

**APPROVED BY
CITY COUNCIL**

DEC 20 2010

CITY ZONE CHANGE

Petition No.: 2010-050

Petitioner: DavidLand, LLC

ORDINANCE NO. 4571-X

ZONING REGULATIONS

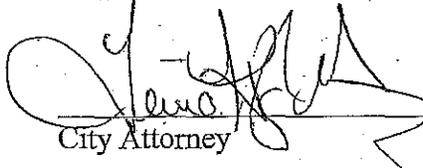
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified on the attached map from B-D to I-1 on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

Section 2. That this ordinance shall become effective upon its adoption.

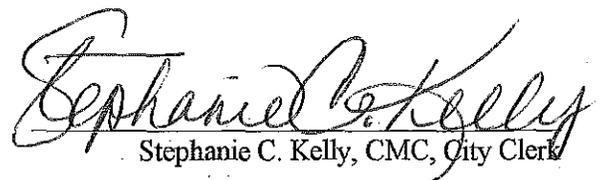
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of December, 2010, the reference having been made in Minute Book 130, and recorded in full in Ordinance Book 56, Page(s) 905-906.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of February, 2011.


Stephanie C. Kelly, CMC, City Clerk

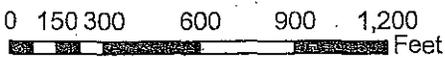
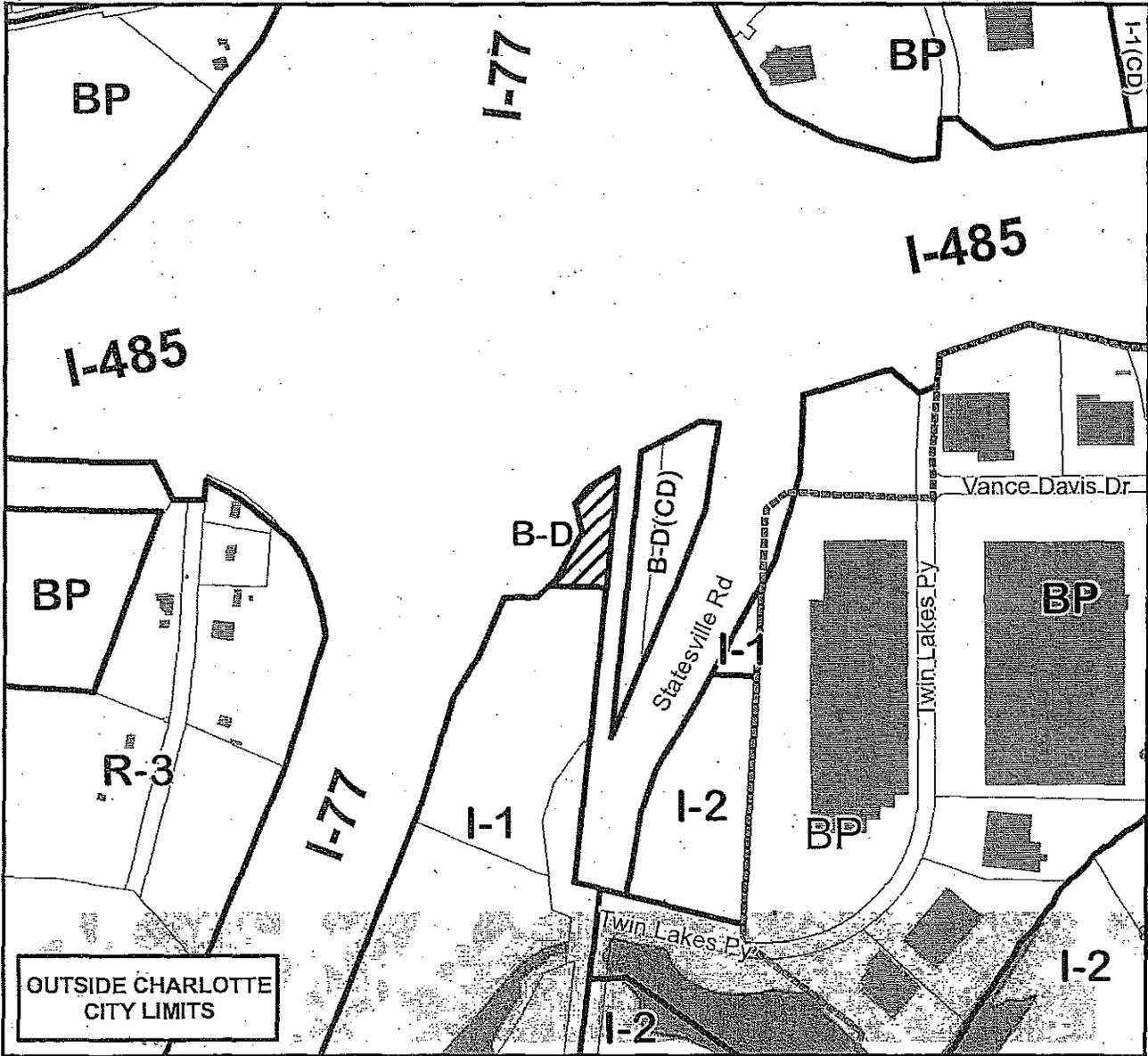
Petition #: 2010-050

Petitioner: DavidLand, LLC

Zoning Classification (Existing): B-D
(Distributive Business)

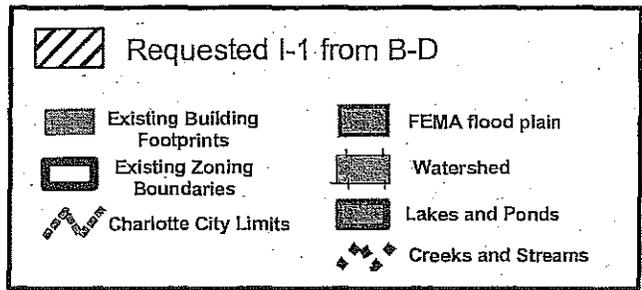
Zoning Classification (Requested): I-1
(Light Industrial)

Acreage & Location : Approximately 1.95 acres located at the southeast corner of the intersection of Interstate 485 and Interstate 77 and to the west of Statesville Road.



Zoning Map #(s) 44

Map Produced by the
Charlotte-Mecklenburg Planning Department
8-26-2010



**APPROVED BY
CITY COUNCIL**

Petition No. 2010-070
Petitioner: Fairview Plaza Associates Limited Partnership

DEC 20 2010

ORDINANCE NO. 4572-Z

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

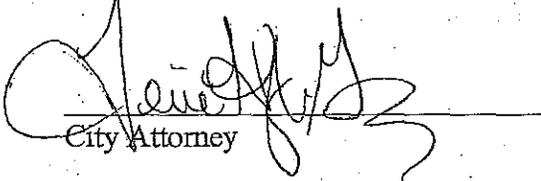
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from MUDD(CD) to MUDD-O.

