AGENDA

Meeting Type:	S
Date:	10-14-1987
SUBJECT	Public Hearing Charlotte Mecklenburg Planning Commission – ordinance rewrite process

City of Charlotte, City Clerk's Office

CHARLOTTE

file copy

Mayor Harvey B. Gantt Mayor Pro Tem Al Rousso

Charles S. Dannelly Cynthia Patterson
Gloria Fenning Pamella G. Patterson
Ann Hammond Minette Conrad Troxch
Ron Leeper Richard Vinroot
Roy Matthews Velva W. Woollen

Council Agenda

Wednesday, October 14, 1987

7:00 p. m. - PUBLIC HEARING
Board Room, Education Center

* * * * * * * * * *

ITEM NO.

1. Invocation.

2. Hearing on Petition No. SUB 87-1 by the Charlotte-Mecklenburg Planning Commission to provide for adoption of a revised subdivision ordinance as part of the overall ordinance rewrite process.

   Attachment No. 1

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PROPOSED

SUBDIVISION ORDINANCE

City of Charlotte & Mecklenburg County

PUBLIC HEARING DRAFT

Charlotte-Mecklenburg Planning Commission

September 1987

PROPOSED
SUBDIVISION ORDINANCE
for
CHARLOTTE AND MECKLENBURG COUNTY

Public Hearing Draft
September 1987

This document is the *Public Hearing Draft* of a revised Subdivision Ordinance for Charlotte and Mecklenburg County.

It is drafted as a single ordinance which may be adopted separately by the Charlotte City Council and the Mecklenburg Board of County Commissioners. It proposes to unify the standards which apply to the subdivision of land in both jurisdictions to simplify the design, review, and approval of development proposals. Minor variations may remain, due to the influence of certain other regulations or standards which are beyond local control.

Although this document is headed by the amendment format for the City, the text is the same as that for the County proposal, and therefore forms the basis for each body considering the same ordinance and standards. Upon adoption, minor editorial changes necessary for proper form for each jurisdiction will be completed.

Charlotte-Mecklenburg Planning Commission

SUBDIVISION ORDINANCE

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AMENDING CHAPTER 20

ORDINANCE NO _____

AN ORDINANCE AMENDING CHAPTER 20, (SUBDIVISION REGULATIONS) OF THE CODE OF THE CITY OF CHARLOTTE:

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

Section 1 Chapter 20, is hereby amended as follows.

1 Amend Chapter 20 of the Charlotte City Code entitled Subdivision by adopting a new chapter which supercedes the existing chapter

1 000 Purpose and Applicability

1 100 Short Title

This ordinance will be known and may be cited as the Charlotte-Mecklenburg Subdivision Ordinance

1 200 Purpose

The provisions of this ordinance are adopted pursuant to the authority conferred by General Statutes, the city charter, and certain special legislation for Charlotte and Mecklenburg County [citations to be included] and for the purpose of promoting the orderly development of the city and county, and for the purpose of coordinating streets within subdivisions with existing or planned streets or with public facilities, to secure adequate rights-of-ways or easements for street or utility purposes, to secure adequate spaces for recreation and school sites, to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding, to protect and enhance environmental quality, and to create conditions essential to health, safety, convenience and the general welfare

1 300 Jurisdiction

The provision of this ordinance apply to all subdivision activities for which approval under this ordinance is required in the City of Charlotte and the unincorporated portions of Mecklenburg County In addition, by agreement, the provisions of this ordinance may be applied to areas within other incorporated municipalities in Mecklenburg County

1 400 Separability

If any section, paragraph, subdivision, clause or provision of this Ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication will apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance will be deemed valid and effective

1 500 Compliance with Ordinance

All plats for the subdivision of land must conform to the requirements of this ordinance, and be submitted in accordance with the procedures and specifications established herein The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this ordinance

1 600 Modification of Certain Standards

Certain development standards, regulated by this ordinance and specifically listed below, may be modified under the provisions of Section 3214 of the zoning ordinance

1 Street right-of-way
2 Sidewalks
3. Curb and gutter
4 Type of street (public or private)
5 Street pavement width.

The standards of Chapter 19 of the City Code which also regulate the development of streets, sidewalks, and other facilities in the City of Charlotte must be complied with except as may be varied under the provisions of section 4 000

1.700. Effective Date

This ordinance will become effective upon adoption.

2 000 Definitions and Rules of Construction

2 100 Definitions

As used in this ordinance, the following terms will have the meanings indicated in this section.

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

Charlotte-Mecklenburg Land Development Standards Manual The manual of construction standards and details jointly prepared by the City Engineer and Mecklenburg County Director of Engineering which regulates and controls the provision and construction of

public and private improvements relating to streets, sidewalks, drainage and other facilities Whenever, in this ordinance reference is made to "standards" or "manual" it refers to that document

Collector Street (Class V) A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street The Class V road provides direct primary access to low/medium density land uses It is designed to carry low to moderate traffic volumes at low to moderate speeds

Commercial Arterial Street (Class III-C) A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network, the Class III-C road may also connect this region to other regions It is designed to accommodate large volumes of traffic at moderate speeds while also providing, as a major part of its function, direct access to nonresidential high trip generating land uses A Class III-C road may be part of state primary or secondary highway systems

Department of Environmental Protection (D E P) shall mean Mecklenburg County Department of Environmental Protection

Freeway or expressway (Class I) A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads It is designed to accommodate large traffic volumes at high speeds Such a facility may be part of the interstate, federal or state primary highway system A Class I road will be built to or approaching interstate design standards

Limited access arterial street (Class II) A multi-lane limited access major road connecting major activity centers or major roads It is designed to accommodate large volumes of traffic at moderate speeds Intersections are at grade, with access only at cross streets rather than at individual driveways All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road

Local Street (Class VI) This is a two lane roadway which provides access directly to adjoining low/medium density land uses It also conducts traffic to local limited and Class V streets which serve the area The Class VI road is designed to accommodate low volumes of traffic at low speeds A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations These unique environments include planned developments and other similar techniques, or cul-de-sac streets in conventional subdivisions

