

ORDINANCE NO. 1274-7

AMENDING CHAPTER 23

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of a 3.189 acre site on the northerly side of Mount Holly Road near Lee Drive/Mt. Holly Road intersection from I-1 to I-2(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 23-35.1 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 23-96 and a public hearing was held on August 16, 1982; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and each of the following which are required by Section 23-35(d);

1. The policies and objectives of the Comprehensive Plan of the City, and particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts of the establishment of the conditional district upon the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from I-1 to I-2(CD) on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point on the northerly right-of-way of Mt. Holly Road, said point being an iron located at the most southerly corner of the Mattox Parts Supply property, tax parcel 031-048-24; 1) thence N.62-19-45E. 450.63 feet; 2) thence N.83-26-58E. 229.51 feet; 3) thence S.31-02-11W. 459.18 feet; 4) thence N.70-54-19W. 125.0 feet; 5) thence N.66-28-16W. 279.40 feet to the point or place of BEGINNING.

December 20, 1982
Ordinance Book 31 - Page 411

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

APPROVED AS TO FORM:

Henry W. Thacker Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of December, 1982, the reference having been made in Minute Book 79, and is recorded in full in Ordinance Book 31, at pages 410-411.

City Clerk

December 20, 1982
Ordinance Book 31 - Page 412

Petition No. 82-67
Acme Retail, Inc.

ORDINANCE NO. 1275-Z

AMENDING CHAPTER 23

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of a 1.208 acre site located at the corner of Belhaven Boulevard and Linwood Avenue from R-6MF to B-1(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 23-35.1 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for denial by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 23-96 and a public hearing was held on October 18, 1982; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and each of the following which are required by Section 23-35(d);

1. The policies and objectives of the Comprehensive Plan of the City, and particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts of the establishment of the conditional district upon the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-6MF to B-1(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point at the intersection of Belhaven Boulevard and Linwood Avenue, said point being the most northwesterly corner of the intersection; 1) thence S.41-03W. 293.62 feet; 2) thence N.31-53-00W. 349.18 feet; 3) thence N.50-06E. 60.0 feet; 4) thence S.46-44-00E. 179.08 feet; 5) thence N.41-03E. 151 feet; 6) thence R=1504.39 Arc=135.90 feet to the point or place of BEGINNING.

December 20, 1982
Ordinance Book 31 - Page 413

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Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

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

APPROVED AS TO FORM:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of December, 1982, the reference having been made in Minute Book 79, and is recorded in full in Ordinance Book 31, at pages 412-413.

City Clerk

ORDINANCE NO. 1276

AMENDING CHAPTER 18
ARTICLE II

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE II, SECTION 26 (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. The Charlotte Subdivision Regulations as embodied in the Subdivision Ordinance are hereby amended as follows:

- 1. Amend Section 18-13 Standards of Design: Lots, subsection 18-13(a) by changing the second sentence to read as follows:

"...However, lots designed for one-family attached dwellings need not front on a street provided that all portions of the dwelling unit proposed for such lots shall be located within four hundred (400) feet of a public street or private street (as defined in the Charlotte Zoning Ordinance) 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."

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, in regular session convened on the 20th day of December, 19 82, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, beginning on Page 414.

City Clerk

December 20, 1982
Ordinance Book 31 - Page 415

Petition No. 82-70
Charlotte-Mecklenburg Planning Commission

Ordinance No. 1277

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

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

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

Section 1. Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

- 1. Amend Section 23-32 Planned Multi-family Development in Residential Districts Subsection 23-32(b)(4) by changing the first sentence to read as follows:

"All portions of every residential building shall be located within four hundred (400) feet to a public street or private street that furnishes direct access to it."

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

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 20th day of December, 1982, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, Page 415.

