

ORDINANCE NO. 4114-X

O-42

AN ORDINANCE TO AMEND ORDINANCE NUMBER 3937-X, THE 2008-2009 BUDGET ORDINANCE, APPROPRIATING \$14,340,842 IN FEDERAL AVIATION ADMINISTRATION GRANT FUNDS TOWARDS FUNDING AND REIMBURSEMENT FOR A PORTION OF THIRD PARALLEL RUNWAY PROJECTS

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

Section 1. That the sum of \$14,340,842 is available from Federal Aviation Administration grant funds

Section 2. That the sum of \$14,340,842 is hereby appropriated to the Airport Capital Projects Fund:

Fund	Center	Appropriation
2090	540.14	\$4,259,358
2090	540.17	\$565,437
2090	540.15	\$1,472,500
2090	540.16	\$3,979,950
2090	540.05	\$2,477,303
2091	554.12	\$1,586,294

Section 3. That the sum of \$7,883,589 of previously appropriated Discretionary Fund Balance, as noted below, be replaced with the abovementioned grant funds:

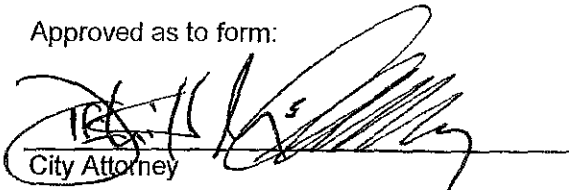
Fund	Center	Appropriation
2090	540.14	\$4,259,358
2090	540.17	\$565,437
2090	540.15	\$1,472,500
2091	554.12	\$1,586,294

Section 4. That the existence of the project may extend beyond the end of the fiscal year. Therefore, this ordinance will remain in effect for the duration of the program and funds are to be carried forward to subsequent fiscal years until all funds are expended.

Section 5. All ordinances in conflict with this ordinance are hereby repealed.

Section 6. This ordinance shall be effective upon adoption.

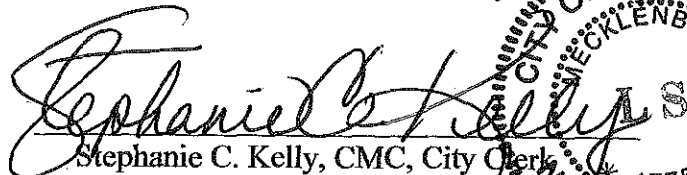
Approved as to form:

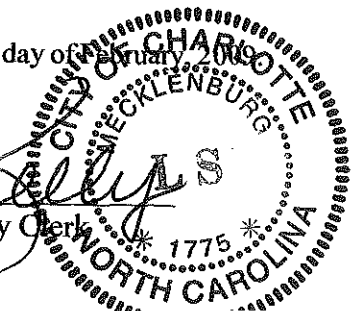

City Attorney

CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Page 23.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of February, 2009.


Stephanie C. Kelly, CMC, City Clerk



ORDINANCE NO. 4115-X

AMENDING CHAPTER 9

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

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

Section 1: Section 9-2 of the City Code is amended to read as follows:

Sec. 9-2. Statutory Authorization.

~~“The legislature~~ Legislature of the state State of North Carolina has in ~~the general statutes of North Carolina, authorized cities~~ Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the General Statutes, delegated to local governmental units the responsibility 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.~~”

Section 2: Section 9-5(b) of the City Code is amended to read as follows:

Sec. 9-5. Objectives.

“... ”

(10) To inform existing and potential property owners that property is in a special flood hazard area as well as the associated flood risks and development restrictions; ~~and~~

(11) To minimize future flood losses by depicting community flood fringe areas on the flood insurance rate maps; ~~and~~

(12) To help maintain a stable tax base by providing for the sound use and development of flood prone areas.”

Section 3: Section 9-21 of the City Code is amended to read as follows:

Sec. 9-21. Definitions.

“... ”

Addition (to an existing building) means ~~any walled and roofed expansion to an extension or~~

~~increase in the perimeter floor area or height 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." or structure.~~

...

~~*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 any area of the building which has having its floor subgrade (below ground level) on all sides.~~

...

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

...

~~*Community encroachment area* means the channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA base flood without cumulatively increasing the water surface elevation more than 0.1 feet.foot. (see attachments at the end of this chapter).~~

...