Major arterial (Class III) A multilane major roadway connecting Class I, II or III streets with lesser streets in the network The Class III road may also provide connections between this and other regions It is designed to accommodate large volumes of

traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses

Minor arterial (Class IV) A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system It is designed to accommodate moderate volumes of traffic at moderate speeds It does not have a significant function in connecting this region to other regions Therefore, it usually only handles trips for short to moderate distances

Park and Recreation Department Park and Recreation Commission shall mean either the City Park and Recreation Department or the County Park and Recreation Department

Planned development A planned development is a group of two or more duplex or multi-family residential or nonresidential buildings established in a single development tract, having unified design of buildings and coordinated organization of open space, parking and service areas

Reverse Frontage The configuration of lots or a development site so that vehicular access to the lots or development site does not involve individual driveway connections to the street for which the access is restricted, but rather is from another means such as a public street which either intersects or runs parallel to the street for which access is restricted or a private street or easement It has no relationship to the street toward which the structure is oriented

School Board School board shall mean the Charlotte-Mecklenburg School Board

Street right-of-way Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the City of Charlotte or Mecklenburg 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 this ordinance has been approved by either the Planning Commission, the Charlotte 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 this ordinance

Subdivision A 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, legacy or building development of any type, including residential or nonresidential use and also includes all divisions of land involving the dedication of a new street or a 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 ordinance

1 The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the appropriate zoning classification

2 The division of land into parcels greater than 5 acres where no street right-of-way dedication is involved

3 The creation of strips of land for the widening or opening of streets or the location of public utility rights-of-way

4 The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the community, as shown in the subdivision regulations

5 The division of land into plots or lots for use as a cemetery

6 The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years

Subdivision, Minor A subdivision that is not otherwise exempt from the provisions of this ordinance and that does not involve any of the following

1 The creation of any new public streets or street right-of-way

2 The extension of any needed rights-of-way or easements for the water or sewer system operated by Charlotte-Mecklenburg Utility Department

3 The installation of drainage improvements through one or more lots to serve one or more other lots

4 The installation of a private waste water treatment plant or a private water supply system

Thoroughfare 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 words thoroughfare and arterial are used synonymously and indicate streets which are designated as Class I, II, III, III-C, or IV

Thoroughfare Plan The most recent map approved by the City Council and the Board of County Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation The words thoroughfare plan and arterial street plan are used synonymously

Variance An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land

Through Lot A lot with frontage on two streets

2 200 Rules of Construction

For the purposes of these regulations, the following rules of construction apply

1 These regulations will be construed to achieve the purposes for which they are adopted

2 In the event of a conflict between the text of these regulations and any caption, figure, illustration, table, or map, the text of these regulations will control

3 In the event of any conflict in limitations, restrictions, or standards applying to a project, the more restrictive provision will apply

4 The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision

5 The word "may" is permissive in nature except when used in the negative

6 Words used in the present tense include the future tense

7 Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise

8 Words used in the masculine gender include the feminine gender

9 References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise

3 000 Decision Making and Administrative Bodies

3 100. Planning Staff

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning Commission staff (herein after "Planning staff") by other ordinances of the City of Charlotte or Mecklenburg County, the Planning Director and the employees under his or her control will have the following powers and duties to be carried out in accordance with these regulations

1 To review and approve all subdivisions of land within the authority and jurisdiction of these regulations

2 To maintain the text of these regulations

3 To maintain files and other public records related to the administration and enforcement of these regulations

4 To recommend and comment on proposed amendments to these regulations

5 To render interpretation of the provisions of these regulations

6 To work to coordinate all local, state, and other appropriate agency review and comment on all subdivisions proposed under these regulations

7 To establish such rules of procedure as necessary and proper for the administration of their responsibilities under these regulations

3 200 Charlotte-Mecklenburg Planning Commission

In addition to any authority granted to the Charlotte-Mecklenburg Planning Commission (hereinafter "Planning Commission) by other ordinances of the City of Charlotte or Mecklenburg County, the Planning Commission will have the following powers and duties to be carried out in accordance with these regulations

1 To hear appeals filed regarding the action of the Planning staff in the approval or disapproval of any subdivision proposed under these regulations

2 To hear and decide requests for variances from the standards of this ordinance in accordance with the provisions of Section 4 000

3 To hear and decide appeals from the interpretation of any provisions of this ordinance from the Planning staff

In all of these matters, the Planning Commission may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of the ordinance

4 000 Appeals and Variance

4 101 Authority of Planning Commission

1 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

2 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 ordinance not inconsistent with other codes or ordinance

4 102 Initiation

1. An appeal may be initiated by any person aggrieved or by any officer, department, board, or bureau of the City of Charlotte or Mecklenburg County However, only the applicant has the right of appeal from the disapproval of a final plat as required by Section 6 600

2 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

4 103 Filing of Notice of Appeal

1 A notice of appeal, in the form prescribed by the Planning Commission must be filed with the Planning Director within 10 days of the day a preliminary plat 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) (Board of Commissioners) Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section

2 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

3 Except as provided below, the filing of such notice shall stay any proceedings in furtherance of the contested action

4 104 Standards for Granting an Appeal

1 The Planning Commission 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.

2 In modifying the order, decision, determination, or interpretation, the Planning Commission will have all the powers of the officer from whom the appeal is taken

4 105. Filing of Variance Petition

A petition for variance, 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

4 106 Standards for Granting a Variance

Before granting a variance, the Planning Commission 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,

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,

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

4 107 Determination of Completeness

1 Within 10 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 within 30 days

2 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 automatically deemed complete due to the failure of the Planning Director to notify the

appellant or petitioner of any deficiencies in the notice or petition, the deficiency of information may result in rejection of the appeal or variance by the Planning Commission

4 108 Staff Review

After receipt of a complete variance petition or notice of appeal from an action taken, the Planning Director will review the notice or petition and send a written recommendation to the Planning Commission setting forth whether the appeal or variance 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 notice of appeal or variance petition The recommendation of the Planning Director will be submitted to the Planning Commission and mailed to the appellant or petitioner at least 5 days prior to the scheduled public hearing

4 109 Notice and Hearing

1 The Planning Commission will hold public hearings on any appeal or variance petition which comes before it in accordance with rules adopted by it for such purpose

2 The Planning Commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing

4 110 Action By The Planning Commission

The Planning Commission will grant or deny the variance or will reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the Planning Commission used to reach its decision.

