

January 21, 1986
Ordinance Book 34 - Page 196

APPROVED BY COUNCIL

DATE 1-21-86

ORDINANCE NO. 1847

AN ORDINANCE AMENDING APPENDIX A
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. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. Add a new Section 1019 as follows:

1019. Effect of Certain Street Dedication on Computation of Density

The subdivision ordinance requires the dedication of up to 100' of right-of-way (50' on either side of the centerline) for public street purposes. In addition, any minimum right-of-way requirement in excess of 100' must be reserved for future street purposes may be offered for dedication at the option of the developer or property owner. All of the area which is dedicated for any public street except Class V or Class VI streets may be used to compute the number of lots or dwelling units allowed on the entire site. To compute the number of lots or dwelling units that could have been built in the right-of-way area the following method will be used.

For single family districts: Total right-of-way area expressed in square feet divided by the minimum lot area for the district

For multi-family districts: Total right-of-way area expressed in square feet divided divided by the minimum lot area for each additional unit for the district

The lots in a single family subdivision outside of the areas to be dedicated may be reduced in size to accommodate the total number of lots which could have been derived from the right-of-way area so long as no more that 50% of the total number of lots in the subdivision are so reduced and so long as the reduction of the lot sizes does not fall below the lot standards of the next least restrictive single family zoning classification. In the case of multi-family development, the total number of units which could have been derived from the right-of-way area may be constructed elsewhere on the site so long as the overall project density does not exceed the maximum allowable density of the next least restrictive multi-family zoning district or result in a 25% increase in the total number of dwelling units on the site, whichever is less.

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Any such computations are a mandatory submission requirement for a single family subdivision and must accompany the preliminary plan, and are a mandatory submission requirement for a multi-family development and must accompany the planned multi-family review submission or the rezoning petition if one is required.

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 21st day of January, 1986, the reference having been made in Minute Book 85, and recorded in full in Ordinance Book 34, at page 196.

Pat Sharkey, City Clerk

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1.21.86

Petition No. 85-82
Good Shepherd Lutheran
Church

ORDINANCE NO. 1848-Z

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-9MF(CD) to R-9 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point in the southwesterly margin of the right-of-way of Lawyers Road, said beginning point being the common corner of the property described herein and the corner of the property of R. R. Berry (now or formerly) described in deed recorded in Deed Book 2779 at Page 18 in the Mecklenburg Public Registry; thence from said beginning point along said margin of the right-of-way of Lawyers Road, S.57-31-25E. 362.10 feet to a point; thence in a southeasterly direction with the arc of a circular curve to the right having a radius of 2,757 feet, an arc distance of 36.42 feet to a point in the northwesterly margin of the right-of-way of Chestnut Lake Drive: thence with the margin of said right-of-way six (6) calls and distances as follows: (1) S.42-07-35W. 68.23 feet to a point; (2) in a southwesterly direction with the arc of a circular curve to the left, having a radius of 422.87 feet, an arc distance of 79.76 feet to a point; (3) in a southwesterly direction with the arc of a circular curve to the right, having a radius of 422.87 feet, an arc distance of 79.76 feet to a point; (4) in a southwesterly direction with the arc of a circular curve to the right having a radius of 131.43 feet, an arc distance of 100.64 feet to a point; (5) S.86-00W. 187.47 feet to a point; and (6) in a westerly direction with the arc of a circular curve to the left having a radius of 378.12 feet, an arc distance of 366.95 feet to a point, said point being the northeasterly corner of Lot 16 in Block 3 of Chestnut Lake Subdivision as same is shown on map thereof recorded in Map Book 17 at Page 640 in the Mecklenburg Public Registry; thence along the rear line of Lots in Block 3, N.60-00W. 319.80 feet to a point; thence N.25-14-30W. 95.78 feet to a point; thence N.64-45-30E. 173.09 feet to an iron, thence with the R. R. Berry property, N.59-53E. 626.12 feet to the point or place of BEGINNING.

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 21st day of January, 19 86, the reference having been made in Minute Book 85, and is recorded in full in Ordinance Book 34, at page 198.

Pat Sharkey
City Clerk

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Petition No. 85-84
Cottage Place Residents

APPROVED BY CITY COUNCIL

ORDINANCE NO. 1849-Z

DATE 1-21-86

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-6MF to R-6 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

Being several tracts of land as specifically shown on the attached map.

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.