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

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

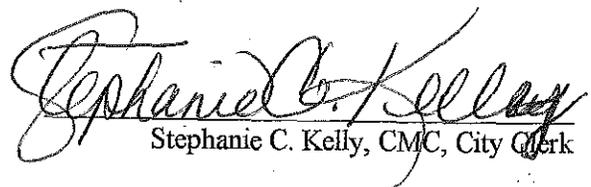
APPROVED AS TO FORM:


City Attorney

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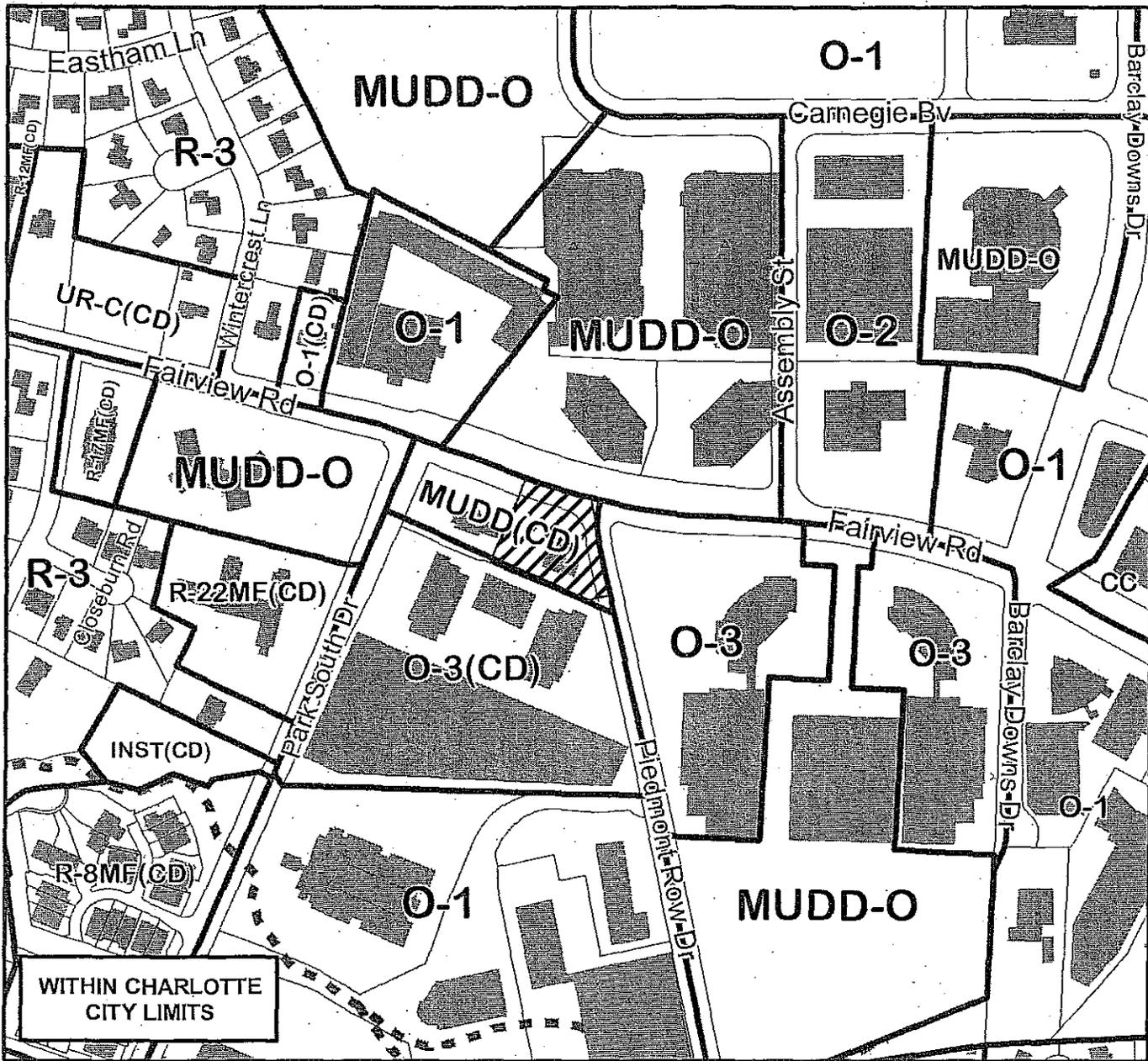

Stephanie C. Kelly, CMC, City Clerk

Proprietor: Fairview Plaza Associates Limited Partnership

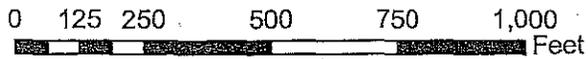
Zoning Classification (Existing): MUDD(CD)
(Mixed Use Development District, Conditional)

Zoning Classification (Requested): MUDD-O
(Mixed Use Development District, Optional)

Acreage & Location : Approximately 1.059 acres located on the south side of Fairview Road between Park South Drive and Piedmont Row Drive.



WITHIN CHARLOTTE CITY LIMITS



	Requested MUDD-O from MUDD(CD)
	Existing Building Footprints
	FEMA flood plain
	Existing Zoning Boundaries
	Watershed
	Charlotte City Limits
	Lakes and Ponds
	Creeks and Streams

Zoning Map #(s) **135**

Map Produced by the
Charlotte-Mecklenburg Planning Department
10-20-2010

**APPROVED BY
CITY COUNCIL**

Petition No. 2010-071
Petitioner: Covenant Presbyterian Church

DEC 20 2010

ORDINANCE NO. 4573-X

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

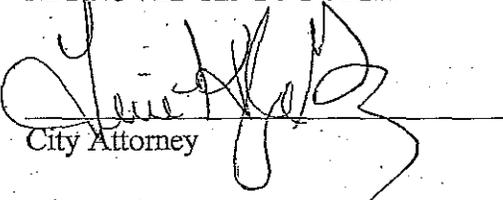
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-4(HD-O) to UR-C(CD)(HD-O).

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

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

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City Attorney

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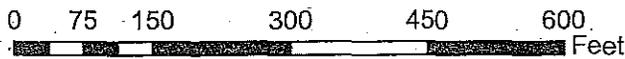
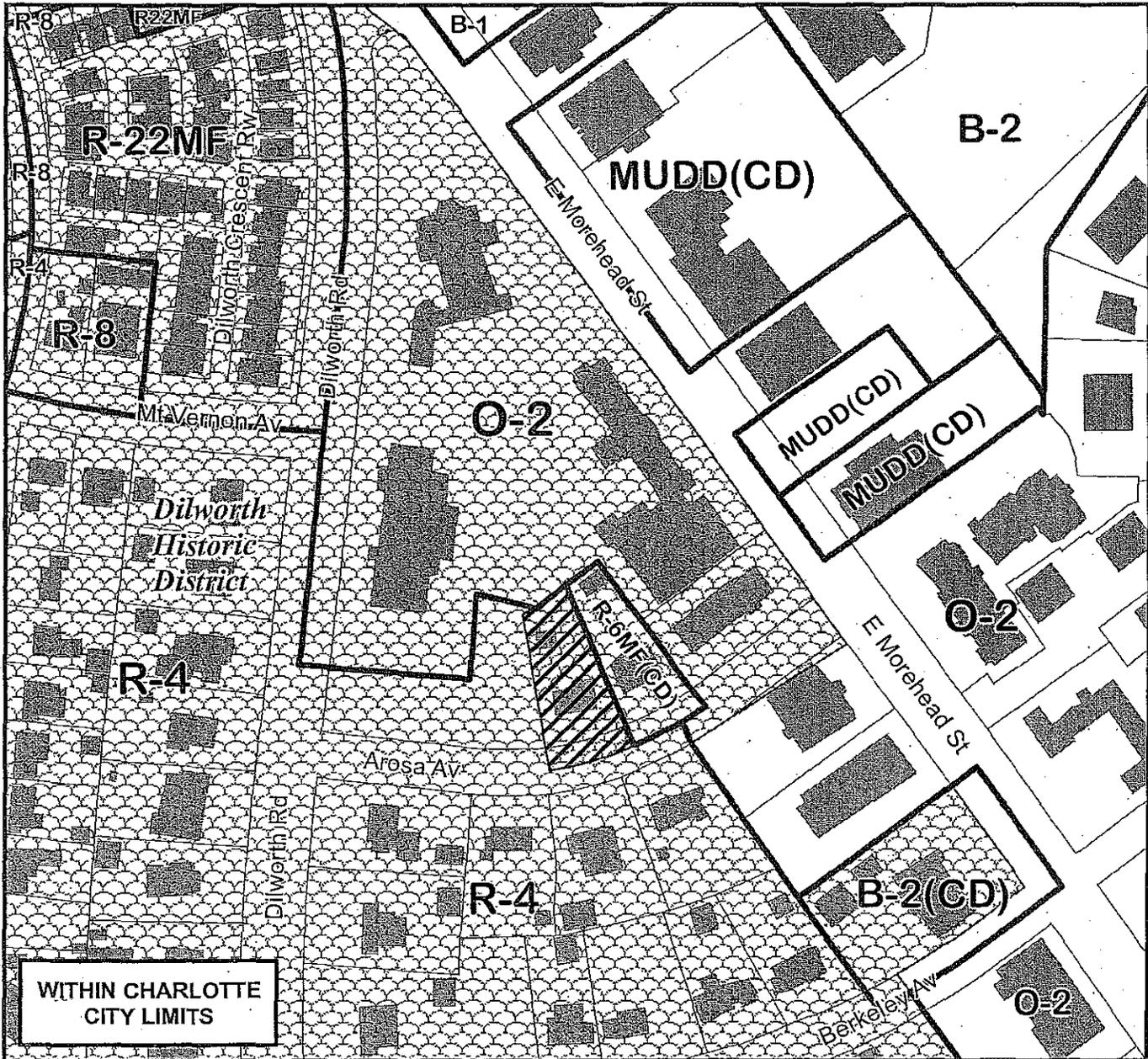