4 111 Rehearing

The Planning Commission will refuse to hear an appeal of variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter

4 112 Appeal from Planning Commission

Any appeal of a decision rendered by the Planning Commission under this section must be to the superior court by proceedings in the nature of certiorari Any petition for review by the superior court must be filed with the clerk of superior court within 30

days after the decision of the Planning Commission 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

4 113 If there is an appeal from the decision of the planning staff taken to the Planning Commission, then the person filing the appeal may not file a revised preliminary plan or revised final plat for any or all of the subject site until the completion of the appeal to the Planning Commission or any final judicial determination

4 114 Effect of Grant of Variance

After the approval of a variance by the Planning Commission, 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 or court

5 000 Amendments

The Planning staff may from time to time, and at the request of the City Council, Board of County Commissioners, or Planning Commission must, prepare certain improvements to the text of the subdivision ordinance to correct errors, update or modify the requirements, or otherwise improve the operation of the ordinance in regulating the subdivision of land

Amendments to this ordinance may only be enacted pursuant to the public notice and public hearing requirements established for the initial adoption of the ordinance 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

6 000 The Subdivision Process

6 100 Compliance Required

After the effective date of this ordinance, no plat of a subdivision of land subject to the jurisdiction of this ordinance will be filed or recorded by the county Register of Deeds until it has been submitted to and approved by the Charlotte-Mecklenburg Planning Commission staff. This includes all divisions of land as defined in 2 100 and includes the development of any multiple

building site or multi-site project even if there is no division of the underlying land into separate parcels which is submitted to be recorded with the Register of Deeds

6 200 General Requirements

The following statements provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this ordinance Questions of interpretation of any of these provisions should be discussed with the Planning staff at the earliest possible time in the development of a subdivision proposal

1 Consistency with adopted public plan and policies All subdivision of land approved under these regulations should be consistent with the most recently adopted public plans and policies for the area in which it is located This includes general policy regarding development objectives for the area as well as specific policy or plans for public facilities such as streets, parks and open space, schools, and other similar facilities Plans and policies for the community are on file in the offices of the Planning Commission

2 Conformity All proposed subdivisions should be planned so as to facilitate the most advantageous development of the entire neighboring area In areas where existing development exists, new subdivisions should be planned to protect and enhance the stability, environment, health and character of the neighboring area Emphasis will be placed on the protection of existing residential areas from the potential affects of traffic circulation from new development

3 Extension of existing streets The proposed street system should extend existing streets on their proper projections at the same or greater width than the minimum required by this ordinance unless such extensions would result in the potential for undesirable traffic or land use relationships for existing or future development Emphasis will be placed on the adopted thoroughfare plan and any adopted small area plans in the determination of street extensions and connections

4 Access to adjoining unsubdivided property The proposed street system should be designed to provide for desirable access to and not to impose undue hardship upon unsubdivided property adjoining the subdivision and to provide interconnection to similar adjacent uses when such connection would facilitate traffic movement in the area Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property are not permitted However, the provision for or the existence of a potential access point does not mean that access at that point will be required or allowed in subsequent development of the area

5 Relationship to topography In sloping terrain, streets should parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of storm water surface runoff

6 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

7 Access to parks, schools, greenways, etc Streets should be designed or walkways dedicated to assure convenient access to parks, greenways, playgrounds, schools and other places of public assembly Dedicated walkways may not be less than 15 feet in width and may be required to be larger to provide vehicular access for maintenance vehicles

8 Discourage through traffic Streets should be laid out so as to discourage through traffic unless the street is designated as a thoroughfare in the adopted thoroughfare plan or is a designated collector street

9 Relationship to railroad, rights-of-way When a subdivision adjoins a railroad right-of-way the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings

10 Half streets Whenever an existing half street is adjacent to a tract of land to be subdivided the other half of the street should be platted within such tract New half streets are prohibited

11 Parallel streets along thoroughfares Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for the lots to be developed adjacent to the highway Where reverse frontage is established, deed restrictions or other means should be provided to prevent private driveways from having direct access to the highway or street

12 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 affect 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, then the subdivision will be processed in the normal fashion If the agency does wish to reserve the site, then 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, receipt of a dedication or by initiating condemnation proceedings If, at the end of the 18 month period, none of the actions listed above have 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 Section 1019 of the zoning ordinance

13 Public Facilities When a tract of land that appears in any adopted plan as 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 affect 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, then the subdivision will be processed in the normal fashion If the agency does wish to reserve the site, then 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, receipt of a dedication or by initiating condemnation proceedings If, at the end of the 18 month period, none of the actions listed above have 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 Section 1019 of the zoning ordinance

14 Street names Proposed street names should not duplicate nor too closely approximate phonetically the name of any street within the county or city Where proposed streets are extensions of existing streets, the existing street names should be used

15 Easements Easements established to the width and in the locations required by the engineering department or the utility department, but in no case less then 10 feet wide, should be provided for open or piped storm drainage, sanitary sewers and water lines This requirement applies to such lines installed at the time of the development of the subdivision, and to easements for such lines which may reasonably be expected to be installed in the future

16 Proposed water and sewerage system The preliminary subdivision plan should be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal

Where these systems are to be a part of the public water and sanitary sewerage system owned and operated by the city, the acceptability of the proposed systems should be attested by the approval of the preliminary subdivision plan by the utility department When the proposed systems do not contemplate the use of facilities owned and operated by the city, the proposed systems will be reviewed and approved by the agency or agencies with jurisdiction over the approval prior to the approval of the preliminary plan Where local standards exceed those of State or Federal agencies and where those standards may be enforced over those of State or Federal agencies, then the Department of Environmental Protection will coordinate all reviews for such standards However, the approval of the proposed systems remains with the responsible agency or agencies, which may include the Department of Environmental Protection