Pat Sharkey
City Clerk

December 20, 1982
Ordinance Book 31 - Page 416

Petition No. 82-71
Martha T. and Ted O. Gillis

ORDINANCE NO. 1278-Z

An Ordinance Amending Chapter 23 of
the City Code - Zoning Ordinance

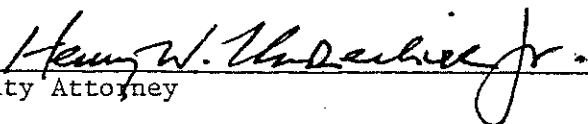
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-6MF to O-6 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point on the northerly right-of-way of The Plaza, said point being approximately 215 feet east of the intersection of Eastway Drive and The Plaza; 1) thence east along the right-of-way at R=6916.0. 60.0 feet; 2) thence N.15-11-00W. 159.65 feet; 3) thence N.73-00E. 60.0 feet; 4) thence S.21-22-40E. 154.50 feet to the point or place of BEGINNING.

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

Approved as to form:


City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 20th day of December, 19 82, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, page 416.

City Clerk

December 20, 1982
Ordinance Book 31 - Page 417

Petition No. 82-25
Charlotte-Mecklenburg Planning
Commission

Ordinance No. 1279

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

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

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

Section 1. Chapter 23, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

- 1. Amend Article II, Division 1, by adding a new Section 23-4.3. Urban Development Center as follows:

Sec. 23-4.3. Urban Development Centers.

(a) UDC-V Urban Development Center-Village. This district is intended for application at select locations throughout the urbanized and urbanizing area. This district provides areas where moderate scale mixed use centers can locate with an emphasis on the development of a balance of residential, institutional, retail, office and conference center/hotel uses.

- 2. Amend Article III by adding a new Division 5. Urban Development Center Districts as follows:

Sec. 23-40. Urban Development Center - Village (UDC-V).

(A) Intent. The adopted Comprehensive Plan - 1995 calls for mixed use centers integrated within the urban fabric of this community. The intent of these centers is to:

- 1. Provide mixed use development areas where a wide range of personal and professional services are available in close proximity to and in harmony with residential environments and employment concentrations;
- 2. Work in concert with public policies to discourage strip development and to limit higher density and intensity development within a given distance of the borders of this District.
- 3. Provide the focal point for public utilities and services in the area;
- 4. Provide the focal point for major urban land uses in the area.
- 5. Avoid traffic congestion through use of optional modes of transportation;
- 6. Decrease pedestrian hazards;

7. Encourage high aesthetic and design standards; and
8. Decrease the anxiety of area residents regarding the nature and amount of new developments coming to their area by informing them of proposed plans at an early stage.

The Urban Development Center-Village (UDC-V) permits moderate scale mixed use centers with an emphasis on the development of a balance of residential, institutional, retail, office and hotel/conference center uses. It also provides for integrated pedestrian, automotive, bicycle and transit circulation and access.

- (B) Applicability. The UDC-V District is intended for application at select locations throughout the urbanized and urbanizing area. Sites to which this District are applied must contain a minimum area of 50 acres and a maximum area of 160 acres. Such sites must also have direct access to at least one thoroughfare as defined on the current Thoroughfare Plan. Such sites must have water and sewer service, or executed contracts to extend such service, before any construction begins that is subject to these provisions. The site also must be on an existing transit route or located so that transit could be easily extended from existing routes in the foreseeable future. The UDC-V District may also be applied in areas where some development has occurred previously. In such cases UDC-V development must still comply with all of the provisions of this ordinance.

Recognizing the intent and applicability of this District in conjunction with public land use policies to limit strip non-residential development, a rezoning application for non-residential use(s) along the thoroughfares accessing a UDC-V site, and within 2.5 miles of the borders of said site, should be evaluated in terms of their potential to run against land use policies discouraging strip non-residential development. This shall not prevent rezoning for non-residential uses, but where these rezonings are permitted they should be handled through a conditional district-type process. This is intended to focus appropriate attention to site design and project impacts upon the local area. Likewise, UDC-V sites should be located so that there is a minimum of 2.5 miles between the borders of any two sites.

(C) Permitted Uses.

1. Residential uses - single family detached, single family attached and multi-family - separately or in conjunction with retail and/or office uses.
2. Office uses - professional, business and corporate.
3. Hotels and facilities for conferences, meetings, or similar activities as a separate use or in conjunction with other office or retail uses.
4. Retail uses - personal services, specialized retail, banks, theatres, or other similar services as a separate use or in conjunction with other uses.