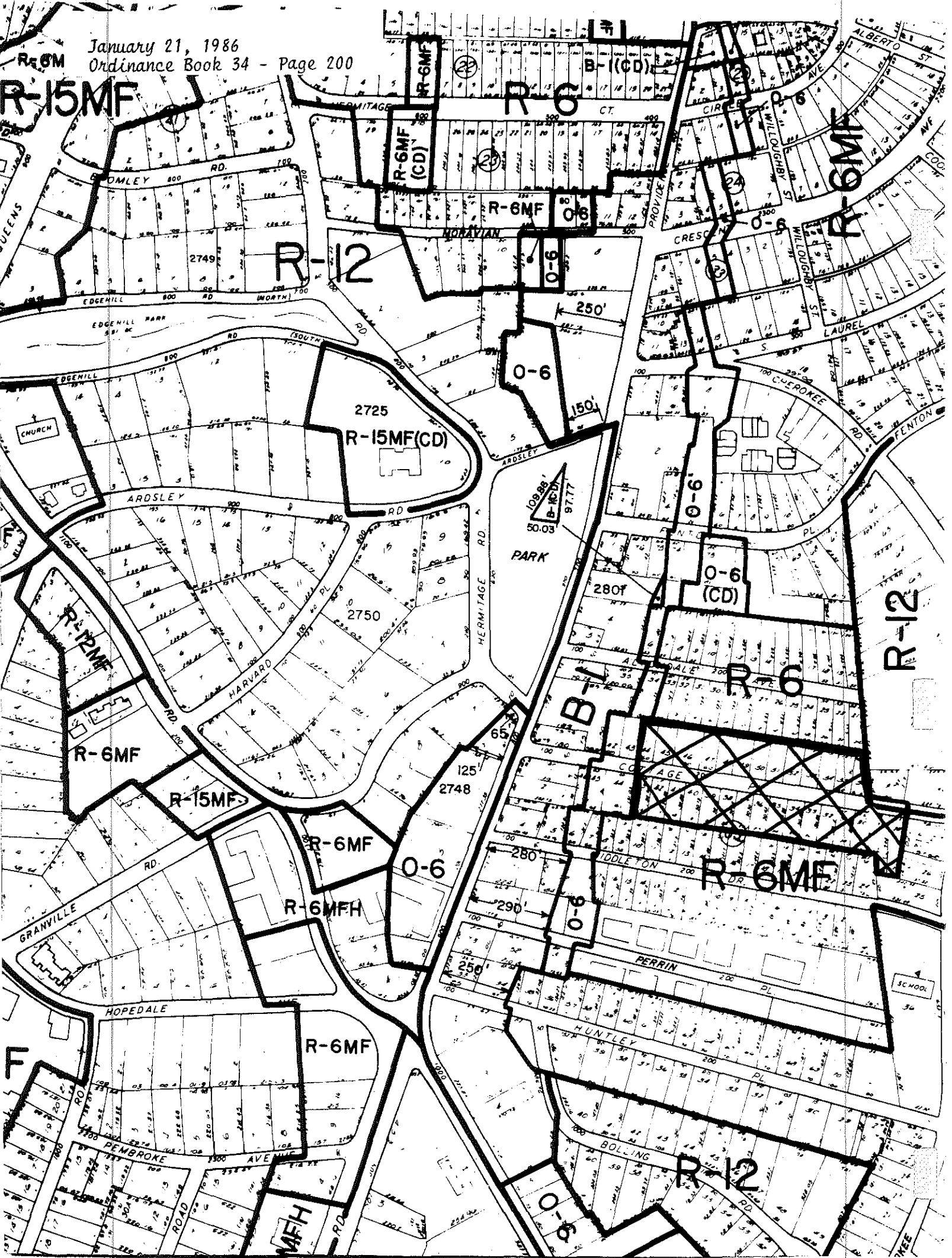
APPROVED AS TO FORM:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of January, 1986, the reference having been made in Minute Book 85, and is recorded in full in Ordinance Book 34, at page 199-200.

Pat Sharkey
City Clerk

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APPROVED BY CITY COUNCIL
DATE 1-21-86

ORDINANCE NO. 1850

AMENDING CHAPTER 20
ARTICLES I and II

AN ORDINANCE AMENDING CHAPTER 20, ARTICLES I AND II, (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, Articles I and II are hereby amended as follows:

- 1. Amend Section 20-3 by deleting the existing definitions for minor residential access street, minor industrial access street, marginal access street, secondary street, arterial street, and freeway and by inserting the following new definitions;

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. There will be little opportunity for significant variations on minimum 250 foot rights-of-way in urban areas and 350 foot rights-of-way in non-urban areas. Substantially larger rights-of-way may be required for interchanges or unusual topographic features.

Limited Access Arterial (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. The minimum required right-of-way for a Class II road is 200 feet. Additional right-of-way may be necessary in the vicinity of the intersections.