17 Restrictions on the subdivision of land subject to flooding Lots that are subject to flooding should not be established in subdivisions except as provided in Section 7 200

18 Water Access Lots Where a subdivision which adjoins the Catawba River, or its impounded waters, contains interior lots, parcels or tracts of land which do not adjoin the water's edge, but any part of which is within 450 feet of the water's edge, one or more lots which adjoin the water's edge should be reserved to provide water access for the owners of interior properties Such lots will hereafter be called Water Access Lots

If the property which is in the same ownership adjoins said subdivision, this property will be construed as being part of the subdivision for purposes of determining requirements of Water Access Lots

6 300 <u>Sketch Plan</u>

Prior to the filing of an application for approval of the 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 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 The Sketch Plan may be a free hand pencil sketch made directly on a print of the topographical survey It should include the following information

1 the boundary lines of the property being subdivided,

2 water courses on the land to be subdivided,

3 the location, names, and right-of-way width of any existing 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

6 310 Sketch Plan 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

6 400 Preliminary Plan Requirements

The preliminary subdivision plan must drawn to the following specifications and must contain or be accompanied by the information listed below 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 Land Development Standards Manual available from the City or County 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, water courses, easements or other significant features of the tract

2 The location, sizes, 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 4 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 Coast and Geodetic survey and as extended by the city through its primary control system or to a bench mark 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 proposed must be shown These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary

4 The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines and building setback lines with street dimensions, tentative lot dimensions, other property lines and the location of any building restriction flood lines required by Section 7 200(8)

5 The location of all proposed storm drains and appurtenances with grades, inverts, and sizes indicated, together with a map of the drainage area or areas tributary to the proposed

storm drains, and a copy of the data used in determining the sizes of drainage pipes and structures

6 The name of the subdivision, the name and signature of the owner or the owner's duly authorized agent, the name of the surveyor, engineer or designer, the names of proposed streets, the names of adjoining subdivisions or property owners The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the Planning staff

7. The scale of the plan which shall not be smaller than 100 feet to the inch, north point, date

8 Typical cross sections of proposed streets showing width and proposed construction of roadways

9 Proposed profiles of roadways Where a proposed street is an extension of an existing street the profile shall be extended to include 300 feet of the existing roadway and storm drains if present and a cross section of the existing street shall be shown Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where said street may be expected to extend into said adjoining tract of land, the profile shall be extended to include 300 feet of the said adjoining tract

10 The proposed method of water supply and sewer disposal, the number of housing units, or the estimated number of proposed parking spaces for a nonresidential development

11 A small scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties

12 The location of any existing demolition landfill on the site and the location of any proposed demolition landfill sites if such information is available

13 A timetable for estimated project completion of the area covered by the preliminary plan

6 500 <u>Procedures for Approval</u>

6 510 A preliminary plan of the proposed subdivision developed in accordance with the specifications set forth in Section 6 400, must be submitted to the Planning staff The plan must be accompanied by an application in duplicate signed by the owner and/or his duly authorized agent for approval of the plans on application forms to be furnished by the Planning staff At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in Section 6 400 that must be submitted with the application

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 above time limits Should the staff fail to respond within the time limits set out above, the application will be considered to be denied and the applicant may appeal the denial to the Planning Commission

6 520 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 the provisions of this ordinance

2 A plat of the tract being subdivided, accompanied by 2 applications signed by the owner/developer and/or his 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 re-subdivided, is traversed by or adjacent to a known water course However, a final plat must be prepared and recorded as provided in Section 6 600

6 530 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 ordinance, 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 have been provided for or been assured by the posting of a surety as provided for in Section 8 300 prior to any final plat approval The final subdivision plat must be developed in accordance with the specifications set forth in Section 6 600 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 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 10 copies thereof, must be presented for approval The Planning staff will approve final plats which comply with the requirements of this ordinance within 30 days after proper submission

6 540. If the Planning staff disapproves a preliminary plan or final plat of a subdivision, the grounds for such disapproval will be stated in writing to the applicant After such disapproval an appeal from the decisions of the Planning staff may be taken to the Planning Commission in accordance with the provisions of Section 4 000 The Planning Commission may approve, disapprove in whole or in part, or otherwise modify the action of the Planning staff A final plat of a subdivision approved by the Planning Commission upon appeal from the decision of the Planning staff will be eligible for recording by the Register of Deeds of Mecklenburg County

6 550 Effect of Approval of Preliminary Plan A preliminary plan approved under the provisions of this ordinance will be valid for a period of three years from the date of approval If no work on the site in furtherance of the plan has commenced within the three year period, the preliminary plan approval will become null and void and a new application will be required to develop the site If work on the site in furtherance of the plan has commended that involves any utility installations or street improvements except grading, the plan will remain valid and in force and the subdivision may be completed in accordance with the approved plan

6 560 Release of Grading Permit Preliminary Plan approval is required for the issuance of a grading permit for any grading work on the site proposed in furtherance of the development The release of the grading permit may be authorized by the Planning staff prior to the approval of the preliminary plan if the matter(s) staying the approval are not related to nor will have an effect on the need for grading on the site

6.600 <u>Final Plat Requirements</u>

The final plat will be prepared by a registered surveyor and must be drawn to scale not smaller than 100 feet equal 1 inch, and must contain the following information

1 The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract

2 The lines and names of all streets, alley line, lot lines, lot and block numbers, building lines, easements, reservations and areas dedicated to public use with notes stating their purposes, on-site demolition landfills, building restriction flood lines as required together with a statement inscribed on the plat as follows "The construction of buildings or

structures below the elevation of the building restriction flood line is subject to the restrictions imposed by Section 6 200 of the Subdivision Ordinance "

In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat

"Any construction or use within the areas delineated as floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by the Floodway Regulations "

Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes

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 hereunder or of record in Mecklenburg 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 request for final plat approval or release of any surety for required improvements

