

## **FEMA Floodway and Community Encroachment Area Development Requirements**

**The FEMA Floodway or Community Encroachment Areas** are the most dangerous sections of the floodplain and usually contain the deepest and fastest moving flood waters. Because of this, development in these areas is greatly restricted and usually requires a somewhat lengthy process to determine if development in these areas is allowed.

The construction of new buildings, improvements to existing buildings, and land disturbing activities in the FEMA Floodway or Community Encroachment Area must meet the requirements of local floodplain regulations. These requirements are contained in paragraph 6 of the “Specific Standards” section of the floodplain regulations which is included below. The entire local floodplain regulations for the City of Charlotte and each of the six towns may be viewed online by going to <http://charmeck.org/stormwater> and selecting “Regulations”

**\*The floodplain construction standards listed below are taken the City of Charlotte Floodplain Regulations. The standards for the six towns are very similar to the City of Charlotte but there are some minor variations. For specific requirements in one of the six towns, please refer to the appropriate town floodplain regulations.**

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

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

- b. FEMA Floodway. No Encroachments requiring an Individual Floodplain Development Permit (Section 9-62 ), including fill, New Construction, Substantial Improvements and other Development shall be permitted within 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 (0.00') increase in the FEMA Base Flood Elevations during the occurrence of a FEMA Base Flood and no increase in the Community Base Flood Elevations during the occurrence of the Community Base Flood. Such analysis performed by a registered professional engineer shall be approved by the Floodplain Administrator. Any change which would cause a rise in the FEMA Base Flood Elevation or an increase in the FEMA Floodway width during the occurrence of the FEMA Base Flood will require notification of impacted property owners, and a Conditional Letter Of Map Revision from FEMA. If approved and constructed, as-built plans must be submitted by the property owner and approved by FEMA and a Letter Of Map Revision issued. A Certificate of Occupancy will not be issued without the above stated Conditional Letter of Map Revision.

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

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