,200</b>	<b>\$66,170,000</b>

**Section 16.** That the sum of \$46,319,311 to the Water and Sewer CIP Fund 2071 from the following sources and is hereby appropriated within the same fund for the projects listed below.

<b>Sources</b>	<b>Amount</b>
Revenue Bonds- Water	\$27,500,000
Contribution from Water and Sewer Operating Fund	1,570,000
Project Savings:	
632.29 Sugar/Irwin WWTP Filter Improvemts	3,466,000
634.11 WM-NC 115 Gilead /Sam Furr Rds	550,000
635.22 Removal of Davidson WWTP & Intake	400,000
635.36 Parallel WM along WT Harris Blvd	1,000,000
635.52 Pressure Reducing Valves- 960 Zone	500,000
635.53 WM-Mallard Ck Ch/ Old Concord Rds	5,000,000
635.59 Sludge Storage at Franklin WWTP	1,500,000
637.51 Water Main- Hood Rd	550,000
637.60 1997 Annexation- Control	2,500,000
637.96 Pressure Reducing Valves Loans	1,400,000
637.83 Lab Expansion/ Consolidation	383,311
<b>Total Sources</b>	<b>\$46,319,311</b>



**Projects to be Added**

	<b><u>Amount</u></b>
635.39 Transmission Main: Franklin WWTP to West Blvd	\$4,660,000
635.30 Transmission Maid: Franklin WWTP to Tryon St	3,600,000
635.31 Plaza Rd Pump Station- Pump Repl/ Upgrades	61,000
634.23 NC 51 Water Main: Providence to Rea Rds	377,000
634.24 Sardis Rd Pump Station to NC 51	50,000
634.25 Starita 24" Water Main	132,000
634.26 WM along Tryon to University_City	195,000
634.27 WM along Barrington Rd	1,100,000
634.21 Wendover WM: Providence Rd to Craig Tank	425,000
634.28 WM from Sardis to NC 51	1,010,000
634.22 WM along NC 51: Centrum Pkwy to Rea Rd	423,000
634.29 WM from NC 51 Providence Rd West	433,000
635.32 Lebanon Rd Tank and Pumps	400,000
635.64 Raw Water Reservoir	4,000,000
637.69 Industrial Waste Lab	383,311
635.46 Franklin WTP Rehab/ Upgrades	27,500,000
634.30 New Service Installations- Water	1,200,000
632.16 New Service Installations- Sewer	370,000
<b>Total</b>	<b>\$46,319,311</b>

**Section 17.** That Ordinance 1447-X dated February 7, 2000, Section 2 be amended to reflect the funding source for the purchase of the State of NC's National Guard Armory site as the Aviation CIP Fund, not the Aviation Operating Fund. Also, that the amount of the available funding and the appropriation be revised from \$1,070,000 to \$1,085,000 both Sections 1 and 2.

**Section 18.** That the sum of \$2,960,000 previously advanced from the Aviation Discretionary Fund to the Aviation CIP Fund be reimbursed from proceeds of the sales of revenue bonds.

**Section 19.** That the sum of \$33,473,912 is estimated to be available from the following sources in the Aviation Debt Service Funds and is hereby appropriated to the Aviation Debt Service Funds.

<b><u>Revenues</u></b>	<b><u>Amount</u></b>
Contribution from Aviation Operating Fund	\$ 2,762,143
Revenue Bond Proceeds	27,175,069
Interest on Investments	1,431,300
Interest Transferred from Other Funds	2,105,400
<b>Total</b>	<b>\$33,473,912</b>

**Section 20.** That the sum of \$817,012.93 is available in the following Funds and is hereby appropriated to the Neighborhood Development KBU in the following projects and appropriate Funds indicated below.

HOME Fund 6910	\$163,180.25
Woodland Business Park Fund 2010	445,707.92
CDBG Fund 6911	208,124.76
<b>Total</b>	<b>\$817,012.93</b>

**Section 21.** That the transfer from Fund 0132- Convention Center Tax Fund to General CIP Fund 2010 is revised to \$7,320,000.

**Section 22.** That Section 14 be amended to reflect that the transfer of \$2,989,782 is to be from Fund 2083- 528.21 instead of Fund 2077- 562.70.

**Section 23.** That the sum of \$566,311 previously returned in error to the original sources of funding be appropriated to the following projects in General CIP Fund 2010 from the indicated sources of revenue.