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 north point, with indication of whether the north point is true, magnetic, or grid, 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 2 per block located along a common line , including coordinates computed from the North Carolina Plane Rectangular Coordinate System and the City of Charlotte Primary Control System as extended therefrom, provided a control monument is within two thousand (2,000) feet of the subdivision Design and material

of the concrete monument must be in accordance with the standard detail contained in the Land Development Standards Manual The corners of all lots and parcels must be marked with iron posts driven flush with the ground The iron posts must be placed where lot boundaries intersect railroad and public street rights-of-way

7 A certificate signed by the surveyor meeting the requirements of Section 47-30 of the General Statutes of North Carolina 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 knowledge and belief, and was prepared from an actual survey made by him on the_____day of _____, 19____, with maximum linear error of closure of _____, and a maximum field error of angular closure of _____ "

Final written approval by the Planning staff or the Secretary of the Planning Commission 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 ordinance A copy of the sealed and recorded final plat must be delivered to the Planning staff within 5 days of recording

6 700 Plats Already Established By Survey

Plans for subdivisions of land previously approved by the Charlotte Planning Board or the Charlotte-Mecklenburg Planning Commission, but not recorded by the county register of deeds prior to February 29, 1956 will be approved for recording without complying with the requirements of this ordinance if the plat conforms to the previously approved plan

Plats already established by survey and recorded in the Mecklenburg County Register of Deeds prior to the effective date of this ordinance will be eligible for development and other administrative permits without complying with the requirements of this ordinance

6 800 Planned Developments

The following requirements will apply for the preparation, submission, and approval of preliminary site plans for planned unit developments, cluster developments, subdivisions involving one-family attached dwellings and planned multi-family developments

6 810 A pre-preliminary site plan conference will be arranged by the developer with designated members of the Planning staff prior to the submission of a preliminary site plan for a planned unit development or a cluster development

6 820 The developer must submit to the Planning staff a preliminary site plan and supplemental documents for review and approval The preliminary site plan must be prepared in accordance with the requirements of Section 6 400 and must include the following additional information

1 The use, approximate height, bulk, and location of all buildings and structures other than one-family detached and semi-detached dwellings, except that one-family detached dwellings using a zero side yard shall be shown

2 All proposed land use and dwelling units densities

3 In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed

4 The proposed location, use, improvements, ownership, and manner of maintenance of common open space areas

5 Final drafts of legal documents dedicating and restricting the common areas and establishing a homes association or similar organization

6 proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways

6 830 The Planning staff will review the preliminary site plan to insure conformance with the requirements of the zoning ordinance and with this ordinance In addition, the Planning staff will evaluate the plan in accordance with the standards listed below

1 The character, amount and arrangement of common open space areas must adequately serve the needs of the resident

2 Proposed means of dedication, ownership, and maintenance of all common areas, the restrictions of its uses, and the organization and authority of such homes associations as may be established for ownership and maintenance of the common area assure the continuance of such space for its designed purpose

3 Site planning for the overall development provides protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development

4 The terms and conditions proposed for development over a period of years sufficient to protect the interests of the public and the residents of the development

5 Deviation from conventional requirements is justified by the high quality of design of the development

6 840 The Planning staff action may be approval, tentative approval with conditions, or denial of the preliminary site plan When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with those conditions

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 unit developments, cluster developments, and subdivisions involving one-family attached dwellings shall be prepared in accordance with the requirements of Section 6 600 and shall contain the following additional information

1 The use, approximate height, bulk, and location of all buildings and structures other than one-family detached and semi-detached dwellings,

2 All land uses,

3 The location, use, improvements, ownership, and manner of maintenance of all common areas

6 900 Development Standards for Nonresidential Development

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

7 000 Subdivision Development Requirements

7 100 Design Standards for Streets

The following sections contain specifications for streets which must be followed in the subdivision process Detailed construction standards and specifications are contained in the Charlotte-Mecklenburg Land Development Standards Manual

7 110 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 standards below unless the city or county engineer certifies that special circumstances exist which make the dedication or reservation of the full right-of-way unnecessary or impractical

Minimum R O W Street Type	Feet
Freeway or Expressway (Class I)	250-350
Limited Access Arterial (Class II)	200
Commercial Arterial (Class III-C)	150
Major Arterial (Class III)	100
Minor Arterial (Class IV)	70
Collector (Class V)	60
Local (Class VI)	50
Local Limited (Class VI-L)	40

The Charlotte-Mecklenburg Planning Commission, after consulting applicable plans and programs, and after consulting with appropriate city, county, state and/or federal officials will be responsible for the determination of the classifications of streets or segments of streets These standards represent the normally required rights-of-way Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis When a subdivider elects to establish a roadway divided with a center strip or median, the right-of-way width must be at least the proposed width of the center strip or median plus 62 feet. The Class VI-L street may only be used subject to the following conditions

1 It serves no more than 25 dwelling units

2 All land which touches the street must be subdivided into lots or is otherwise platted so that a further street extension is not possible

3 It is designed to be permanently dead-ended or is a loop street with no additional street connections except at the ends

7 120 Arterial street right-of-way Whenever a tract of land to be subdivided includes any part of an arterial street shown on the thoroughfare plan approved by the Planning Commission and adopted by the City Council and Board of County Commissioners, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan The subdivider is responsible for the dedication of the right-of-way up to 100 feet (50 feet on either side of the centerline) The remainder of the minimum required right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat All measurements involving minimum lot standards under this ordinance and under the zoning ordinance will be made at the edge of the full right-of-way All of the area of the dedicated right-of-way for any public street except Class V or Class VI streets may be used in the computation of development rights, but may not be used for the computation of lot area, open space,

required parking, storm water detention, or to fulfill any other mandatory requirement The procedure for calculating the allowable number of lots or unit density is contained in section 1019 of the zoning ordinance In addition, a developer may choose to dedicate the full right-of-way and thereby use the entire dedicated area for the density calculation

7 130 Freeways Whenever a tract of land to be subdivided includes any part of the proposed right-of-way of a freeway, as shown on a thoroughfare plan approved by the Planning Commission and adopted by the City Council or the Board of County Commissioners, or adopted by the state Board of Transportation, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit The subdivider must reserve the proposed right-of-way in accordance with the requirements in Section 7 120

7 140 Street off-sets Where there is an off-set in the alignment of a street across an intersection the off-set of the center lines may not be less than 125 feet