Stephanie C. Kelly, CMC, City Clerk

Petitioner: Covenant Presbyterian Church c/o Wayne Harrison, Church Administrator

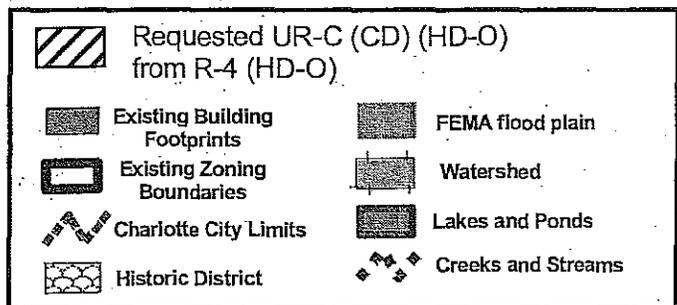
Zoning Classification (Existing): R-4 (HD-O)
(Single Family Residential, up to 4 dwelling units per acre, Historic District Overlay)

Zoning Classification (Requested): UR-C (CD) (HD-O)
(Urban Residential - Commercial, Conditional, Historic District Overlay)

Acres & Location : Approximately .324 acres located on the north side of
Arosa Avenue between East Morehead Street and Dilworth Road.



Zoning Map #(s) **111**



**APPROVED BY
CITY COUNCIL**

Petition No. 2010-74SUB
Petitioner: Charlotte Department of Transportation

DEC 20 2010

**ORDINANCE NO. 4574 AN ORDINANCE AMENDING PART II - CODE OF
ORDINANCES, CHAPTER 20 - SUBDIVISIONS**

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

Section 1. Chapter 20 "Subdivisions" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 20: SUBDIVISIONS

1. Amend Chapter 20 by replacing the Contents and Article I through III with updated language to implement the *Urban Street Design Guidelines*. The revised Chapter 20 shall read as follows:

Sec. 20-57. - No service unless street accepted or tentatively approved.....	38
Sec. 20-58. - Modification of requirements; bond.	39
Sec. 20-59. - Inspection.....	40
Secs. 20-60—20-85. - Reserved.....	40
ARTICLE III. APPEALS AND VARIANCES	41
Sec. 20-86. - Authority of planning commission.	41
Sec. 20-87. - Initiation.....	41
Sec. 20-88. - Filing of notice of appeal.....	41
Sec. 20-89. - Standards for granting appeal.	41
Sec. 20-90. - Filing of variance petition.....	42
Sec. 20-91. - Standards for granting variance.	42
Sec. 20-92. - Determination of completeness.	42
Sec. 20-93. - Staff review.....	43
Sec. 20-94. - Notice and hearing.	43
Sec. 20-95. - Action by planning commission.	43
Sec. 20-96. - Rehearing.	43
Sec. 20-97. - Appeal from planning commission.....	43
Sec. 20-98. - Effect of grant of variance.	44

- (b) The standards of chapter 19 of this Code, which also regulate the development of streets, sidewalks and other facilities in the city, must be complied with, except as may be varied under article III of this chapter.

(Code 1985, § 20-6)

- (c) Any standard regulated by this chapter may be modified by City staff where necessary to ensure public safety.

Sec. 20-6. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative Compliance for street design means the process to approve street designs that differ from the design standards prescribed in this chapter.

Appeal means an action relating to a dispute involving an administrative interpretation or application of an ordinance standard to a particular parcel of land.

Block face – *The distance along a block between two adjacent intersections, measured from centerline to centerline.*

Building envelope means a three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed.

Charlotte- Land Development Standards Manual means the manual of construction standard drawings and details prepared by the city engineer, which provides standard designs for public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever in this chapter reference is made to "standards" or "manual," it refers to that document.

Collector street means any street which is defined as a collector street in the adopted comprehensive street classification system.

Commercial arterial street means a multilane, major roadway connecting major or minor thoroughfares with lesser streets in the network. The commercial arterial may also connect this region to other regions. Commercial arterial streets provide direct access to nonresidential high trip generating land uses. A commercial arterial street may be part of state primary or secondary highway systems.

Connectivity means street or subdivision design which provides for public access, ingress and egress by interconnecting streets, bikepaths, and walkways within a development and with adjoining developments. Connectivity facilitates vehicular, bicycle, and pedestrian transportation.

Cul-de-sac means a street designed with a turnaround, or a street that will not reasonably be extended in the future.

Development review board means the board appointed by city council to hear and decide applications for alternative compliance for street design.

Double frontage lot means a lot with street frontage along two opposite boundaries. A "double frontage lot" may also be referred to as a "through lot" or a "reverse frontage lot".

character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas.

Private street means a street which is constructed to private street standards as described in the Charlotte Land Development Standards Manual, and which is privately maintained.

Public street means a street accepted for dedication to the city, county or North Carolina Department of Transportation.

Reverse frontage. A "reverse frontage" lot is a through lot or "double frontage" lot. A block containing reverse frontage lots is comprised of one tier of lots rather than the standard two tiers. Reverse frontage does not relate to the structure's orientation to the street.

School board means the Charlotte-Mecklenburg School Board.

Slow Point means any physical feature constructed in a street designed to moderate vehicle speeds.

Street means a facility (either public or private) designed to accommodate motor vehicle, pedestrian and bicycle travel.

Street Furnishings means physical features included as part of the streetscape, e.g. benches, bike racks, lighting, trash receptacles, and banners

Street right-of-way means any public right-of-way set aside for public travel which has been accepted for maintenance by the state or the city or the county if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which, prior to the effective date of the ordinance from which this chapter derives, has been approved by either the Planning Department, the city council or board of county commissioners or is subsequently approved by the planning staff or the planning commission or has otherwise been established as a public street prior to the adoption of the ordinance from which this chapter derives.

Streetscape means the physical features of the street outside of the travel lanes that typically includes sidewalk, curb, gutter, and street trees.

Stub street means a street that is designed to extend to the property line with a temporary barricade and has the intent to be extended to provide for future access and connectivity.

Subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the register of deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this chapter:

- (1) The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total number of parcels or lots is not increased and the resultant parcels are equal to the standards of the zoning ordinance.
- (2) The division of land into parcels greater than five acres where no street right-of-way dedication is involved.

- (2) The extension of any needed rights-of-way or easements for the water or sewer system operated by the Charlotte-Mecklenburg Utilities.
- (3) The installation of drainage improvements through one or more lots to serve one or more other lots.
- (4) The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

Thoroughfare means any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The terms "thoroughfare" and "arterial" are used synonymously.

Thoroughfare plan means the most recent Map approved by the Mecklenburg-Union Metropolitan Planning Organization which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation. *Through lot* means a lot other than a corner lot, with a frontage on more than one street. A "through lot" may also be referred to as a "double frontage lot", or a "reverse frontage lot."

Traffic calming means a measure (or measures) that reduce(s) vehicle speeds.

Variance means an action requesting consideration for relief from the strict enforcement of the standards of this chapter where special circumstances or unusual considerations may exist on the parcel of land.