<u>Project</u>	<u>Source of Funds</u>	<u>Amount</u>
368.00- Fire Pits Cleanup	Two-Thirds Bonds	\$225,000
368.00- Fire Pits Cleanup	PAYG Fund Balance	316,000
368.01- Fire Pits Relocation	PAYG Fund Balance	25,311
<b>Total</b>		<b>\$566,311</b>

**Section 24.** That Ordinances 1094-X dated July 27, 1998 and 1210-X dated February 22, 1999 be amended to reflect the correct Neighborhood Development fund; both should have shown Fund 6345 instead of Fund 6806.

**Section 25.** That the following ordinances are hereby amended to reflect the revised sources of funding:

<u>Ordinance</u>	<u>Amount</u>	<u>Source of Funding</u>
3886-X June 27, 1994	\$1,800,000	Fund 7404- Excluded Centers
755-X February 27, 1997	\$108,750	Revenue Bonds
1243-X April 12, 1999	450,000	Revenue Bonds

**Section 26.** That the source of funding for Aviation CIP Fund 2083- 528.12 for \$100,000 is hereby revised from FAA Grants to Revenue Bonds.



**Section 27.** That the source of funding for Aviation CIP Fund 2083- 528.14 for \$400,000 is hereby returned to the Aviation Discretionary Fund 7408 fund balance and is hereby replaced with funding from a State of NC grant.

**Section 28.** That Ordinance 1292-X dated June 14, 1999 be authorized to carry forward until the project is completed.

**Section 29.** That Section 3, Schedule L is hereby amended to reflect the Proceeds from the Sale of COPS of \$10,100,000 should have been recorded in Convention Center CIP Fund 2013.

**Section 30.** That the Police Grant Fund 0413 and the Neighborhood Development Grant Fund 6807 are hereby established as life-to-date funds. Any revenues and appropriations originally allocated to the respective Operating Funds for these Key Businesses are hereby authorized for transfer to the new Grant Funds.

**Section 31.** That the Finance Director or his designee is hereby authorized to carry forward the authorizations for any Federal, State, Local, or other third party grants for the duration of the grants' authorized performance periods; and that any appropriation of local funding required, such as a grant match, is authorized to be carried forward as well.

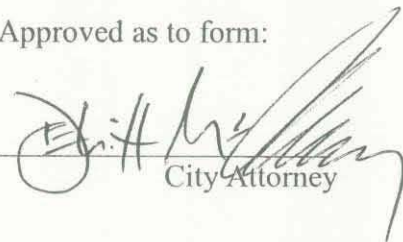
**Section 32.** That the Finance Director or his designee is hereby authorized to appropriate amounts needed to satisfy federal government regulations related to interest earnings on debt issues.

**Section 33.** 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 34.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 35.** It is the intent of this ordinance to be effective upon adoption.

Approved as to form:

  
City Attorney

February 28, 2000  
Ordinance Book 50, Page 50

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and certified copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 28<sup>th</sup> day of February, 2000, and the reference having been made in Minutes Book 114 and recorded in full in Ordinance Book 50 at pages 43-50.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the First day of March, 2000.

  
Nancy S. Gilbert, CMC, Deputy City Clerk

3-1-00



ORDINANCE NO. 1468-X

**AN ORDINANCE TO AMEND ORDINANCE NO. 1313-X, THE 1999-2000 BUDGET ORDINANCE, PROVIDING AN APPROPRIATION FOR A UNITED STATES JUSTICE DEPARTMENT WEED AND SEED GRANT.**

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

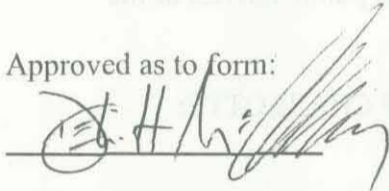
**Section 1.** That the sum of \$225,000 is hereby estimated to be available from the United States Justice Department for a Weed and Seed Grant.

**Section 2.** That the sum of \$225,000 is hereby appropriated to the Neighborhood Development Grant Fund 6807.

**Section 3.** This program 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.** It is the intent of this ordinance to be effective upon its adoption.

Approved as to form:

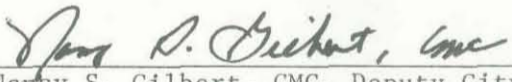


City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the First Day of March, 2000.

  
Nancy S. Gilbert, CMC, Deputy City Clerk  
3-1-00