Commercial Arterial (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 also connects 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 non-residential high trip generating land uses. A Class III-C road may be part of State primary or secondary highway systems. These roads will usually be built to State or Federal design standards on minimum rights-of-way of 150 feet. However, Class III-C roads may be build on rights-of-way ranging up to 220 feet in certain instances.

Major Arterial (Class III). A multi-lane major roadway connecting Class I, II or III roads with lesser streets in the network. The Class III road also provides 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.

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The minimum required right-of-way for a Class III road is 100 feet. Additional right-of-way may be necessary in the vicinity of intersections.

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 to other regions. Therefore, it usually only handles trips for short to moderate distances. The minimum right-of-way for a Class IV street is 70 feet.

Collector (Class V). A two-lane 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. The minimum required right of way for a Class V street is 60 feet.

Local (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. The minimum required right-of-way for a Class VI street is 50' except that a 40' right-of-way may be permitted for a Local Limited (VI-L) street. A Local Limited street 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 unit developments and other similar techniques, or cul-de-sac streets in conventional subdivisions.

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 or North Carolina or the City of Charlotte, or has been established as a public street prior to the adoption of this ordinance, or has been dedicated for public travel by the recording of a plat of a subdivision which has been approved by either the Planning Commission, the Charlotte City Council, or Board of County Commissioners.

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 this document.

and, by adding a sentence to definition of Thoroughfare as follows:

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

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and, by adding a sentence to the definition of Thoroughfare Plan as follows:

The words thoroughfare plan and arterial street plan are used synonymously.

2. Amend Section 20-5 by adding the following sentence to the end of the section:

However, the standards of Chapter 19 of the City code which regulate the development of streets, sidewalks, and other facilities must be complied with except as may be varied under the provisions of Section 20-41(b).

3. Amend Section 20-6 by deleting the language in the first sentence between the words "in" and "Area" inclusive, and by substituting the following new language.

subject to the jurisdiction of this ordinance

4. Amend Section 20-7(i) by changing the title of the section to "Parallel Streets along Thoroughfares" and by deleting the words "a marginal access" from the 1st sentence.
5. Amend Section 20-7(1) by deleting the words "and the Charlotte Perimeter Area" from the 1st sentence.
6. Amend Section 20-10(5) by deleting the existing language and substituting the following new language:

The accurate location of monuments which shall be established along the rear property lines of lots with a minimum of one (1) per block, 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 shall be in accordance with the standard detail contained in the Land Development Manual. The corners of all lots and parcels shall be marked with iron posts driven flush with the ground. The iron posts shall be placed where lot boundaries intersect railroad, City of Charlotte, or North Carolina Department of Transportation rights-of-way.

7. Amend Section 20-13 by deleting the existing language in (a) and substituting the following new language.

Right of Way. A proposed street right-of-way must be of sufficient width to accommodate the required crosssection. However, in no case will the dedicated and reserved right-of-way be proposed to be less than the standards below unless the City Engineer certifies that special circumstances exist which make the dedication or reservation of the full right-of-way unnecessary or impractical.

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Street Type		Minimum R.O.W.
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 maximum required rights-of-way. Additional right-of-way may be necessary in the area of interchanges, intersections, or cut/fill areas and will be negotiated on a case by case basis. Where 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 50 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

- 8. Amend Section 20-13 by deleting Section (b).
- 9. Amend Section 20-13 by adding new language to the end of the existing language in Section (c) as follows

The subdivider is responsible for the maximum right-of-way up to 100' (50' or either side of the centerline). The remainder of the minimum required right-of-way over 100' 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.

and by redesignating this section as (b), and by redesignating section (d) as (c).

- 10. Amend Section 20-13 by deleting the existing Sections (e) through (j) inclusive and by redesignating Section (k), (l), (m), and (n) as (d), (e), (f), and (g) respectively.

11. Amend Section 20-13 by adding a new paragraph as follows.

(h) 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 two 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 units per acre, or serves as the only access to more than 150 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 non-residential or institutional land use, as well as an access to a residential area.

12. Amend Section 20-14 by substituting the word "collector" for the word "secondary" in Section (d).

13. Amend Section 20-31 and 20-32 by deleting the existing title and language in Section 20-31 and by substituting the following new title and language
Section 20-31 Standards and specifications.

Except as herein after provided, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the City, minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by the City Engineer in accordance with the standards and specifications of the City Engineering Department

and by deleting the title of Section 20-32 making the text of Section 20-32 the second paragraph of Section 20-31, and by deleting the words "or the Charlotte Perimeter Area." from the first sentence.

