

Petition No. 2001-026
Michael O'Brien

ORDINANCE NO. 1926-Z

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

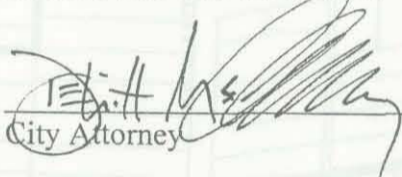
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-22MF to UR-2(CD).

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

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

APPROVED AS TO FORM:



City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 243-244.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.



Brenda R. Freeze, CMC, City Clerk

Petition #: 2001-26

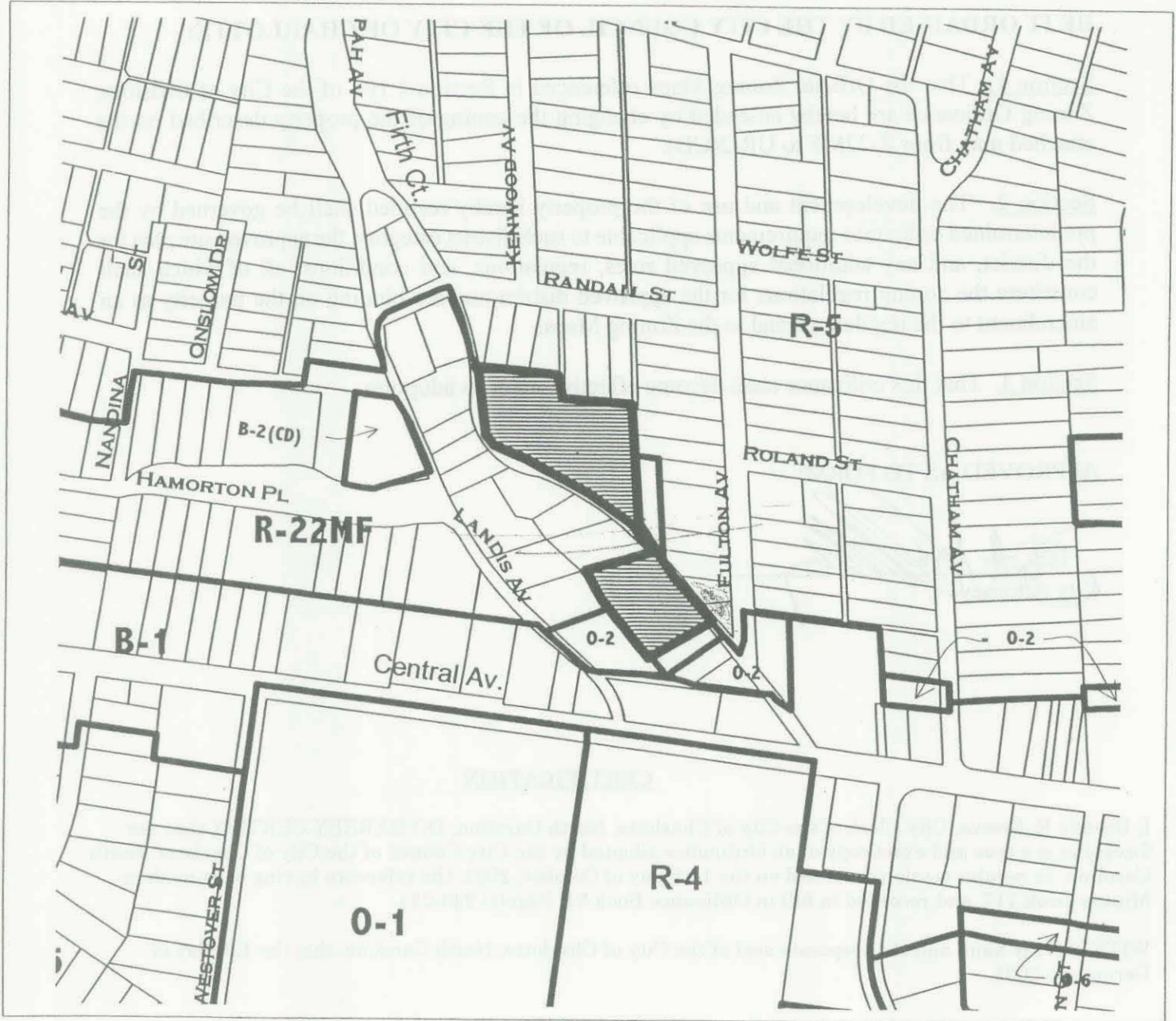
Petitioner: Michael O'Brien

Hearing Date: March 19, 2001

Zoning Classification (Existing): R-22MF

Zoning Classification (Requested): UR-2(CD)