Zoning committee. The Charlotte-Mecklenburg Planning Commission is divided into two major working committees: the zoning committee and the planning committee.

(Code 1985, § 20-8; Ord. No. 2960, § 1, 5-16-2005; Ord. No. 2961, §§ 1—3, 5-16-2005; Ord. No. 3401, § 1, 10-18-2006)

Cross reference—Definitions generally, § 1-2.

Sec. 20-7. - Rules of construction.

For the purposes of this chapter, the following rules of construction apply:

- (1) This chapter will be construed to achieve the purposes for which it is adopted.
- (2) If a conflict occurs between the text of this chapter and any caption, figure, illustration, table or map, the text of this chapter will control.
- (3) If any conflict occurs in limitations, restrictions or standards applying to a project, the more restrictive provision will apply.
- (4) Reference to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

(Code 1985, § 20-9)

Sec. 20-8. - Planning staff.

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Department (referred to as "planning staff") by other ordinances of the city or the county, the

Architect (City Council)
Civil Engineer (Mayor)
Landscape Architect (Mayor)
Bicycle Advocate (Mayor)
Planning Commissioner (City Council)
Public Health Professional (City Council)
Real Estate Attorney (City Council)
Real Estate Development Industry Representative (City Council)
Transportation Planner or Urban Planner (City Council)
Architect – Alternate (Mayor)
Civil Engineer – Alternate (City Council)
Landscape Architect – Alternate (City Council)

- (b) The terms of office shall be for three (3) years with no member serving more than two consecutive full terms. The terms of one-third of the Board shall expire each year. If a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.
- (c) Five voting members shall constitute a quorum. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section.
- (d) Members shall be subject to removal from the Board with or without cause by the appointing authority.

Sec. 20-11. - Amendments.

- (a) The planning staff may, from time to time, and must at the request of the city council, board of county commissioners or planning commission, prepare certain improvements to the text of this chapter to correct errors, update or modify the requirements, or otherwise improve the operation of this chapter in regulating the subdivision of land.
- (b) Amendments to this chapter may only be enacted pursuant to the public notice and public hearing requirements established by law. All text amendments must be referred to the planning commission for a recommendation prior to final action by the elected officials. Failure of the planning commission to act on such a recommendation within 30 days following the public hearing will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this section.

- (d) Half streets. Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be platted within such tract. New half streets are prohibited in single-family residential development.
- (e) Mature trees and natural vegetation. Streets and development sites should be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.
- (f) Access to parks, schools, greenways, etc. Streets shall be designed or walkways dedicated to ensure convenient access to parks, greenways, playgrounds, schools and other places of public assembly.
- (g) Parallel streets along thoroughfares. Where a tract of land to be subdivided adjoins a federal or state highway, major or minor thoroughfare, or commercial arterial, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for lots developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means should be provided to prevent driveways from having direct access to the highway or street.
- (h) Public school and public park sites. When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.
- (i) Public facilities. When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing or other public use sites, falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.

which is in the same ownership adjoins the subdivision, this property will be construed as being part of the subdivision for purposes of determining requirements of water access lots.

(Code 1985, § 20-14)

Sec. 20-15. - Sketch plan.

- (a) Encouraged for subdivisions. Prior to the filing of an application for approval of the subdivision preliminary plan, it is strongly encouraged, but not required, that a sketch plan be submitted to the planning staff for review and recommendation. When submitted, this sketch plan should be drawn to a scale no smaller than one inch equals 100 feet on a topographical survey and should show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. It should include the following information:
- (1) The boundary lines of the property being subdivided.
 - (2) Watercourses on the land to be subdivided.
 - (3) The location, names and right-of-way widths of any existing streets, paper streets, or half streets on or within 300 feet of the land to be subdivided.
 - (4) The location of all property lines which intersect the boundaries of the property being subdivided.
- (b) Required for minor subdivisions. In order to facilitate the review and approval of a minor subdivision, a sketch plan must be submitted to the planning staff. The staff will advise the applicant of any deficiencies that must be corrected prior to submission of the final plat.

(Code 1985, § 20-15)

Sec. 20-16. - Preliminary plan requirements.

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed. No processing or review of a preliminary plan will proceed without all of the information listed. Detailed standards and specifications for construction are contained in the Charlotte Land Development Standards Manual available from the city engineer:

- (1) The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad lines, watercourses, easements or other significant features of the tract.
- (2) The location, sizes and elevations of existing sanitary sewers, storm drains and culverts within the tract and immediately adjacent thereto.
- (3) Original contours at intervals of not less than four feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coastal and Geodetic Survey and as extended by the city through its primary control system or to a benchmark that is within 2,000 feet of the subdivision. Proposed contours for the full width of all street rights-of-way along open drainage channels and in all other portions of the subdivision where extensive grading is

- (b) Time limits. Time limits for reviewing complete applications are as follows:

Action	Staff Time
Initial review of preliminary plan—red line drawings	30 days
Review of plans with corrections and/or changes	20 days
Approval of completed and correct plan	10 days

The time limits do not apply to plans for which no sketch plan has been prepared and submitted to the planning staff or to plans which contain any proposed school, park, greenway or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits in this subsection. Should the staff fail to respond within the time limits set out, the application will be considered to be denied, and the applicant may appeal the denial to the planning commission. If the application is denied by the planning staff, the staff will furnish a written notice of the denial and the reasons for the denial upon request of the applicant.

- (c) Waiver. The required preliminary plan may be waived by the planning staff for certain subdivisions, including metes and bounds subdivisions. Such applications will be designated "minor subdivisions," provided:
- (1) Such land abuts a street of required width and is so situated that no new streets are proposed, and no improvements are required to be installed by the subdivider according to this chapter.
 - (2) A plat of the tract being subdivided, accompanied by two applications signed by the owner/developer and/or his or her duly authorized agent, has been filed with the planning staff.
 - (3) The subdivider may be required to submit topographic information to determine flood elevations whenever the property proposed to be subdivided or resubdivided is traversed by or adjacent to a known watercourse. However, a final plat must be prepared and recorded as provided in section 20-18.
 - (4) The required preliminary plan may also be waived by the planning staff for limited subdivisions and/or those subdivisions which do not involve the dedication of a new street.
- (d) Final plats. Upon tentative approval of the preliminary subdivision plan by the planning staff, the subdivider may proceed to comply with the other requirements of this chapter and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new street shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in section 20-58 prior to any final plat approval. The final subdivision plat must be developed in accordance with the specifications set forth in section 20-18. When the final plat is submitted to the planning staff for approval, it must be accompanied by an application in duplicate, signed by the owner and/or his or her duly authorized agent for final plat approval, on an application form to be supplied by the planning staff. The official plat for recording, together with a sufficient number of copies

nature and extent of the changes and the deed or plat book and page number where previously recorded.

- (3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required under this chapter or of record in the county or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.
- (4) As-built drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and/or rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of the request for final plat approval or release of any surety for required improvements, whichever comes later.
- (5) The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and a north point oriented as per state statutes, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties.
- (6) The accurate location of monuments which must be established along the rear property lines of lots with a minimum of two per map including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended there from. Design and materials shall be in accordance with the standard detail contained in the Charlotte Land Development Standards Manual.
- (7) A certificate signed by the surveyor meeting the requirements of G.S. 47-30 for proof upon oath that the plat is in all respects correct, written as follows: "The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with G.S. 47-30 as amended, is in all respects correct according to the best of his or her knowledge and belief, and was prepared from an actual survey made by him on the _____ day of _____, 20____ / _____ / _____, with maximum linear error of closure of _____, and a maximum field error of angular closure of _____."

Final written approval by the planning staff must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this section. The final plat shall be recorded within 120 days of the final approval date. A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording.