7 150 Block lengths Block lengths may not be more than 2,000 feet, except as hereinafter provided Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in less traffic through residential subdivisions from adjoining business or industrial areas, the Planning staff may authorize block lengths in excess of 2,000 feet Block widths must be sufficient to allow 2 tiers of lots except where single tiers of lots will facilitate nonresidential development, the separation of residential and nonresidential developments or the separation of residential development from thoroughfares

7 160 Cul-de-sac Cul-de-sac (streets designed to be permanently closed at one end), may not be longer than 1,000 feet and must be terminated by a circular right-of-way not less than 80 feet in diameter (90 feet with curb and gutter and 100 feet with open ditches in Mecklenburg County) or other alternate turnaround designs as accepted by the city or county engineer, provided, however, that, this requirement may be waived where topographical or other or other unusual conditions exist which impose an undue burden on the subdivider

7 170 When narrow streets permitted (Class VI-L) In certain circumstances, streets may be constructed on a forty-foot right-of-way and with a twenty-two foot cross section (eighteen foot pavement plus two-foot roll curb) When a street serves 25 dwelling units or less and is permanently dead-ended, this smaller standard may be used All other appropriate standards of this ordinance still apply to the construction of such a street

7 180 Collector street designation The designation of a collector street, or the determination of the need for a collector street will be based on the criteria below If the street in question

meets at least 2 of the criteria, then the street will be designated as a collector street and must be built to the appropriate collector street standard

1 The street intersects directly with an arterial street and provides access to an area with an overall density of more than 1 0 dwelling unit per acre, or provides access to more than 75 dwelling units.

2 The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function

3 The street extends into an undeveloped area in such a manner as to serve a future collector function

4 The street serves as a primary access to a significant nonresidential, institutional, or recreational land use, as well as an access to a residential area

7 200 <u>Design Standards for Lots</u>

1 Frontage on street Each lot must have frontage on a street However, lots designed for certain multi-family 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 Lots designed for certain one-family semi-detached dwellings need not front on a street, provided that, at least 1 unit of each dwelling group has frontage on a street, and that access to each dwelling unit is 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

2 Side lines 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

3 Minimum sizes Lots may not be less in width or area than required by the zoning ordinance for the district in which the proposed subdivision is located Larger lots may be required to accommodate on-site sewer disposal systems

4 Building lines Building lines shall be established on all lots On arterial and collector streets the building line may not be less than 40 feet This line will regulate the placement of any structure relative to the street right-of-way and includes all front, side, and rear yards On all other

streets the building line may not be less than 25 feet, measured from the street right-of-way line at the front of the lot except as provided in 7 205 below

5 Average setbacks Structures in a new residential development may be constructed to various setbacks so long as the average setback for the structures on each side of each street is not less than the minimum setback required for the district No setback may be less than one half of the minimum setback required for the district This provision does not apply for the portions of lots which adjoin a thoroughfare or collector street right-of-way.

6 Average lot sizes Lots in a new subdivision may be of various sizes subject to the following limitations

1 The total number of lots may not exceed the number that would be allowed if all lots were the minimum size for the zoning district

2 No lot may be less than 75% of either the minimum size or width for the zoning district

3 No lots which adjoin existing single family residential developments may be reduced under these provisions

7 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 of the Zoning Ordinance and other applicable codes and ordinances

8 Lots subject to flooding Lots shall be construed to be subject to flooding when a flood crest recurring with a probable frequency of one time in 20 years would inundate any part of a proposed lot If any part of a proposed lot is or may be subject to flooding, the prospective subdivider may make a determination of the crest elevation of a flood of 20 year probable frequency in accordance with generally accepted engineering practice This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions Upon request from a prospective subdivider, the city or county engineer will provide hydrological and topographical data Also upon request, the city or county engineer will make the necessary determination of the 20 year flood crest prior to the subdivider's preparation and submission of a preliminary subdivision plan No proposed lot shown that is wholly subject to flooding as defined herein shall be approved No proposed residential building lot that is partially subject to flooding as defined herein shall be approved unless there is established on the lot plan a line representing an actual contour at an elevation 2 feet above the 20 year flood Such line shall be known and identified on the lot plan as the "building restriction flood line "

All buildings or structures designed or intended for use for residential purposes shall be located on such a lot so that the lowest useable and functional part of the structure shall not be below the elevation of building restriction flood line "Useable and functional part of the structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, attached carports and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring but shall not include water lines or sanitary sewer traps, piping and cleanouts, provided, openings serving the structure are above the building restriction flood line Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a useable lot area of not less than 1,200 square feet The useable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the building restriction flood line During the construction, preparation, arrangements, and facilities in subdivisions located at or along a stream bed the developer shall maintain the stream bed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course Installation of appropriately sized storm water drains, culverts or bridges will not be construed as obstructions in the stream In areas of the city or county that are covered by the provisions of the Floodway Regulations, the Floodway Regulations will supersede the provisions of this ordinance regarding land within the regulatory flood plain.

9 Water Access Lots The Water Access Lots must equal at least 10% percent of the area (exclusive of streets) of all the interior property which lies within 450 feet of the water's edge However, where the 10% percent would equal less than 20,000 square feet, the subdivider will not be required to provide any Water Access Lots. All Water Access Lots shall have a minimum frontage at the water's edge of 100 feet

The Water Access Lots must either be dedicated to Mecklenburg County (but only if the Board of County Commissioners agree 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, (1) that he will dedicate the required amount of Water Access Lots to Mecklenburg County, or (2) that he 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 home owners association of the interior lot owners, the preliminary plan and final plat must designate the lots covered by the home owners association for each Water Access Lot

8 000 Required Improvements

8 100 Standards and Specifications

1 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 Land Developments Standards Manual or bonded in accordance with the provisions of Section 8 403

2 The intent of the specifications set out in this ordinance 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

8 110 Improvement responsibility. In order to facilitate the provision of street rights-of-way and necessary improvements, the following sections 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 section 7 120 of this ordinance and related provisions in Section 1019 of the zoning ordinance

Class I (Freeway-Expressway)