Acres & Location Approximately 2.2 acres located on the north and south sides of Firth Court, between Landis Avenue and Fulton Avenue



Zoning Map #(s); 101



Petition #: 01-033
Petitioner: City Attorney's Office

Approved by City Council 10/17/01

ORDINANCE NO. 1927 AMENDING APPENDIX A-ZONING

AN ORDINANCE AMENDING APPENDIX A-ZONING OF THE CITY CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte, NC, that:

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

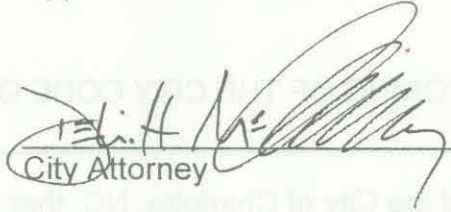
1. Amend Chapter 12, "Development Standards of General Applicability", Part 5, "Special Requirements for Certain Uses", by adding a new Section 12.528 to read as follows:

"§12.528. Enclosure at Foundation for Structures.

All structures for residential and nonresidential occupancy must have a solid wall enclosure at the foundation that is of a material that is properly installed and complies with all state codes. If not required by state code, the structure must nevertheless have a continuous, permanent masonry wall, having the appearance of a conventional load-bearing foundation wall, unpierced except for required ventilation and access, which must be installed under the perimeter of any modular structure. The Zoning Administrator is authorized to waive the applicability of this section in its entirety or with conditions attached, if the local administrator of Chapter 9, 'Floodway Regulations', of the City Code recommends to the Zoning Administrator that a structure must be elevated because of the location of the structure in an area of a floodway or of a flood hazard. This section shall only be applicable to new construction, except, notwithstanding the foregoing, this section shall not apply to any mobile or module units, including without limitation mobile classrooms, used at any school (public or private) or a place of worship.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:




City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 245-246.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.



Brenda R. Freeze, CMC, City Clerk

Petition #: 2001-063
Petitioner: Mecklenburg County Department of Environmental Protection

ORDINANCE NO. 1928

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – 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. Amend CHAPTER 10: OVERLAY DISTRICTS, Part 7 (Reserved)

(a) By deleting existing PART 7 (Reserved) and replacing it with new Part 7 as follows:

PART 7: LOWER LAKE WYLIE WATERSHED OVERLAY

Section 10.701. Purpose.

The purpose of the Lower Lake Wylie Watershed Overlay District is to support the protection of Lake Wylie’s water quality and to provide protection to public water supplies from Mecklenburg County’s contribution to surface water degradation through the application of land use requirements for the control of non-point source pollution.

The Lower Lake Wylie Watershed Overlay District is that area within Mecklenburg County that contributes surface drainage into that portion of the Catawba River known as Lake Wylie and its tributaries from the Paw Creek watershed southward. The Lower Lake Wylie Watershed Overlay District sub areas are specifically defined on the Mecklenburg County Zoning Maps.

Section 10.702 General Definitions.

For the purposes of Chapter 10 Part 7, the following words and phrases shall be defined as specified below.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Best Management Practices (BMP’s). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMP’s. Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMP's. Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. Structural BMP's allowed for use under the High Density Option are those which have been approved by the North Carolina Division of Water Quality and City of Charlotte. These include wet detention ponds, extended dry detention ponds, and grass swales.

Buffer. A natural or vegetated undisturbed area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the full pond elevation of impounded structures and from the top of the bank of each side of streams or rivers.

Built-upon area (B.U.). Built-upon areas shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed.

Discharge. The addition of any man induced waste effluent either directly or indirectly to N.C. surface waters.

Full Pond Elevation. The Lower Lake Wylie full pond elevation as determined by the United States Geological Survey (U.S.G.S.) Datum.