~~*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 or storage of equipment or materials.~~

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

...

~~*Elevated building* means a non-basement 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), or shear walls.~~

...

~~*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 manufactured 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 base flood means the flood determined using land use conditions ~~as of July 1999~~ at the time of the study having a one percent chance of being equaled or exceeded in any given year.

FEMA base flood elevation (BFE) means ~~the elevation shown on a determination of the water surface elevations of the base flood as published in the flood insurance rate map study. This elevation, when combined with the "Freeboard", establishes the "Flood Protection Elevation". It is the elevation that indicates the water surface elevation resulting from a FEMA base flood that has a one percent chance of equaling or exceeding that level in any given year based on existing land use.~~

...

FEMA floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA base flood, without cumulatively increasing the water surface elevation more than 0.5 feet~~.foot~~. On the Catawba River, and the portions of Six Mile Creek and Rocky River which run along the county boundary line, the FEMA floodway means the channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA base flood, without cumulatively increasing the water surface elevation more than one (1) foot.

...

Flood protection elevation means the elevation to which all structures located within the community special flood hazard area must be elevated (or floodproofed if non-residential). Within areas where base flood elevations (BFEs) have been determined, this elevation shall be the community base flood elevation plus one (1) foot of freeboard ~~(except along~~ Along the Catawba River where it, including Lake Wylie and Mountain Island Lake the Flood Protection elevation is the FEMA Base Flood Elevation plus two (2) feet of freeboard). In areas where no BFE has been established, all structures and other development must be elevated (or floodproofed if non-residential), to two (2) feet above the highest adjacent grade.

...

Flood zone means a geographical area shown on a flood hazard boundary map or flood insurance rate map that reflects the severity or type of flooding in the area.

...

Freeboard means the height added to the community base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The community base flood elevation (BFE) plus the freeboard establishes the "Flood Protection Elevation".

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

...

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the secretary of interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- ~~(3) individually listed on a State inventory of historic places;~~
- (3) Individually listed on a local inventory of historic ~~places~~landmarks in communities with ~~historic preservation programs that have been certified~~ a “Certified Local Government (CLG) Program”; or
 - a. ~~by an approved state program as determined by the secretary of interior, or~~
 - b. ~~directly by the secretary of interior in states without approved programs.~~
- (4) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”

...

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

Lowest Floor means the lowest floor of the lowest enclosed area (including the basement ~~and/or attached garage~~). 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 chapter.

...

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 ~~August 15, 1978~~November 27, 1972.

...

Post-FIRM means construction or other development for which the "start of construction" occurred on or after the effective date of the initial flood insurance rate map.

Pre-FIRM means construction or other development for which the "start of construction" occurred before the effective date of the initial flood insurance rate map.

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

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

...

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

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

Solid waste disposal facility means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers as defined in G.S. 130A-290(a)(35).

Solid waste disposal site means, as defined in G.S. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

...

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.

...

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

Section 4: Section 9-36 of the City Code be amended to read as follows:

Sec. 9-36. Lands to which this chapter applies.

“This chapter shall apply to all lands in the land use jurisdiction of the city within the area shown on the flood insurance rate maps (FIRM) or any FEMA and/or locally approved revisions to data shown on the FIRMs, as being located within the community special flood hazard areas or land adjacent to the community special flood hazard areas if it is ~~effected~~affected by the work that is taking place.”

Section 5: Section 9-37 of the City Code be amended to read as follows:

Sec. 9.37. Basis establishing the special flood hazard areas.

“The flood insurance rate maps (FIRM), FEMA and/or locally approved revisions to data shown on the FIRMs, flood insurance study and other supporting data, for Mecklenburg County including the city, dated ~~February 4, 2004~~March 2, 2009, are adopted by reference and declared to be a part of this chapter.

The initial flood insurance rate maps are as follows for the jurisdictional areas at the initial date:

Mecklenburg County Unincorporated Area, dated August 15, 1978.”

Section 6: Section 9-61 of the City Code be amended to read as follows:

Sec. 9-61. Designation of floodplain administrator.

“The city manager designates the county floodplain administrator, and his or her designees, as the persons with the authority to administer, implement and enforce the provisions of this chapter through a properly executed, legally binding interlocal agreement.”

Section 7: Section 9-62(b) of the City Code be amended to read as follows:

Sec. 9-62. Floodplain development permits and certification requirements.