- (8) If the subdivision is wholly or partially located in the airport noise disclosure overlay district, the following statement shall be inscribed on the plat: "Noise Warning—This property, either partially or wholly, is zoned Airport Noise Disclosure Overlay District and

- (1) If the planning staff disapproves a preliminary site plan, the applicant will be notified of the grounds for such disapproval. After such disapproval, an appeal from the decision of the staff may be taken to the planning commission. The planning commission may disapprove in whole or in part or otherwise modify the action of the planning staff.
 - (2) The final plat for planned developments, involving one-family attached dwellings and planned multifamily developments shall be prepared in accordance with the requirements of section 20-18 and shall contain the following additional information:
 - a. The use, bulk, and location of all buildings and structures other than one-family detached and semidetached dwellings.
 - b. All land uses.
 - c. The location, use, improvements, ownership and manner of maintenance of all common areas.
 - (e) The planning staff will review the preliminary site plan to ensure conformance with the requirements of the zoning ordinance in appendix A to this Code and with this chapter.
- (Code 1985, § 20-20)

Sec. 20-21. - Development standards for nonresidential development.

Subdivisions for nonresidential development must conform to this chapter and to the provisions of the applicable zoning district.

(Code 1985, § 20-21)

Sec. 20-22. - Design standards for streets.

- (a) Scope. This section contains specifications for streets which must be followed in the subdivision process. Construction details for streets are available in the Charlotte Land Development Standards Manual. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.
- (b) Right-of-way. A proposed street right-of-way must be of sufficient width to accommodate the required cross section. However, in no case will the dedicated and reserved right-of-way be proposed to be less than the following standards, unless the city engineer certifies that special circumstances exist which make the dedication of reservation of the full right-of-way unnecessary or impractical.
- (c) Non-local street right-of-way

Street Type	Minimum Right-of-Way (in feet)
Freeway or Expressway other than U.S. 74 from Briar Creek southeast to the City	350

<u>Local Street Type Right-of-Way</u>	<u>Total Right-of-Way</u>	<u>Minimum Right-of-Way</u> <u>(using an easement for the</u> <u>Pedestrian Zone)</u>
Local Residential Streets		
Narrow	50 feet	37 feet
Medium (default)	56 feet	42 feet
Wide	71 feet	51 feet
Local Office/Commercial Streets		
Narrow	55 feet	41 feet
Wide	77 feet	57 feet
Local Industrial Streets		
All local Industrial Streets	65 feet	51 feet
Collector	72 feet	51 feet

(e) Local Street Cross-section Application.

- (1) Local street alternatives may be applied only in accordance with the table below. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.

Land Use Conditions	USDG Street Type/Cross-Section
Residential Land Uses	
Default: except in conditions 1-4 below, use:	Local Residential Medium
1. If residential use within a mixed use development unless a conditional zoning district or adopted area plan indicates otherwise, or where the separation of the residential uses from the non-residential uses is sufficient to justify the use of residential street type.	Local Office/Commercial Wide

- a. Extend any existing adjacent street stubs into the development on its proper projection
- b. Extend any existing adjacent paper street stub into the development where the city commits to construct the paper portion of the street no later than the time of permit approval.
- c. Complete any existing adjacent half street located along any property line.

(2) Additional new local streets shall be required as follows:

- a. Measure the width of each property boundary and divide by the appropriate preferred spacing from the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number where a fractional number results. This is the required number of block faces along that boundary. Where the result is less than 2, but the boundary exceeds the maximum block length, one street is required. Where an odd-shaped parcel has a series of boundary segments shorter than the preferred length, but separate blocks would be required if the site is measured across, as opposed to along the boundary segments, then a local street shall be required. Where extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required. If the distance from the nearest adjacent street to the parcel boundary exceeds the maximum block length, then a street may be required.

Table 1

Street Spacing		
Location ¹ / Land Use		Preferred (Perimeter)
Activity Centers		
	Industrial Centers	600
	Mixed Use Centers	500
Growth Corridors		
	Transit Station Areas ¹	400
	Other Corridor Subareas	600
Wedges (apply uses below)		
	Nonresidential Uses	500
	Residential \geq 5 du/acre	600
	Residential $<$ 5 du/acre	600

¹ Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

Table 2

Street Spacing		
Location¹ / Land Use		Maximum
Activity Centers		
	Industrial Centers	1000
	Mixed Use Centers	650
Growth Corridors		
	Transit Station Areas ¹	600
	Other Corridor Subareas	650
Wedges (apply uses below)		
	Nonresidential Uses	650
	Residential \geq 5 du/acre	650
	Residential $<$ 5 du/acre	800

¹ Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

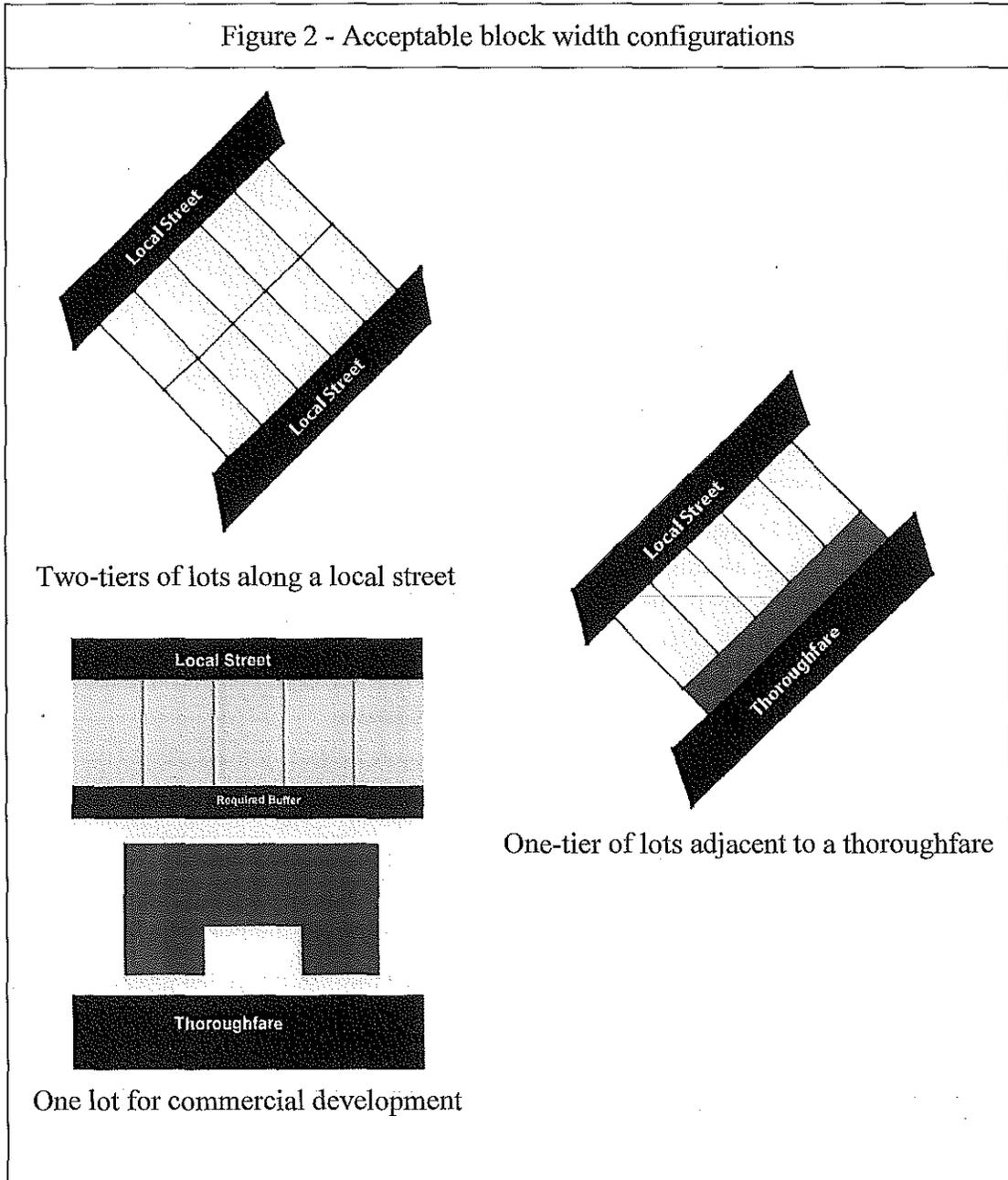
(3) New Street Stubs

- a. New street stubs to adjacent properties are required using the prescribed methodology for creating blocks
- b. New street stubs are not required to existing single family developments, with the following two exceptions:
 - 1. A street stub may be required to an abutting single family lot that may be further subdivided based on the size and shape of the single family lot making a stub street extension feasible. New street stubs shall be public and connect to the existing public street system. Deed restrictions on the single family lots may be considered in determining whether a lot is likely to be redeveloped and therefore whether a street stub should be provided.
 - 2. A paper street may be required to single family lots located adjacent to thoroughfares

(4) Ingress and Egress

- a. All new development should provide for more than one access for ingress and egress at the time of development, if feasible.
- b. New streets and driveways should align with existing streets across intersections to create four-way intersections.