14. Amend Section 20-32 by adding the following new title and language:

20-32. 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 20-13(b).

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Class I (Freeway-Expressway)

Right-of-way - 100' dedicated and the remainder reserved for future acquisition.

Improvements - installed by the public

Class II (Limited Access Arterial)

Right-of-way - 100' dedicated and the remainder 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, except where specific improvements are required to meet the traffic demands of a particular development, in which case the necessary right-of-way must be dedicated.

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 the developer remains liable for the appropriate costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the City Engineer and the Planning Commission 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 necessary right-of-way 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 the developer remains liable for the appropriate costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the City Engineer and the Planning Commission 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 Type III driveways.

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Class IV (Minor Arterial)

Right-of-way - developer is responsible for the dedication of up to 70' (35' each side of the centerline). Additional right-of-way which may be required along existing streets must be dedicated by the developer.

Improvements - Streets which lie within a project must be constructed by the developer. Improvements along existing streets are the responsibility of the developer unless a public improvement program for the street is programmed and funded. However, improvements to minor arterial streets, except where specific improvements are needed to meet the traffic demands of the particular development, are not required if the subject property abuts the minor arterial street and is developed in either a through lot situation or with side lot lines having no access to the minor arterial, developed with reverse frontage and the use of a parallel street providing access to the lots, or developed in lots with a minimum dimension of 300 feet each along the minor arterial right-of-way. 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 Type III driveways.

Class V (Collector)

Right-of-way - dedicated by the developer.

Improvements - 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 requirements. Public improvements will be made in accordance with adopted plans, programs, and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs.

The standards in this 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 that approval occurred prior to the effective date of this amendment.

15. Amend Section 20-33 by deleting the existing language and by indicating that Section 20-33 is Reserved.
16. Amend Section 20-34 by changing the title to "Drainage and Stream Crossings", by deleting sections (a) through (g) inclusive, redesignate section (h) as (c), deleting sections (i) and (j), and substituting the following language as sections (a) and (b).

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- (a) Adequate storm drainage 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 standards, and has been dedicated and accepted or otherwise conveyed to the City, the City will assume the responsibility for maintenance of the said 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.
- (b) 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 Zoning Ordinance, to serve the entire subdivision as part of the drainage plan to be approved by the City Engineer. For the purposes of this subsection, the subdivision shall include the streets, sidewalks, driveways, roof tops and other impervious covers as proposed by the subdivider.
17. Amend Section 20-35 by deleting the existing language and by indicating that Section 20-35 is Reserved.
18. Amend Section 20-36 by changing the title of the Section to "Curb and Gutter", by deleting the existing sections (a), (b), and (c), by redesignating the remaining section (d) as (a), by deleting the words "industrial and business access" and substituting the words "and commercial" in the first sentence, by substituting the words "local" and "collector" for the words "minor" and "secondary" respectively in the last sentence, and by deleting the word "access" in the last sentence.
19. Amend Section 20-37 by deleting the words "Industrial" in paragraph (1) and "Nonindustrial" in paragraph (2) and substituting the words "Non residential" and "Residential" respectively, by deleting the third sentence in paragraph (2), by changing the word "secondary" to "collector" in subsection (1) of paragraph (2), by deleting sections (4) and (5) completely, and by deleting the existing language in paragraph (3) and substituting the following new language.

Approval of sidewalks construction plans shall be obtained from the engineering department of the City of Charlotte. When sidewalk facilities are required, the city engineer will specify the location of the required facilities. If existing public street right-of-way is not available, the city engineer may require the sidewalk to be constructed outside the street right-of-way.

20. Amend Section 20-38 by deleting the words "twenty four (24) hours" and substituting the following new language.

one business day

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- 21. Amend Section 20-39 by deleting paragraph (a) and (c) completely, by redesignating paragraph (b) as (a), by deleting the second sentence from the redesignated paragraph (a), and by substituting the word "manual" for the word "plan" in the last sentence of the redesignated paragraph (a).
- 22. Amend Section 20-40 by deleting the terms "North Carolina State Highway Commission" or "State Highway Commission" in paragraphs (a) and (b) and substituting the term "North Carolina Department of Transportation", by deleting paragraph (c) completely, by redesignating paragraph (d) as (c) by deleting the words "in Sections 18-18, 18-26, 18-26(b) and 18-26(c)" and substituting the following language "by this ordinance" in the first sentence of redesignated paragraph (c).

Section 2. This ordinance shall become effective upon 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 21st day of January, 19 86, the reference having been made in Minute Book 85, and recorded in full in Ordinance Book 34, beginning on Page 201.

 Pat Sharkey, City Clerk