5. Museums, libraries, churches, schools, post offices, hospitals, or other similar institutional uses.
6. Parks, playground, YMCA's, YWCA's, or similar public or private recreational facilities.

(D) Development Standards.

1. Concept Plan. To insure the appropriate consideration of the impacts of development upon adjacent uses, a Concept Plan shall be submitted and reviewed in accordance with Section E Concept Plan. The Concept Plan shall govern the review of edge conditions, development coordination and off-site assessment in the UDC-V District.
2. Application. At the time of application for a change of zoning to the UDC-V District, all property owners or their agents shall certify that they have the authority to bind the property to the Concept Plan and that the property will be so bound if the zoning change sought for it is approved by the City Council.
3. Community meeting required. At some time not more than ten business days following the filing of an application for change in zoning to the UDC-V District, there shall be a meeting between the property owners/developers, or their agents, and representatives of interested neighborhood groups. The notice of this meeting to the neighborhood groups, as well as the time and place for it, shall be arranged by the Planning Director or his designated agent. The purpose of this meeting shall be to give the property owners/developers an opportunity to explain their proposed plan and to answer any questions about it. The Planning Director, or his designated agent, shall moderate at the meeting and shall keep action minutes which shall be made a part of the application file. The property owners/developers are encouraged to consider modifications to their plan based upon input from this meeting.
4. Definitions. For the purposes of this District the following definitions shall be applicable:
 - (a) single family detached - a structure which contains one (1) dwelling unit;
 - (b) single family attached - a dwelling unit which shares by attachment or other means of fixture a common roof, wall or design element with another dwelling unit and which is not located above or below another dwelling unit and which contains its own exclusive entry;
 - (c) multi-family - a structure containing two (2) or more dwelling units either sharing a common means of entry and/or designed with one dwelling unit above or below another dwelling unit;
 - (d) mixed use core - that designated area which contains an integrated design of residential and retail and office uses.
 - (e) open space - the area upon which no buildings or improvements are constructed except for landscaping, lighting fixtures, signs, drives and roads for ingress and egress, walls, fences and buildings primarily for the recreational use of the residents.

5. Permitted site usage. The following site usage shall be applicable in the UDC-V District:

- (a) The minimum permitted number of dwelling units as designated in the Concept Plan shall be calculated as follows:

$$\text{Minimum number of dwelling units} = \frac{\text{Total site area}}{\text{(in acres)}} \times 4 \text{ du/acre}$$

- (b) The maximum permitted number of dwelling units as designated in the Concept Plan when no hotel/conference center is proposed shall be calculated as follows:

$$\text{Maximum number of dwelling units} = \frac{\text{Total site area}}{\text{(in acres)}} \times 10 \text{ du/acre}$$

- (c) The maximum permitted number of dwelling units as designated in the Concept Plan when a hotel/conference center is proposed shall be calculated as follows:

$$\text{Maximum number of dwelling units} = \frac{\text{Total site area}}{\text{(in acre)}} \times 8 \text{ du/acre}$$

- (d) The maximum gross floor area devoted to retail uses, as designated in the Concept Plan shall be calculated as follows:

$$\text{Maximum gross floor area} = \frac{\text{Total site area}}{\text{(in sq. ft.)}} \times 1,563 \text{ S.F./acre}$$

- (e) The maximum gross floor area devoted to office uses, as designated in the Concept Plan shall be calculated as follows:

$$\text{Maximum gross floor area} = \frac{\text{Total site area}}{\text{(in sq. ft.)}} \times 2,813 \text{ S.F./acre}$$

- (f) The uses in mixed use buildings shall be subtracted from and considered a part of the appropriate use categories, as though they were freestanding uses.

- (g) At least 15% of the site shall be open space and/or active recreational space. All open space, including that above and beyond the required 15%, which may be designated as open space on any development permit application, shall be restricted from future development. Open spaces shall be located in proximity to the residential units they are intended to serve.