(b) Internal Connectivity. Once the external streets are created, connect them, and ensure no block lengths exceed 1000 feet and the average of the block lengths for the entire site does not exceed the maximum block spacing shown in Table 2.. Streets eligible for inclusion in the average block length calculation are described in 20-23 (b)(2)b.



- (d) Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines may not be less than 125 feet. Staff may reduce this requirement based on analysis of safety and operational conditions.
- (e) Cul-de-sac. Cul-de-sacs and other permanently dead-end streets are allowed only where no feasible alternative has been documented. No cul-de-sacs are permitted in transit station areas. Cul-de-sacs shall not be longer than the preferred local street spacing in Table 1. Flag lots along the turnaround portion of the cul-de-sac shall not be used as a way to minimize the length of the cul-de-sac. Where a vehicular connection is impractical and limited additional

transportation, and urban design practice. Alternative street design means alternative designs for physical improvements such as street cross-sections, street network, and street block design.

- (2) Authority. The Development Review Board will have the authority to hear and decide applications for alternative compliance.
- (3) Initiation. An application for alternative compliance may be initiated only by the owner of the subject property, an agent authorized in writing to act on the owner's behalf, or a person having written contractual interest in the affected property.
 - (a) An applicant requesting alternative compliance shall schedule a pre-application conference with staff to discuss the procedures, standards, and regulations.
 - (b) An application, in a form prescribed by the Planning Director, must be filed with the planning department accompanied by a nonrefundable filing fee as established by city council. The application shall include an explanation of why the development proposal is not allowed by the ordinance standards.
- (4) Determination of completeness.
 - (a) Within ten days of receiving an application for alternative compliance, the Planning Director will determine whether the application is complete. If the Planning Director determines that the application is not complete, he or she will notify the applicant or specifying the application's deficiencies. The planning director will take no further action on the application until the deficiencies are remedied. If the planning director fails to notify the applicant, the application will be deemed complete. If the application is deemed complete, the planning director will schedule the application for consideration at a hearing before the Development Review Board within 30 days.
 - (b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the application to proceed under this section. In the event that the application is automatically deemed complete due to the failure of the planning director to notify the applicant of any deficiencies in the application, the deficiency of information may result in rejection of the application by the Development Review Board.
- (5) Staff review.
 - (a) After receipt of a complete application for alternative compliance, the planning director will review the application and send a written recommendation to the Development Review Board setting forth whether the application for alternative compliance should be granted or denied and the reasons for such recommendation. In making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the application for alternative compliance. The recommendation of the planning director will be submitted to the Development Review Board and mailed to the applicant at least five days prior to the scheduled public hearing.
- (6) Notice and hearing.

with the alternative compliance to the regulations granted to the applicant by the Development Review Board or court.

Sec. 20-25. - Design standards for lots.

- (a) Frontage on street.
 - (1) Each lot in a subdivision must have frontage on a public or private street, except that all single-family detached lots shall front on a public street. Private streets may be allowed in place of public streets with approval by staff.
 - (2) Where lots or building sites that are part of a multifamily development exceed the maximum local street spacing in Sec. 20-23(b)(2)b. above, at least one street extending through the development in either direction shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street.
 - (3) Lots designed for certain planned multifamily dwellings need not front on a street, provided that all portions of the dwelling unit proposed for such lots are located within 400 feet of a public street or private street that furnishes direct access to the property, and that access to each such lot be made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership.
 - (4) In addition to provisions 1-3, all other lots must be designed in accordance with Appendix A of the City Code.
- (b) Sidelines. Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.
- (c) Maximum density and minimum lot requirements. Density controls the maximum number of lots that can be created when subdividing property. Once the maximum density is established, lots must meet all the development standards of the underlying zoning district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.
- (d) Building lines. Building lines shall be established on all lots in accordance with the appropriate zoning classification. For residential subdivisions on thoroughfares, the building line may not be less than the required setback for the zoning district and shall regulate the placement of any structure relative to the thoroughfare right-of-way including all front, side and rear yards.
- (e) Driveway connections. Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured in accordance with the zoning ordinance and other applicable codes and ordinances.

have a minimum frontage at the water's edge of 100 feet. The water access lots must either be dedicated to the county parks department, but only if the board of county commissioners agrees to accept such dedication, or be transferred in fee simple title to a homeowners' association of the interior lot owners of the subdivision. Before approval of the final plat can be given, the subdivider must submit to the planning staff a covenant stating either that:

- (1) He or she will dedicate the required amount of water access lots to the county; or
- (2) He or she will convey title of the water access lots to a homeowners' association of the purchasers of each interior lot.

If the subdivider chooses to dedicate the water access lots to the county, the board of county commissioners must have agreed to accept the final responsibility of maintaining the lots, and the preliminary plan and final plat must show the dedication. If the title is transferred to a homeowners' association of the interior lot owners, the preliminary plan and final plat must designate the lots covered by the homeowners' association for each water access lot.

- (h) New subdivisions within watershed protection overlay zoning district. New subdivisions within a watershed protection overlay zoning district must submit a buffer plan in accordance with appendix B of Ordinance No. 1963. The buffer plan will be submitted with the subdivision preliminary plan application to the Planning Department.
- (i) Building envelope. All residential lots shall have a building envelope sufficient to meet the minimum requirements of the Minimum Housing Code.

(Code 1985, § 20-23; Ord. No. 2961, § 6, 5-16-05; Ord. No. 3141, § 1, 11-21-2005; Ord. No. 3401, § 1, 10-18-2006)

Editor's note—Ord. No. 3401, § 1, adopted October 18, 2006, added provisions intended for use as subsection (5). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsection (i).

Sec. 20-26. - Enforcement.

- (a) After the effective date of the ordinance from which this chapter derives, a plat of a subdivision filed or recorded in the office of the register of deeds of the county, without the approval of the planning staff or the Charlotte-Mecklenburg Planning Department as required by this chapter, will be null and void for the purposes of this chapter.
- (b) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this chapter, subdivides land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the office of the register of deeds of the county shall, upon conviction, be guilty of a misdemeanor and punished in accordance with section 2-21. The county, through the county attorney, or the city, through the city attorney, may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance of any grading, construction, building or occupancy permit, will be suspended. This chapter will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this chapter (January 1, 1966, for Mecklenburg County; February 29, 1956, for the City of Charlotte).

ARTICLE II. REQUIRED IMPROVEMENTS

Sec. 20-51. - Standards and specifications.

- (a) Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the city or the state department of transportation, minimum improvements, including drainage and soil erosion, must have been completed by the developer and approved by the city or county engineer in accordance with the standards and specifications of the Charlotte Land Development Standards manual or bonded in accordance with section 20-58(c).
- (b) The intent of the specifications set out in this chapter is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the city or county engineering department, will qualify streets in the city to be accepted for maintenance by the city and streets in the county to be considered for maintenance by the state.

(Code 1985, § 20-36)

Sec. 20-52. - Improvement responsibility.