Hazardous Material. Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Industrial Discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
3. Stormwater will not be considered to be an industrial wastewater unless it is contaminated with industrial wastewater; or
4. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Mitigation. Actions taken either on-site or off-site as allowed by this Part to offset the effects of temporary or permanent loss of the buffer.

Nonresidential Development. All development other than residential development, agriculture and silviculture.

Perennial Stream. A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions. Such streams are identified on the United States Geological Survey Quadrangle Maps.

Protected Area. The area adjoining and upstream of the Critical Area of water supply watersheds where risk of water quality degradation from pollution while still greater than non watershed designated areas, is less than in Critical Area.

Septic Tank System. A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

State Standard. A quality standard for an applicable WS classification as established by the North Carolina Environmental Management Commission.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

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, or building development of any type, including both residential and nonresidential multiple building site and multi-site projects even if there is no division of the underlying land into separate parcels which is to be recorded with the Register of Deeds and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition nor be subject to the requirements of this ordinance:

1. The combination or recombination of portions of parcels created and recorded prior to January 1, 1988, or portions of lots platted in compliance with this ordinance after January 1, 1988, where the total number of parcels or lots is not increased and the resultant parcels are equal to the standards of this ordinance.
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 appropriate zoning classification.
5. The division of land plots or lots for use as a cemetery.

6. Creation of a separate lot or building site by a less than fee simple instrument, such as a ground lease, when the property interest created is divided from the original parcel for ten years or less, including options to renew.
7. The lease of space or other area within a building owned by the landlord.
8. Easements for the purposes of utilities, driveways, parking, footpaths, trails or other similar purposes.
9. The division of a tract or parcel into separate tracts or parcels, or the creation of interests in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation (including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
10. Proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
11. Transfers of tracts or parcels by inheritance or bona fide gift.
12. Condemnation or deed in lieu of condemnation, by either a public or private condemnor; provided, however, that the condemnor must comply with the requirements of this ordinance as the property acquired, either prior to the commencement of any development of the property acquired, or prior to the issuance of any building permit on the property acquired, or within six months following the date of acquisition, whichever date first occurs.

Variance, Local Watershed. A variance from the requirements of this part, which would not result in the relaxation of any State Standard.

Variance, Major Watershed. A variance from the requirements of this part that would result in the relaxation of any State Standard and any one or more of the following:

1. The relaxation, by a factor greater than ten (10%) percent, of any management requirement under the low-density option.
2. The relaxation, by a factor greater than five (5%) percent, of any buffer, density, or built-upon area requirement under the high-density option.
3. Any variation in the design, maintenance, or operation requirements of a wet detention pond or other approved stormwater management system.

Variance, Minor Watershed. A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to and including five (5) percent, of any buffer, density, or built-

upon area requirement under the high density option; or that results in a relaxation, by a factor of up to and including ten (10) percent, of any management requirement under the low density option.

Water Dependent Structures. Those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, piers, bulkheads and similar structures. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage into a stream, creek, lake or other body of water.

Section 10.703. Exceptions to Applicability.

1. Existing Development, as defined herein, is not subject to the requirements of this part. Expansion to structures classified as existing development must meet the requirements of this part, however, the built upon area of the existing development is not required to be included in the impervious area calculations.

Existing Development. Existing Development means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of the amendment incorporating these regulations into the zoning ordinance based on at least one of the following criteria:

- Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- Having an outstanding valid building permit; or
- Having an approved site specific or phased development plan.

2. An Existing Lot, as defined herein, and for which vested rights have been established, may be developed for single family residential purposes, subject only to the buffer requirements of this part; however, this exemption is not applicable to multiple contiguous lots under single ownership.

Existing Lot. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

3. Existing public utilities may expand without being subject to the restrictions of this part provided that:
 - a. Such expansion complies with all applicable laws and regulations of the State of North Carolina and the United States of America, including the minimum statewide water supply watershed management requirements adopted by the North Carolina Environmental Management Commission (“EMC”); and

- b. POTW's located within the critical area or the protected area may expand provided that:
- An evaluation of alternatives is completed by the Utility that considers non-discharge options, conjunctive reuse of reclaimed effluent, alternative discharge locations, and regionalization and/or consolidation of existing and/or future discharges;
 - The NPDES permit limits for the discharge from the expanded plant are established to prevent violations of water quality standards established for the receiving water body;
 - Where practical, increases in the hydraulic discharge from the POTW should be offset by proportional reductions in the NPDES Permit effluent characteristics concentrations and/or by the establishment of limits for additional effluent characteristics. However, in no case should the new, permitted effluent characteristics exceed those determined to be necessary to protect the receiving water body to the water quality standards applicable.
 - A public notice and comment period is included as part of the expansion process.