6. Building height limits. The following height limits shall apply to buildings within the UDC-V District:

- (a) Within 100 feet of any thoroughfare - no above ground buildings.
(b) Between 100 and 150 feet from any thoroughfare - 3 stories, not exceeding 45 feet, plus appendages.

- (c) Between 150 and 200 feet from any thoroughfare - 4 stories, not exceeding 55 feet, plus appendages.
 - (d) More than 200 feet from any thoroughfare - 6 stories plus appendages.
 - (e) Within 75 feet of any residentially zoned land - no above ground buildings.
 - (f) Between 75 and 100 feet of any residentially zoned land - 2 stories, not exceeding 35 feet plus appendages provide the building abuts no more than 50% of the border of any adjoining single lot so zoned, if extended to the border of the building.
 - (g) Between 100 and 175 feet of any residentially zoned land - 2 stories not exceeding 35 feet plus appendages.
 - (h) Between 175 and 250 feet of any residentially zoned land - 4 stories, not exceeding 55 feet, plus appendages.
 - (i) More than 250 feet from any residentially zoned land - 6 stories plus appendages.
 - (j) Where land across any thoroughfare is not a part of the UDC-V site and is residentially zoned, the building height limits noted in parts e. through h. of this subsection shall apply.
 - (k) The advisability of increasing building height limits noted in this subsection shall be re-evaluated by the Charlotte-Mecklenburg Planning Commission 12 months after the adoption of these provisions. This evaluation shall be the basis for any increase in these building height limits if they should determine that the building height limits are inappropriate.
7. Hotel size permitted. Any hotel built subject to these provisions shall have no more than 150 bedrooms for rent.
8. Non-residential space transfer provision. A maximum of 20% of the approved retail gross floor area may be changed to office gross floor area, and vice versa, under the following conditions:
- (a) Retail gross floor area may be added up to the limits defined above provided that for every one square foot of retail gross floor area added two square feet of office gross floor area is deleted.
 - (b) Office gross floor area may be added up to the limits defined above provided that for every two square feet of office gross floor area one square foot of retail gross floor area is deleted.
9. Institutional and recreational uses permitted. The gross floor area devoted to institutional uses shall be subtracted from and considered a part of the gross floor area permitted for office uses. The gross floor area devoted to recreational facilities not intended primarily for the use of residents shall be subtracted from and considered a part of the gross floor area permitted for retail uses.
10. Development phasing. No more than 50% of the approved retail and office gross floor area may be constructed until at least 25% of

the approved number of dwelling units has been constructed or is under construction. No more 75% of the approved retail and office gross floor area may be constructed until at least 50% of the approved number of dwelling units has been constructed or is under construction.

11. Parking. Parking for the permitted uses in the UDC-V District is subject to the following regulations.
- (a) For the first 50% of the approved retail and office gross floor area, parking may be provided at not more than 1 space per 180 square feet of gross floor area.
 - (b) For the second 50% of the approved retail and office gross floor area, parking may be provided at not more than 1 space per 200 square feet of gross floor area.
 - (c) Parking for medical office uses anywhere in the UDC-V District and at any phase in development may be provided at not more than 1 space per 150 square feet of gross floor area even if the result is that more parking is provided than would have been under parts (a) and (b) of this section.
 - (d) Parking shall be provided for permitted land uses for which no specific requirements are listed in this section in accordance with the parking standards in Sec. 23-61.1 through 23-75.
 - (e) All parking lots shall have landscaped and planted areas equal to at least 10% of their paved area. In addition the periphery of each parking lot is to be landscaped and planted so as to protect and preserve the character of the project.
 - (f) For every parking space provided and maintained for park-and-ride or ridesharing purposes, one additional space not used for ridesharing or park-and-ride purposes may be added to the general inventory of parking spaces above the maximum normally permitted.
 - (g) A percentage of the parking spaces provided may be for compact or small automobiles. Such spaces shall have minimum dimensions of 7.5 feet in width and 15 feet in length. For each parking space built for compact or small automobiles an additional 0.25 spaces may be added to the general inventory of parking spaces above the maximum generally permitted. The percentage of spaces which may be provided for compact or small automobiles shall be specified by the City Department of Transportation. This percentage shall be equal to the percentage of all automobiles registered in Mecklenburg County for the previous year with the North Carolina Department of Motor Vehicles that are classified as compact or subcompact.
 - (h) Surface parking lots may be located no closer than 50 feet from any thoroughfare. Surface parking lots may be as close as 50 feet to residentially zoned land, provided no more than 50% of the border of any adjoining single lot so zoned, if extended to the border of the parking lot, would be abutted by the surface parking lot. Otherwise no surface parking lots may be located closer than 100 feet from residentially zoned land.