- (a) In order to facilitate the provision of street rights-of-way and necessary improvements, the following establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner for development rights transfer purposes as provided for in the zoning ordinance in appendix A to this Code:
 - (1) Freeway-expressway: right-of-way: entire width reserved for future acquisition.
 - (2) Limited-access arterial:
 - a. Right-of-way: entire width reserved for future acquisition.
 - b. Improvements: installed by the public.
 - (3) Commercial arterial:
 - a. Right-of-way: Up to 100 feet or required width dedicated, whichever is less, and the remainder reserved for future acquisition (half of right-of-way located on each side of the centerline). Any development along a commercial arterial which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.
 - b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is

- a. Right-of-way: The developer is responsible for the dedication of up to 70 feet (35 feet each side of the centerline) as provided for in section 20- 22(c)(4). Additional right-of-way which may be required for improvements to meet specific traffic demands of the development must be dedicated by the developer.
 - b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his or her project frontage on existing thoroughfares at the time of his or her development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development.
- (7) Collector:
- a. Right-of-way: dedicated by the developer.
 - b. Improvements: constructed by the developer.
- (b) All streets must be constructed to the requirements of the city as described in the Charlotte Land Development Standards Manual or as approved by the City Engineer. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs. The standards in this chapter for the reservation and dedication of rights-of-way will not apply to any development meeting one or more of the following circumstances:
- (1) Any multibuilding site or multisite project that had at least one building built or under construction or had a valid, unexpired building permit issued for at least one building prior to May 1, 1989.
 - (2) Any project which had a site plan not requiring any additional right-of-way approved prior to May 1, 1989 either:
 - a. By the planning commission and/or planning staff; or
 - b. Unconditional zoning district and/or special use permit zoning processes of the zoning ordinance in appendix A to this Code. However, any change in the site plan requiring a public hearing or the creation of a new parcel of land may subject the project for which the site plan was revised or the newly created parcel of land to this chapter.
- (c) No dedication or reservation of right-of-way for a street or highway within a corridor for a street or highway on a plan established and adopted pursuant to G.S. 136-66.2 for a street or

- (1) Sidewalks are required on both sides of all new or existing major and minor thoroughfares in accordance with other improvement requirements of this section.
 - (2) Sidewalks are required on both sides of all new or existing collectors in accordance with other improvement requirements of this section.
 - (3) Sidewalks are required on both sides of all new or existing local residential streets in accordance with other improvement requirements of this section.
- (b) Location. Approval of sidewalk construction plans must be obtained as part of the subdivision review process. The Charlotte Land Development Standards Manual and Appendix A of this code (where applicable), or any adopted Streetscape Plan or Area Plan indicate the required location of the sidewalks. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement.
- (1) Sidewalks may be located on private property, thereby reducing the width of the required right-of-way, where an easement for access, utilities, and other required functions acceptable to the city is proposed and accepted.
 - (2) Location of sidewalks. Where nonresidential or multifamily development occurs, sidewalks shall be placed in their conforming locations, and a transition to any adjacent existing sidewalks shall be made. All other residential development shall place sidewalks in their conforming location to the maximum extent determined feasible by city staff. In cases where the sidewalk is not located in its conforming location, an easement shall be granted for future location of the sidewalk, and all street tree and other landscape planting shall respect the location of the future sidewalk.

(Code 1985, § 20-40)

Sec. 20-56. - Street markers and barricades.

- (a) Standard street markers must be installed at one corner of all street intersections in a subdivision, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location and installation of the signs must be in accordance with standards specified by the Charlotte Land Development Standards Manual.
- (b) Barricades must be installed at the end of all dead-end streets, except cul-de-sac streets which have been improved with a permanent turnaround as required by this chapter. Design, material and installation of the barricades must be in accordance with the Charlotte Land Development Standards Manual.

(Code 1985, § 20-41)

Sec. 20-57. - No service unless street accepted or tentatively approved.

- (a) No department, officer or employee of the city or county will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the city or county unless:

ARTICLE III. APPEALS AND VARIANCES

Sec. 20-86. - Authority of planning commission.

- (a) The planning commission will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by any administrative officer pursuant to or regarding these regulations. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.
- (b) The planning commission will have the authority to hear and decide petitions for variances from the requirements of these regulations, which relate to subdivision of land or any development standards and requirements of this chapter not inconsistent with other codes or ordinance. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(Code 1985, § 20-56; Ord. No. 2960, § 3, 5-16-2005)

Sec. 20-87. - Initiation.

- (a) An appeal of a decision on a subdivision preliminary plan may be initiated by any person aggrieved or by any officer, department, board or bureau of the city or the county. However, only the applicant has the right to appeal from the disapproval of a final plat as required by section 20-18.
- (b) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

(Code 1985, § 20-57)

Sec. 20-88. - Filing of notice of appeal.

- (a) A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section.
- (b) The filing of such notice will require the officer whose action is appealed to transmit to the planning commission all administrative papers, records, and other information regarding the subject matter of the appeal.
- (c) Except as provided in this article, the filing of such notice shall stay any proceedings in furtherance of the contested action.

(Code 1985, § 20-58)

Sec. 20-89. - Standards for granting appeal.

- (a) The planning commission, or the hearing committee, may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the

application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

- (b) In modifying the order, decision, determination, or interpretation, the planning commission, or the hearing committee, will have all the powers of the officer from whom the appeal is taken.

(Code 1985, § 20-59; Ord. No. 2960, § 4, 5-16-2005)

Sec. 20-90. - Filing of variance petition.

A petition for a variance from this chapter, in the form prescribed by the planning commission, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council or board of commissioners.

(Code 1985, § 20-60)

Sec. 20-91. - Standards for granting variance.

Before granting a variance, the planning commission, or the hearing committee, must determine that:

- (1) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or
- (2) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or
- (3) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or
- (4) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or
- (5) The granting of a variance would permit the preservation of an historic structure or site.

(Code 1985, § 20-61; Ord. No. 2960, § 5, 5-16-2005)

Sec. 20-92. - Determination of completeness.

- (a) Within ten days of receiving a notice of appeal or a variance petition, the planning director will determine whether the notice or petition is complete. If the planning director determines that the notice or petition is not complete, he or she will notify the appellant or petitioner specifying the notice's or petition's deficiencies. The planning director will take no further action on the petition until the deficiencies are remedied. If the planning director fails to notify the appellant or petitioner, the notice or petition will be deemed complete. If the notice or petition is deemed complete, the planning director will schedule the appeal or variance for consideration at a hearing before the planning commission, or the hearing committee, within 30 days.
- (b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal of variance to proceed under this section. In the event that the notice or petition is

within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later.

- (b) If there is an appeal from the decision of the planning staff taken to the planning commission, or the hearing committee, then the person filing the appeal may not file a revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal, or any final judicial determination. The planning staff may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.

(Code 1985, § 20-67; Ord. No. 2960, §§ 11, 12, 5-16-2005)

Sec. 20-98. - Effect of grant of variance.

After the approval of a variance by the planning commission, or the hearing committee, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the petitioner by the planning commission, hearing committee, or court.

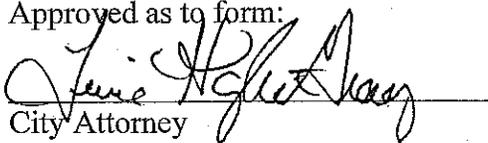
(Code 1985, § 20-68; Ord. No. 2960, § 13, 5-16-2005)

Section 2. These amendments shall apply to all development and redevelopment within the corporate limits of this city and its extraterritorial jurisdiction, unless one of the following exemptions applies as of the effective date:

- (1) Residential and nonresidential development and redevelopment plans submitted and accepted for review;
- (2) Zoning use application submitted and accepted for review for uses that do not require a building permit;
- (3) Common law vested right established (e.g., the substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid governmental approval to proceed with a project); and/or
- (4) A conditional zoning district (including those districts which previously were described variously as conditional district, conditional use district, parallel conditional district and parallel conditional use district) approved prior to the effective date of this article/ordinance, provided formal plan submission has been made and accepted for review either prior to five years from January 1, 2011 in the case of conditional zoning districts approved on or after January 1, 2002, or prior to two years from January 1, 2011 in the case of conditional zoning districts approved prior to January 1, 2002. If no such formal plan submission occurs within the above-described five-or two-year time frames the requirements of Section I shall be applied to the project.