Section 10.704. Lower Lake Wylie Watershed Overlay District Sub areas established.

1. Critical Area. The Critical Area extends one-half mile (½) inland from the full pond elevation of 569.4' above sea level of Lower Lake Wylie from the upstream side of the Paw Creek Arm ("Paw Creek Cove"), to the South Carolina state line as shown more specifically on the Mecklenburg County Zoning Maps.
2. Protected Area. The Protected Area extends from the outer boundaries of the Critical Area to the extent of the watershed or approximately five (5) miles from the Lake upstream in the Paw Creek drainage basin as shown more specifically on the Mecklenburg County Zoning Maps.

Section 10.705. Uses and Standards established.

Unless otherwise provided below all uses, standards, minimums and maximums established by the underlying zoning district shall apply.

1. Critical Area: The intent is to require higher standards in the Critical Area because of the greater risk of water quality degradation from pollution. The following uses and standards apply to the Critical Area and shall be permitted if they meet the standards of this Part and all other requirements of this ordinance.
 - a. Uses Permitted Under Prescribed Conditions
 1. Storage of Hazardous Materials, subject to the filing and approval of a spill/failure containment plan with the Mecklenburg County Fire Marshall.
 2. Structural BMP's, where allowed under the Low Density or High Density Option

3. Irrigation with tertiary treated domestic wastewater effluent
4. Publicly controlled wastewater treatment plants requiring an NPDES permit.

b. Prohibited Uses

1. Landfills: sanitary, construction & demolition, land clearing & inert debris
2. Petroleum Contaminated Soils, Treatment or Disposal
3. Sludge Applications
4. Wastewater Treatment Plants, new privately owned or operated for domestic or industrial waste requiring NPDES permit.
5. Land application for treatment and disposal of domestic or industrial waste

2. Protected Area: The intent is to allow development with fewer restrictions in the Protected Area because the risk of water quality degradation from pollution is less than in a Critical Area because of the distance from the water body. These uses and standards shall apply to the protected area and shall be permitted if they meet the standards of this Part and all other requirements of this ordinance.

a. Uses Permitted Under Prescribed Conditions

1. Storage of Hazardous Materials, subject to the filing and approval of a spill/failure containment plan with the Mecklenburg County Fire Marshall.
2. Structural BMP's, where allowed under the Low Density or High Density Option
3. Irrigation with tertiary treated domestic wastewater effluent
4. Publicly controlled wastewater treatment plants requiring an NPDES permit.
5. Land clearing & inert debris landfills requiring a State permit

b. Prohibited Uses

1. Landfills: sanitary, construction & demolition
2. Petroleum Contaminated Soils, Treatment or Disposal
3. Sludge Applications
4. Wastewater Treatment Plants and associated discharges, new privately owned or operated for domestic or industrial waste requiring NPDES permit.
5. Land application for treatment and disposal of domestic or industrial waste

Section 10.706. Development Standards for the Lower Lake Wylie Watershed Overlay.

Unless otherwise provided below all uses, standards, minimums and maximums established by the underlying zoning district shall apply. All uses permitted in the Lower Lake Wylie Watershed Overlay shall meet the applicable development standards established in this section.

1. Critical Area: Maximum Allowable Built Upon Area (%B.U.)⁽²⁾

a. Residential

1. low density option - 20%

- 2. high density option⁽¹⁾ - 50%
- b. Non-Residential
 - 1. low density option - 20%
 - 2. high density option⁽¹⁾ - 50%
- 2. Protected Area: Maximum Allowable Built Upon Area (%B.U.)⁽²⁾
 - a. Residential
 - 1. low density option - 24%
 - 2. high density option⁽¹⁾ - 70%
 - b. Non-Residential
 - 1. low density option - 24%
 - 2. high density option⁽¹⁾ - 70%

Footnotes to Chart 10.706.1 and 10.706.2

- (1) High Density Option – See Section 10.709
- (2) Percentages apply on an individual lot basis for lots of record established on or before the effective date of these regulations. Lots of record established thereafter will be subject to these percentages unless otherwise specified on a recorded plat or on a subdivision plan approved by the Charlotte Mecklenburg Planning Commission.