“...
...

(3) *Certification requirements.*

...

- b. For proposed Development to be located outside of the community encroachment area and the FEMA floodway, a certification from a registered land surveyor or professional engineer that states that no fill material or other development was placed within the FEMA floodway or community encroachment area of any watercourse, will be required

prior to issuance of a certificate of occupancy or temporary certificate of occupancy.

- c. For proposed development within the community encroachment area or the FEMA floodway, an as-built topographic map prepared by a registered land surveyor or professional engineer will be required prior to issuance of a certificate of occupancy or temporary certificate of occupancy. This is in addition to a no-rise/no-impact study or CLOMR that may be required as specified in Section 9-102 (a)(6).

(4) Permit Application Requirements

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

1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
2. The location of the community flood fringe line, community encroachment line, FEMA flood fringe line and FEMA floodway line as shown on the FIRM or other flood map, or a statement that the entire lot is within the special flood hazard area;
3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map;
4. The FEMA base flood elevation (BFE) and community base flood elevation (CBFE)
5. The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and
6. The certification of the plot plan by a registered land surveyor or professional engineer.

- b. Proposed elevation, and method thereof, of all development within a community special flood hazard area including but not limited to:

1. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
2. Elevation in relation to mean sea level to which any non-residential structure in Zone AE, will be floodproofed; and
3. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

- c. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an inspection and operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

- d. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - 1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - 2. Openings to facilitate automatic equalization of hydrostatic flood forces on walls when solid foundation perimeter walls are used in community special flood hazard area;
 - 3. Usage details of any enclosed areas below the lowest floor;
 - 4. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - 5. Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - 6. Documentation for proper placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of 9-102, (9), (10) are met; and
 - 7. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(5) Permit Requirements.

The floodplain development permit shall include, but not be limited to:

- a. A description of the development to be permitted under the floodplain development permit.
- b. The special flood hazard area determination for the proposed development
- c. The flood protection elevation required for the reference level and all attendant utilities.
- d. The flood protection elevation required for the protection of all public utilities.
- e. All certification submittal requirements with timelines.
- f. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

g. The flood openings requirements per Section 9-102 (4).”

Section 8: Section 9-63 of the City Code be amended to read as follows:

Sec. 9-63. Duties and responsibilities of the floodplain administrator

“...
...

(5) Assuring that within available resources, maintenance is provided within the altered or relocated portion of any altered Watercourse so that the flood-carrying capacity is ~~not diminished.~~ maintained.

...

(7) Reviewing and recording the actual elevation (in relation to mean sea level) of the ~~lowest floor~~ reference level (including basement) of all new or substantially improved structures, in accordance with Section 9-62 (3).

...

(11) ~~Maintaining~~ Permanently maintain all records ~~pertaining that~~ pertain to the ~~provisions~~ administration of this ordinance and ~~making them~~ make these records available for public inspection, ~~recognizing that such information may be subject to the Privacy Act of 1974, as amended.~~

...

(18) Reviewing and ~~approving~~ acknowledging FEMA Conditional Letters of Map Revision and FEMA ~~final~~ letters of map revision ~~if authorized by FEMA to do so.~~

(19) Reviewing and approving community conditional letters of map revision and community letters of map revision

(20) Making on-site inspections of work in progress. As the work pursuant to a Floodplain Development Permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit.

(21) Issuing stop-work orders. Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage and the conditions under which the work may be resumed. Violation of a

stop-work order constitutes a misdemeanor.

(22) Revoking floodplain development permits. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentation made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked. Revoked permits may be resubmitted for approval using the requirements of the ordinance in effect at the time of the original submittal unless they were revoked because of the intentional submission of incorrect information by the permittee or his agent, or under other circumstances where allowing resubmittal using the requirement of the ordinance in effect at the time of the original submittal would not be equitable or consistent with public policy. However, base flood elevations that govern the elevation to which the structure is built must comply with the regulations and flood elevations in effect at the time of application for the building permit.

(23) Making periodic inspections. The floodplain administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(24) Providing owners of structures in the floodplain with information concerning their flood risk, and (for structures with the lowest floor below the flood protection elevation) inform potential buyers of substantial improvement restrictions through the recordation of a notice in the property chain of title or other similar notice.

(25) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Section 9-62 (b) (3).