- 12. Edge conditions. The uses to which the site is devoted at the points where the UDC-V District abuts other developed property must be compatible with the adjoining uses. Furthermore, development impacts on the natural features at site edges must be addressed.
- 13. Storm water runoff. The storm water runoff from the UDC-V site must comply with existing State and local standards at every phase of development.
- 14. Residential character. The character of adjoining residential uses must be recognized and addressed.
- 15. Circulation and access. Street circulation and property access must be designed to minimize the impacts on area streets.
- 16. Transit and rideshare service. Adequate land area must be provided for the loading and unloading of transit and rideshare users within the mixed use core of the site.
- 17. Site integration. The site must be developed so as to integrate pedestrian and transit access with the land uses.
- 18. Development standards exemptions. The intent of this subsection is to provide a mechanism to evaluate each application for a development permit on its own merit. Furthermore it is recognized that some concepts will be more successful than others and the approval of an application in one situation does not necessarily indicate the development will be applicable in other situations. Finally it should be emphasized that this subsection is not to be confused with nor designed to circumvent the normal variance process as described in Section 23-95 of this chapter and Section 18-27 of the Charlotte Subdivision Ordinance. This subsection is designed to evaluate only those innovative concepts that propose to meet a community need that would not otherwise be met or provided. Therefore, the opportunity for innovative development may be included as a part of the development permit approval process for a UDC-V District. No development standard established under the UDC-V District may be modified. However, certain development standards from other portions of the Charlotte Zoning Ordinance and the Charlotte Subdivision Ordinance, as listed below, may be modified under these provisions:

- (a) lot area;
- (b) lot width;
- (c) frontage on a public street;
- (d) setback and yards;
- (e) building separations;
- (f) height of fences and walls;
- (g) off-street parking;
- (h) open space;

In addition, in accordance with the provisions of Section 18-4.1 of the Charlotte Subdivision Ordinance, the following subdivision standards may also be modified under this subsection:

- (i) street right-of-way;
- (j) sidewalks;
- (k) curb and gutter; and
- (l) street type (public or private).

(E) Concept Plan

1. Intent. By virtue of the special nature of mixed use centers and the significant role they are expected to play in the management of growth and development within the Charlotte-Mecklenburg urban area, a special process to review development is created. The emphasis of this process is on the impact a development proposal will have on its environment, on how the development will be managed at critical locations and on the establishment of the upper limits of the development proposed. It is therefore the purpose of this section to insure that minimum standards established for the UDC-V District are achieved and that the administrative approval of any specific development permits is accomplished in an efficient and timely manner.
2. Elements of the Concept Plan. The elements of the Concept Plan are the Development Program and the Off-Site Inventory.
3. Concept Plan review required. The proposed construction of any component approved in the Concept Plan shall not be approved for any development permit by the Building Inspection Department until the Planning Director, or his designated agent, acting as an agent of the Superintendent of the Building Inspection Department has determined that the structures proposed are in compliance with the Concept Plan and all provisions of this ordinance.
4. Concept Plan review.
 - (a) Application. Each application for a change of zoning to the UDC-V District must be accompanied by a Concept Plan for the proposed development. The Concept Plan and the application must be filed with the Planning Commission, and must be accompanied by a Development Program and an Off-Site Inventory.
 - (b) Development Program. A Development Program shall indicate the following:
 1. total number of residential units proposed.
 2. total gross floor area proposed for retail, office, hotel/conference center and institutional uses.
 3. total number of hotel rooms and/or suites proposed.
 4. general location of the mixed use core.
 5. general location of all non-residential development proposed (whether in mixed use core or not).
 6. general location of all buildings more than 4 stories tall.
 7. traffic impact analysis for the use mix sought.
 8. transit access plan.