Section 10.707. Cluster Development.

Cluster Development, as defined in Section 2.201 of the City of Charlotte Zoning Ordinance is permitted in the Critical and Protected Areas in accordance with the following regulations:

- 1. Subject to all the cluster requirements of the underlying zoning district.
- 2. Percent (%) Built Upon shall not exceed the allowed percent (%) Built Upon for the watershed area.
- 3. The remainder of the tract shall remain in a vegetated or natural state as common open space except that non-impervious recreational uses are permitted provided that they are located a minimum of 30 feet from the stream bank. Impervious recreational uses are permitted if they are located outside of any required buffer and do not exceed the allowable percentage built upon for the project.
- 4. Subject to the buffer area requirements of Section 10.708

Section 10.708. Buffer areas required.

Undisturbed vegetative buffers are required along the shoreline of Lower Lake Wylie measured from the full pond elevation and along each side of all perennial streams measured from the top of bank.

1. Critical Area. In the critical area the minimum buffer areas are as follows:

- a. Low density option - 50'
- b. High density option - 100'

2. Protected Area. In the protected area the minimum buffer are as follows:

- a. Low density option - 40'
- b. High density option - 100'

3. Additional buffer requirements:

No permanent structures, built upon areas, septic tanks systems or any other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- a. No trees larger than 2-inch caliper are to be removed except for dead or diseased trees. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 and as approved by the County Environmental Protection Department.
- b. Stream bank or shoreline stabilization is allowed as approved on a plan submitted to the City Engineer and the County Environment Protection Department
- c. Water dependent structures and public projects such as road crossings, sewer lines, runways and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters, and maximize the utilization of nonstructural BMP's and pervious materials.
- d. During new development or the expansion of existing development the City can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5.
- e. Non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30 feet from the stream bank.
- f. Buffer width shall be increased 50% for new developments under the high-density option located along the lakeshore that have average slopes equal to or greater than 50% within the 100 foot buffer.

The average slope shall be calculated by measuring the slope from the highest and lowest elevations at the 100-foot buffer to the 569.4 foot full pond elevation of Lake Wylie. The sum of the two (2) measurements will be divided by two (2) to determine the average slope within the 100-foot buffer. The additional buffer area shall be applied in areas of the tract where slopes are greatest to obtain the maximum benefit from the increased buffer area.

4. Re-Vegetation of Disturbed Buffers Required:

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance), or should vegetation which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require that any vegetation remaining in the buffer be enhanced in accordance with the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

5. If a building permit is required for property improvement under the High Density Option, which will result in an increase in impervious area, shoreline stabilization is required as needed and allowed when unstable shorelines are present; and as approved on a plan submitted to the City Engineer or their designee and the County Environment Protection Department and as allowed by Duke Power's Shoreline Management Plan.

Section 10.709. Mitigation

Buffer impacts are allowed only under legitimate "hardship" situations and only following approval of a site-specific mitigation plan by the Mecklenburg County Department of Environmental Protection. The following techniques are available for mitigation. Specifications for these pre-approved mitigation techniques are provided in the Charlotte-Mecklenburg Land Development Standards Manual.

- (a) Buffer Restoration: The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area within the Lower Lake Wylie Watershed area the condition of which is determined to be qualified for restoration by the Mecklenburg County Environmental Protection Department on a 1:1 basis utilizing the square feet of buffer impacted. This restoration shall include stream bank improvements.
- (b) Buffer Preservation: The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 square foot basis and convey fee simple and absolute title to the land to the City/County or other conservation organization.
- (c) Mitigation Credits: The purchase of mitigation credits on a 1:1 basis utilizing the square feet of buffer impacted and the established rate of purchase shall allow for stream buffer impacts on the specific site. Mitigation credits purchased under any other program (i.e., U.S. Army Corp of Engineers) shall not cover this requirement unless the issuing agency agrees to relinquish the funds to the appropriate City/County agency.