Right-of-way -- entire width reserved for future acquisition

Class II (Limited Access Arterial)

Right-of-way -- entire width reserved for future acquisition

Improvements -- Installed by the public

Class III-C (Commercial Arterial)

Right-of-way -- 100' dedicated and the remainder reserved for future acquisition (50' each side of the centerline) Any development along a Class III-C Street 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

Improvements -- installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the 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 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

Class III (Major Arterial)

Right-of-way -- developer is responsible for the dedication of up to 100' (50' each side of the centerline) Any development along a Class III street 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

Improvements -- installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet the 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 Development along new Class III streets or extensions of Class III streets must utilize reverse frontage with the only access points being public streets or specifically approved street type entrances

Class IV (Minor Arterial) Right-of-way -- Developer is responsible for the dedication of up to 70 feet (35 feet each side of the centerline) Additional right-of-way which may be required for improvements to meet specific traffic demands of the development must be dedicated by the developer

Improvements -- installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet the 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 Development along new Class IV streets or extensions of Class IV streets must utilize reverse frontage with the only access points being public streets or specifically approved street type entrances

Class V (Collector)

Right-of-way -- dedicated by the developer

Improvement -- Constructed by the developer

Class VI (Local)

Right-of-way -- dedicated by the developer

Improvements -- Constructed by the developer

All streets must be constructed to comply with the minimum standards of the Charlotte-Mecklenburg Land Development Standards Manual and all appropriate applicable city or county requirements Public improvements will be made in accordance with adopted plan, 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 ordinance for the reservation and dedication of rights-of-way will not apply to any development which was approved under the parallel conditional use district process found in section 3200 of the zoning ordinance so long as the approval occurred prior to 1-21-86

8 120 Drainage

1 Storm drainage adequate to accommodate a 10 year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with city or county standards, and has been dedicated and accepted or otherwise conveyed to the city or county, the city or county will

assume the responsibility for maintenance of the drainage pipe Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and the deed for the affected lots

2 In addition to the drainage improvements as required by this section, the subdivider may provide for storm water detention, at a minimum standard as provided in section 1603 of the applicable zoning ordinance, to serve the entire subdivision as part of the drainage plan to be approved by the city or county engineer For the purposes of the subsection, the subdivision shall include the streets, sidewalks, driveways, roof tops and other impervious covers as proposed by the subdivider

3 Street construction involving the crossing of a stream or other drainage way within the City of Charlotte will be reviewed and approved in accordance with the following standards

1 On major or minor arterial streets the subdivider is responsible for the cost of up to 48 inch drainage structure and normal street improvements If a drainage structure larger than 48 inches is required, the additional cost will be the responsibility of the city On streets other than arterials the subdivider is responsible for the full cost of the drainage structure and normal street improvements

2 Where adjacent properties are separated by a drainage way the property owner subdividing first must deposit with the city an amount equal to 50 percent of the estimated cost of the drainage structure and street improvements as determined by paragraph (1) above to be the subdivider's responsibility The second subdivider must also deposit 50 percent of the estimated cost at the time the adjacent property is developed If significant time has elapsed between the two subdivision activities an updated cost estimate will be made at the time the second property is subdivided

3 If subdivision of property had occurred on one side of a drainage way as of October 15, 1973 and a determination has been made as stipulated in paragraph (10) below that a stream crossing is necessary, the owner of the remaining unsubdivided property will deposit his or her share of the cost at the time that the property is developed in accordance with paragraphs (1) and (2) above

4 The city will assume the responsibility of providing the funds to complete a drainage structure when a deficiency has resulted from applying paragraphs (1), (2) and (3) above

The city will not be committed to build a structure according to the time schedule of the subdivider but will build it according to the approved capital improvement budget schedule An earlier schedule will be at the option of the subdivider by assuming the full cost of the facility

5 Whenever a deposit of funds is required by the application of provisions of this section, such deposit must be in the form of cash which will be placed in escrow for the specific use for which the deposit has been required Any interest which accrues to the account will be used to defray any cost increases which occur between the time of the original estimate and the construction of the facility If the amount of the accrued interest exceeds the proportion of the cost to be borne by each subdivider the excess will be refunded to the subdivider when the facility is built

If the second subdivider, as referred to in paragraph (2) above, wishes to build a structure before the city is prepared to participate, the city will make available to the subdivider any funds on deposit for the purpose of building the structure provided the amount of money made available does not exceed 50 percent of the total cost of the facility

If, however, the city has not committed budget funds to building within 5 years, or if a construction contract has not been let within 6 years of the date of the final deposit of private development funds, all deposits and any accrued interest will be returned to the subdivider(s) All refunds will be made on the basis of an audited claim filed by the subdivider seeking reimbursement

6 Where street improvements are being installed to a drainage way but not crossing it, the street profile must be prepared in anticipation of the future crossing Improvements will normally be installed in such instances to the edge of a 2 1 slope area extending back from the bank of the drainage way The exact location for stopping the improvements will be determined by the city engineer

7 In all instances, the city engineer will determine the size of the drainage area, determine the size and design of the drainage structure, prepare the necessary detailed cost estimates and when necessary, let and administer

the construction contract When the total cost of a stream crossing is the responsibility of a single subdivider, the city engineer will not let nor administer the construction contract Detailed cost estimates must include accurate quantities and unit prices If the developer contests the detailed cost estimate and can produce statements from 2 contractors acceptable to the city engineer and licensed to perform the type of construction involved, which clearly indicate why specific quantities and/or unit prices contained in the detailed cost estimate are excessive and what the quantities and/or unit prices should be, he may elect to deposit the required amount based on the average of the 2 reduced estimates

8 The final subdivision plat will not be approved until the appropriate deposit of funds has been made or improvements completed If the city engineer cannot prepare a design and a detailed cost estimate by the time the developer desires final subdivision plat approval, the engineer will prepare a preliminary cost estimate In lieu of the required deposit, the developer may post a bond based on the preliminary cost estimate and guaranteeing that the required deposit will be made within 30 days after the completion of the detailed cost estimate or the taking of construction bids The city engineer will then be obligated to provide a detailed cost estimate or actual construction bids within a 12 month period following the posting of the bond