Section 3. This ordinance shall become effective upon its adoption.

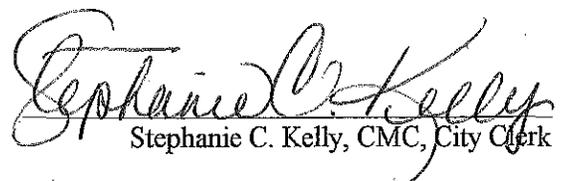
Approved as to form:


City Attorney

CERTIFICATION

I, **Stephanie C. Kelly**, City Clerk of the City of Charlotte, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of December, 2010, the reference having been made in Minute Book 130, and recorded in full in Ordinance Book 56, Page(s) 911-958.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of February, 2011.


Stephanie C. Kelly, CMC, City Clerk

**APPROVED BY
CITY COUNCIL**

Petition No. 2010-073
Petitioner: Charlotte-Mecklenburg Planning Commission

DEC 20 2010
**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO. 4606

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: Definitions

- a. Amend Section 2.201, "Definitions" by modifying the current definition to include a second method of determining the setback. Clarify that for through lots, the setback will apply for both streets. Remove references to how the setback is measured in the UMUD and NS districts. The diagram shall remain unchanged. The revised definitions shall read as follows:

Setback, required.

The minimum distance by which a building, structure, or use must be separated from either 1) the street right-of-way or 2) the back of curb (existing or future) based on the street type a parcel abuts and/or the zoning designation. In the case of a through lot, the same minimum separation to the building, structure, or use will be required.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: Single Family Districts

- a. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e) by creating two subsections, (e1) and (e2) to modify the language about where the setback is measured, based on the street type, aligning the text with the USDG guidelines. All other subsections shall remain unchanged. Also add a new footnote #8 to refine where the setback shall be measured from on local streets. The revised subsections shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e1) Minimum setback from the right-of-way along a designated thoroughfare (feet) ³	30	30	20	20	20
(e2) Minimum setback from existing or future back of curb along local and collector streets (feet) ^{3,8}	42	42	32	32	32

- (v) No parking or maneuvering space is permitted in the 27-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

- b. Modify Section 9.305, "Development standards for multi-family districts", subsection (1), "Area, yard and bulk regulations", subsection (e) by updating the setback requirements to match USDG standards. Also add a new footnote #10. All other sections and footnotes shall remain unchanged. The revised text shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(e1) Minimum setback from the right-of-way along a designated thoroughfare (feet) ³					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))	30	30	30	30	30
(e2) Minimum setback from existing or future back of curb along local and collector streets (feet) ^{3, 10}					
- Detached, duplex, triplex and quadraplex dwellings	32	32	32	32	32
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))	42	42	42	42	42

¹⁰ Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Narrow shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.

2. PART 4: Urban Residential Districts

- a. Modify Section 9.408, "Urban Residential Districts: off-street parking and loading", subsection (1) by creating a new subsection (a) and (b) to add a provision that will allow on-street parking to count towards the minimum parking requirements. Also modify the spacing in the table for clarity. All other subsections shall remain unchanged. The revised

required to make up the difference and the use will not be made non-conforming.

4. PART 9: Uptown Mixed Use District

- a. Add a new subsection in Section 9.907 “Uptown Mixed Use District, parking and loading standards”, subsection (1) by adding a new subsection (k) to modifying the text to be consistent with USDG guidelines and allow on-street parking to count towards the minimum parking requirements. All other subsections shall remain unchanged. The new subsection shall read as follows:

- (k) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

5. PART 10: Urban Industrial District

- a. Amend Section 9.1007, “Urban Industrial District: off-street parking”, by inserting a new subsection (4) that will modify the text to be consistent with USDG guidelines and allow on-street parking to count towards the minimum parking requirements. All other subsections shall remain unchanged. The new subsection shall read as follows:

- (4) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

D. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: Pedestrian Overlay District

- a. Amend Sections 10.803, “Development Standards”, subsection (6), “Parking standards”, subsection (f) by modifying the text to be consistent with USDG guidelines and allow on-street parking to count towards the minimum parking. Also delete the text in subsection (g), and replace it as “Reserved”. All other subsections shall remain unchanged. The revised subsections shall read as follows:

than one principal use is on a site, the bicycle parking spaces required shall be a sum of the spaces required for each individual use.
(Petition No. 2005-013, § 12.202(1), 3/21/05)

- b. Amend Table 12.206, “Location of required parking”, subsection (3) “Development Standards for Off-street Parking, Driveways, and Garages” by deleting the word “parallel” in the row titled, “Parking in Setback, Side Yards, and Right-of-Way”. The remainder of the table shall remain unchanged, including the footnote. The revised table shall read as follows:

Table 12.206(3) Development Standards for Off-Street Parking, Driveways, and Garages

Development Standard	Single-family & duplexes on individual lots	Triplex, Quadraplex, Multi-Family & Planned Multi-Family	All Other Uses
Parking in Setback, Side Yards, and Right-of-Way	Parking is allowed in the setback, but vehicles shall not block the sidewalk and shall be parked only on improved surfaces*. No parking is permitted in the right-of-way, except for parking as approved by CDOT.	Parking of vehicles is not permitted within the required setback or required side yard that abuts a street on any lot, nor within 5’ of any exterior lot line. No parking is permitted in the right-of-way, except for parking as approved by CDOT.	Parking of vehicles is not permitted within required setback or required side yard that abuts a street on any lot, nor within 5’ of any exterior lot line. No parking is permitted in the right-of-way, except for parking as approved by CDOT.
Maneuvering space	N/A	The space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles.	The space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles.
Driveways and Parking Pads	Driveways and parking pads shall have a minimum length of 20’, measured from the back of the sidewalk, or back of the right-of-way, whichever is greater. Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible. Driveways and parking pads shall be improved*. Individual driveways or shared driveways shall have a maximum width at any one point of 20’. <i>Driveways for individual garages may be used to meet a portion of the required parking if they are a maximum of 20’ wide and at least 20’ in length.</i>	Driveways and parking pads shall have a minimum length of 20’, measured from the back of the sidewalk, or back of the right-of-way, whichever is greater. Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible. Driveways and parking pads shall be improved*. Individual driveways or shared driveways shall have a maximum width at any one point of 20’. <i>Driveways for individual garages may be used to meet a portion of the required parking if they are a maximum of 20’ wide and at least 20’ in length.</i>	Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible.
Garages	Minimum setback of 20’, or the district setback, whichever is greater. Setbacks are measured from the back of sidewalk or back of right-of-way, whichever is greater.	Minimum setback of 20’, or the district setback, whichever is greater. Setbacks are measured from the back of sidewalk or back of right-of-way, whichever is greater.	N/A

* For the purposes of this section, “improved” means surfaced with concrete, asphalt, gravel, or any other material commonly used for the parking of vehicles, but not including grass or dirt.
(Petition No. 2007-102, § 12.206(3), 09/17/07)

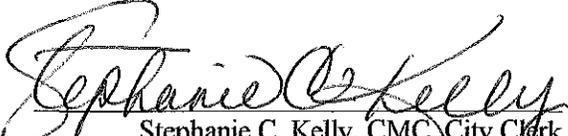
- c. Amend Section 12.206, “Location of required parking”, subsection (4), by changing the subsection number from (4) to (5), and creating a new subsection (4) to add provisions that will allow on-street parking to count towards the minimum parking requirements.

December 20, 2010
Ordinance Book 56, Page 962e

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of December, 2010, the reference having been made in Minute Book 130, and recorded in full in Ordinance Book 56, Page(s) 959-962e.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 1st day of February, 2011.


Stephanie C. Kelly, CMC, City Clerk

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