9. bicycle access plan.
 10. auto access plan.
 11. pedestrian access plan.
 12. generalized information as to the height, and in especially critical situations, the location of structures.
 13. cross-sections showing proposed treatment of the streetscape along thoroughfares at typical locations and at areas of significant change in topography and intensity of use. These cross sections should include such factors as mass, bulk, screening, buffering, curb cuts, signs, graphics, and lighting. The detail shall include at least the right-of-way of the thoroughfare as well as 50 feet on either side of the right-of-way.
 14. cross-sections at typical locations, and to a depth of 55 feet on either side of a property line, where the site proposed for the UDC-V District abuts residentially zoned or developed property to show typical techniques to be employed in recognizing and addressing the character of adjoining residential properties. These cross sections should include such factors as privacy, bulk, height, surface water runoff, security, traffic and circulation (auto, bicycle and pedestrian).
 15. layout of a typical parking lot indicating a description of the plantings to be used in landscaping and maturation periods for these plantings.
 16. signage and exterior lighting programs consistent with the character of the area, proposed overall design of the development and the proposed edge treatment.
- (c) Optional Project Information. Additional information concerning various aspects of the proposed development may be presented such as the following:
1. detail of intended development treatment at points of environmental sensitivity, dramatic and principal views, historic and significant sites, physiographic obstruction or great opportunity.
 2. information on the significant trees and vegetation to be retained on the site.
- (d) Off-Site Inventory. The Off-Site Inventory shall consist of:
1. a map depicting generalized land use for all properties abutting the site with the names and addresses of all owners of this property based on the latest information available in the office of the City-County Tax Collector.
 2. the locations and capacities of applicable existing public utilities and facilities such as schools, water service, sewer service, roads and storm water management. Information on how the proposed development affects any approved plans for public utilities and facilities, as well as how storm water runoff will be managed, shall

be supplied. The purpose for providing this information is to assist the Charlotte City Council in assessing the impacts of the proposed development upon public facilities and utilities, as well as overall community growth and planning goals.

- (e) Pre-application consultation. Applicants are encouraged to seek a pre-application consultation with the Planning Director or his designated agent to discuss the proposed Concept Plan and its relationship to the criteria and standards listed for this District.
- (f) Amendments to the Concept Plan before the public hearing. The applicant may make changes to the Concept Plan up to ten business days before the scheduled public hearing. Should such changes be made, the applicant shall place three copies of the amended Concept Plan on file for public viewing in the offices of the Planning Commission. Any changes to the Concept Plan submitted within less than ten days of the scheduled public hearing shall require that the public hearing be rescheduled in the manner normally prescribed.
- (g) Decision on Concept Plan. With respect to each application, the City Council may approve the Concept Plan, disapprove it or approve it with such modifications and conditions as may be consistent with the criteria and standards listed in this District. Within 5 business days following the City Council's determination with respect to an application for a change in zoning to the UDC-V District, the Planning Director or his designated agent shall inform the applicant, and other persons who request it, of the City Council's decision on the Concept Plan.
- (h) Development Permit Approval. Within 15 business days following the submission of an application for a development permit to construct any uses subject to this District, the Planning Director or his designated agent shall make a recommendation to the Superintendent of the Building Inspection Department. The conclusions of this recommendation shall specifically address the relationship between the proposed construction and the Concept Plan and the criteria and standards listed in this District.