9 Whenever final approval is sought for any area within 200 feet of a proposed drainage way crossing, construction of or the required deposit for that crossing must be provided for In addition, construction of or the required deposit for all drainage way crossings within a subdivision must be provided for prior to final approval of any of the last 25 percent of the total number of lots within that subdivision

In all cases, the final subdivision plat will show easements necessary for the construction of the drainage structure and appurtenances

10 Streets will be required to cross drainage ways only where it has been determined by the planning staff, after recommendation from the city engineer, that a street is needed to provide an adequate circulation system The intent of this statement is to indicate that unnecessary crossings, particularly those involving the crossing of a major stream with a minor street, will be discouraged and the total number will be kept to a minimum Alternative street patterns, such as the use of cul-de-sacs, will be encouraged in order to decrease the number of crossings

8 130 Curb and gutter

Standard curbs and gutters must be constructed on all arterial and commercial streets and streets within or abutting multi-family or other planned developments Rolled curbs and gutters or standard curbs and gutters must be constructed on all local and collector streets This requirement applies to all streets within the City of Charlotte, to all streets within 3 miles of the Charlotte City limit in the unincorporated portion of Mecklenburg County, and to all streets where curb and gutter would be required by the State of North Carolina for a street to be acceptable for state maintenance

8 140 Sidewalks

Sidewalks are required in all subdivisions as follows

1 Nonresidential subdivisions Sidewalks are required on both sides of new or existing arterial streets and extensions thereof and on one side of collector streets

2 Residential subdivisions Sidewalks must be constructed on both sides of new or existing arterial streets and extensions thereof if the developer is installing the street

Sidewalks must be constructed on one side of the following classes of streets

1 Collector streets

2 Streets providing access to existing elementary schools, junior or senior high schools, colleges, and official sites for such schools, and streets that provide access to existing or proposed places of public assembly, including public or private parks, recreation facilities, and/or greenways

3 Location Approval of sidewalk construction plans must be obtained from the city or county engineering department as part of the subdivision review process When sidewalk facilities are required, the city or county engineer will review and comment on the location of the required facilities at the time of plan review Except in unusual circumstances, sidewalk must be located at the edge of the right-of-way. 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. An easement may be required for the sidewalk

8 150 Street Markers and Barricades

1 Standard street markers must be installed at one corner of all street intersections including private streets The design, material, location and installation of the signs must

be in accordance with standards specified by the Land Development Standards Manual

2 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 Ordinance Design, material and installation of the barricades must be in accordance with the Land Development Standards Manual

8 200 No service unless street accepted, or tentatively approved

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

1 Such street has been accepted or opened as, or has otherwise received the legal status of a public street prior to the effective date of this ordinance

2 Or, for any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plan, tentatively approved by the planning staff or Charlotte Mecklenburg Planning Commission

3 Or, such street has been accepted as a public street by a vote of a majority of all the members of the city council or by the State of North Carolina

4 Or, such street is an approved private street built in conformance with the provisions of all applicable ordinances

The North Carolina Department of Transportation will accept subdivision streets for state maintenance purposes which meet all the requirements of this Ordinance and meet the uniform state-wide standards adopted by the North Carolina Department of Transportation

8 300 Other Public Facilities (Reserved)

8 400 Modification of Requirements, Bond

1 In subdivisions adjoining already established streets that have been accepted for maintenance by the city or the North Carolina Department of Transportation, the requirements of section 8 000 will apply as hereinafter provided, those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable, where adjoining established street is a part of the North Carolina Department of Transportation's street system, the adjoining street must be improved in accordance with either the requirements of section 8 000 or the requirements of the North Carolina Department of Transportation, whichever establishes the higher standard

2 Plats for new lots fronting on already dedicated or established street or roads that have not been accepted for maintenance by the city council or the North Carolina Department of Transportation or which have been accepted for maintenance by the North Carolina Department of Transportation, but have not been improved with a paved roadway will be eligible for final approval when the requirements of section 8 000 have been complied with as closely as may reasonably be required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road

3 Where the improvements required by this chapter have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit with the engineering department, in an amount to be determined by the City or County engineering department in consultation with other affected agencies, such as the Department of Environmental Health, with sureties satisfactory to the city or county guaranteeing the installation of the required improvements Upon completion of the improvements and the submission of "as built" drawings, as required by the ordinance, written notice thereof must be given by the subdivider to the appropriate engineering department The engineering department will arrange for an inspection of the improvements and if found satisfactory, will within 30 days of the date of notice authorize in writing the release of the security given

4 Warranty of certain improvements to protect the public interest (Reserved)

8 500 <u>Inspection</u>

1 The city or county must be notified two days in advance of the work to be started so that an authorized representative of the city or county engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed

2 The inspector must be allowed access to all parts of the work, and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in accordance with the specifications

3 No material may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications

4 In case of any disputes arising as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense

9 000 Enforcement

1 After the effective date of this ordinance, the filing or recording of any instrument of transfer of a tract of land by the Register of Deeds of Mecklenburg County subdivided without the approval of the Planning staff or the Charlotte-Mecklenburg Planning Commission as required by this ordinance, will be null and void

2 Any person who, being the owner or agent of the owner of any land located within the area of jurisdiction of this ordinance, transfers or sells such land without a properly approved plat showing a subdivision of such land recorded in the Office of the Register of Deeds of Mecklenburg County shall, upon conviction, be guilty of a misdemeanor Mecklenburg County through the County Attorney or the City of Charlotte through the City Attorney may enjoin such transfer or sale by action for injunction All administrative actions relating to such a land, including the issuance of any grading, construction, building, or occupancy permit will be suspended This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance (1-1-66 for Mecklenburg County, 2-26-56 for the City of Charlotte)

3 In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from the Building Standards Department No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance

10 000 Application and Processing Fees (Reserved)

Section 2 This ordinance shall become effective upon adoption

Approved as to form·

_____
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, is regular session convened on the _____ day of _____, 19 ____, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, beginning on Page _____

_____
Pat Sharkey, City Clerk