(26) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 9-62 (b) (3)."

Section 9: Section 9-64(c) of the City Code be amended to read as follows:

Sec. 9-64. Corrective Procedures

" ...

(c) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the floodplain regulations, he shall issue an order in writing to the owner or occupant, requiring the owner or occupant to remedy the violation within such period, not less than sixty (60) calendar days, as the floodplain administrator may prescribe; provided that, where the floodplain 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.

...”

Section 10: Section 9-85 of the City Code be amended to read as follows:

Sec. 9-85. Factors for consideration and determination of completeness

“ ...

(e) Functionally dependent facilities if determined to meet the definition as stated in Article 2 of this chapter, provided provisions of Article 6 have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

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

Section 11: Section 9-101 of the City Code be amended to read as follows:

Sec. 9-101. General standards.

“ ...

(5) ~~Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed, constructed or installed at least one foot (two (2) feet along and/or located so as to prevent water from entering or accumulating within the Catawba River including Lake Wylie, Mountain Island Lake, and Lake Norman) above components during conditions of flooding to the community base flood protection Elevation. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric wiring, and outlets/switches;~~

...
(10) Construction of new solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted except by variance, in special flood hazard area. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a special flood hazard area only if the structure or tank is either elevated above the community base flood elevation or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the

effects of buoyancy;

...

(14)When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

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

Section 12: Section 9-102 of the City Code be amended to read as follows:

Sec. 9-102. Specific standards.

“...

(1) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, elevated at least one foot above to the community base flood elevation. ~~Along the Catawba River, including Lake Wylie and Mountain Island Lake, new construction or substantial improvement of any residential structure shall have the lowest floor, including basement, and attached garages, elevated at least two feet above the FEMA base flood elevation-protection elevation.~~ Where a lot is impacted by FEMA and/or community base flood elevations from both the Catawba River and a stream flowing into the Catawba River, the higher of the FEMA and/or community base flood elevations will apply.

...

(4)*Elevated buildings.* New construction or substantial improvement of elevated buildings, that include fully enclosed areas formed by foundation and other exterior walls below the community base flood elevation shall meet the requirements of Section 9-102 (a), and shall be designed to preclude finished living space and shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. The walls shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

...

e. Shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation.

...

(7) *Additions/Improvements.*

...
b. Additions to post-FIRM structures with no modifications to the existing structure ~~shall~~ other than a standard door in the common wall require only the addition to comply with the standards of subsection (1).
...

d. ~~Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for New Construction~~

(8) *Manufactured Homes.*

a. ~~New, and replaced, or substantially improved manufactured homes located outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision, must~~ shall be elevated on a ~~permanent foundation~~ such that the lowest floor of the manufactured home is elevated at least one (1) foot above the community base flood elevation ~~and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

a.b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement, either by certified engineered foundation system, or in accordance with the regulations for mobile homes and modular housing adopted by the commissioner of insurance pursuant to G.S. 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.c. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivision located within the special flood hazard area. This plan shall be filed with and approved by the floodplain administrator and the local emergency management coordinator.

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

Section 13: Section 9-104 of the City Code be amended to read as follows:

Sec. 9-104. Legal status provisions

“ (a) Effect on rights and liabilities under the existing ~~floodway~~floodplain regulations.

This chapter in part comes forward by re-enactment of some of the provisions of the ~~floodway~~floodplain regulations enacted _____ *(original adoption date of this ordinance)* November 27 1972, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the ~~floodway~~floodplain regulations of the city enacted on _____ *(original adoption date of this ordinance)* November 27, 1972, as amended, which are not reenacted herein, are repealed.

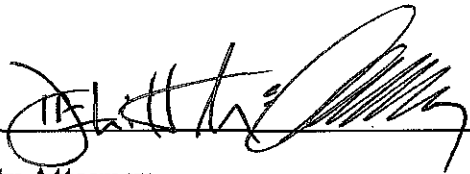
The date of the initial Flood Damage Prevention Ordinance for Mecklenburg County is December 4, 1972.

...

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

Section 14: This ordinance shall become effective upon adoption.

Approved as to form:




City Attorney

CERTIFICATION

I, Stephanie C. Kelly, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 9th day of February, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Pages (24-38).

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of February, 2009.


Stephanie C. Kelly, CMC, City Clerk