In applying for approval of development permits to construct any uses subject to this district, the applicant shall include, by letter to the Planning Director a statement of intent outlining the purpose and objectives for the portion of the UDC-V site for which development permit approval is being requested. If there is a proposal to vary the development standards in accordance with subsection (D)18., the applicant shall note which particular development standards are being proposed for modification pursuant to the provisions of subsection (D)18., the number and sizes of buildings proposed, what special design features or amenities are

being incorporated which make the proposed development significant and worthy of approval, and any other applicable information that the applicant may deem appropriate. In addition, the applicant shall submit a site development plan, for the uses for which development permits are requested, drawn to scale showing the following information:

- (1) Proposed lot configuration(s);
- (2) Proposed vehicular circulatory system and off-street parking arrangements;
- (3) Proposed pedestrian facilities, unobstructed open space and active recreational space, if any;
- (4) Proposed screening, including fences, walls, or planting areas;
- (5) Proposed treatment of any existing significant natural features; and
- (6) Proposed storm water management plan.

The Planning Director or the Superintendent of the Building Inspection Department may request such additional information as either may deem necessary for an adequate review of the proposed development including but not limited to individual dwelling unit concepts, building locations, intended use and design of the open space network and recreational amenities.

- (i) Appeal from Development Permit Disapproval. If the Planning Director or his designated agent recommends disapproval of a development permit to construct any uses subject to this District, the grounds for such disapproval shall be stated in writing to the Superintendent of the Building Inspection Department and the applicant. After such disapproval an appeal from the recommendation of the Planning Director 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 Director. A development permit to construct any uses subject to the District recommended for approval by the Planning Commission shall be eligible for consideration by the Superintendent of the Building Inspection Department.
- (j) Procedures. Applicants for a change of zoning to the UDC-V District shall be given the opportunity to present their petition to the City Council within a time not to exceed 45 minutes. Opponents of such a proposed change in zoning, as a group, shall be allowed an equal amount of time. With the exception of these time provisions, all other rules of procedure governing hearings for a change of zoning shall be applicable.
- (k) Amendments to an approved Concept Plan. Changes to approved plans and conditions of development shall be considered the same as changes to the zoning map and shall be processed in accordance with the provisions of Section 23-96 of the Charlotte Zoning Ordinance, except that paragraph (d) shall

not apply. However, changes of detail which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted or increase the density, which do not increase the intensity of development, which do not increase building height or traffic access, which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site may be requested by the applicant and authorized by the Planning Director. Any applicant or speaker registered at the public hearing may appeal the decision of the Planning Director to the Planning Commission within 10 business days for review and decision as to whether an amendment to the Concept Plan shall be required. The Planning Director, or his designated agent, shall notify all speakers registered at the public hearing of any amendments which he authorizes to an approved Concept Plan within 5 business days of the day that such amendment(s) are authorized.

- (1) Effect of approval. If an application is approved, the UDC-V District thus established and all conditions attached thereto shall be binding upon the property and all subsequent development and use of the property shall be in accordance with the approved plan and conditions. The intent of this type of zoning is to provide a voluntary alternative procedure for specific development proposals and as such it is intended that all property zoned be in accordance with firm plans to develop. Therefore, every 3 years from the date of approval of a Concept Plan, the Planning Commission shall examine development progress to determine if it is in compliance with provisions, conditions and restrictions - if any - of the approved Concept Plan. In addition the Off-Site Inventory portion of the Concept Plan shall be reassessed to determine if the impacts of the proposed development upon public facilities, public utilities and overall community growth and planning goals are within the ranges projected. If such development does not comply with the approved Concept Plan or if the impacts of the proposed development are worse than the ranges projected, a report shall be forwarded to City Council which may recommend appropriate remedial action including action to remove the UDC-V zoning in accordance to procedures outlined in Section 23-96 of the Charlotte Zoning Ordinance. Furthermore, every 3 years thereafter from the date of approval of a Concept Plan, the Planning Commission shall examine the progress made to develop in accordance with the approved Concept Plans to determine if development complies with provisions, conditions and restrictions - if any - of the approved Concept Plan. If such development does not comply, a report shall be forwarded to City Council which may recommend that action be initiated to remove the UDC-V zoning in accordance to procedures outlined in Section 23-96 of the Charlotte Zoning Ordinance.

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

Approved as to form:

Henry W. Zundell Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 20th day of December, 1982, the reference having been made in Minute Book 79, and recorded in full in Ordinance Book 31, Page s 417-428.

Pat Sharkey,
City Clerk