Section 10.710. High Density Option.

The High Density Option allows for a greater development density provided engineered controls (Structural BMP's) are used to manage stormwater runoff. Structural BMP's are required under the High Density Option. High density development shall meet the requirements of this section, the Charlotte-Mecklenburg Land Development Standards Manual and other published standards of the City Engineering Department.

1. High Density Permit Application.

- A. A High Density Development Permit shall be required for new development exceeding the requirements of the low density option.
- B. Application for a High Density Development Permit shall be submitted as follows:
 - 1. Development plans subject to the Subdivision Ordinance and the Sediment and Erosion Control Ordinance and reviewed through the Charlotte-Mecklenburg Planning Commission will submit the High Density Development Permit to the Subdivision Administrator as part of the subdivision review application process.
 - 2. Development plans not subject to the Subdivision Ordinance will submit the High Density Development Permit to the City Engineer as part of the Sediment and Erosion Control requirements of the building permit application process.
 - 3. Applications for the High Density Option shall be made on the proper form and shall include the following information:
 - a. A completed High Density Development Permit Application signed by the owner of the property. The signature of the consulting engineer or other agent will be accepted on the application only if accompanied by a letter of authorization.
 - b. Required number of development plans and specifications of the stormwater control structure.
 - c. Submittal of a sediment and erosion control plan to the appropriate agency.
 - d. Permit application fees.

2. Structural BMP's

- A. All Structural BMP's shall be designed and stamped by either a North Carolina registered professional engineer or landscape architect.
- B. Structural BMP's shall be designed for specific pollutant removal according to modeling techniques approved by the North Carolina Division of Water Quality. Specific requirements

for these systems shall be in accordance with the design criteria and standards contained in the Charlotte-Mecklenburg Land Development Standards Manual.

- C. Qualifying areas of the Structural BMP's may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage built-upon area for one site, it shall not be used to compute the built-upon area for any other site or area.
- D. The design of the Structural BMP's shall include the appropriate easements for ingress and egress necessary to perform inspections, maintenance, repairs and reconstruction.

3. Installation of Structural BMP's

A. SUBDIVISIONS – Posting of Financial Security Required

- 1. When Structural BMP's (Structural BMP's) are required under the High Density Option for subdivisions, the approval of the High Density Development Permit will be subject to the owner filing a surety bond or letter of credit or making other financial arrangements which are acceptable to the City Engineering Department in an amount to be determined by the City Engineering Department in consultation with other agencies, such as the Environmental Protection Department, in a form which is satisfactory to the City Attorney, guaranteeing the installation and maintenance of the required Structural BMP's until issuance of certificates of occupancy for seventy-five percent (75%) of all construction which might reasonably be anticipated to be built within the area which drains into the Structural BMP's, allowing credit for improvements completed prior to the submission of the final plat. Upon issuance of certificates of occupancy for seventy-five percent (75%) of all anticipated construction relative to the required Structural BMP's, written notice thereof must be given by the owner to the City Engineering Department. The City Engineering Department will arrange for an inspection of the Structural BMP's and if found satisfactory, will within 30 days of the date of notice notify the owner in writing.

B. Property Other Than SUBDIVISIONS – Civil Penalties

- 1. Any person who fails to install or maintain the required structural BMP in accordance with this chapter shall be subject to a civil penalty of not more than \$500. No penalties shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means which are reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. Each day that the violation continues shall constitute a separate violation.

4. Maintenance Responsibility of Structural BMP's

- A. For single-family developments, the owner may petition the City Council for acceptance of maintenance responsibilities of the Structural BMP's. The City will accept maintenance responsibilities if the Structural BMP's have been built according to standards contained in the Land Development Standards Manual or other published standard of the City Engineer and are functioning as designed, provided, however, that the City Council may attach reasonable conditions to its acceptance of maintenance responsibilities including requiring the granting of appropriate easements for ingress and egress.
- B. Maintenance of Structural BMP's other than those in single-family developments, which have been accepted by the City, shall be the responsibility of the property owner. The property owner may apply for a credit to the property's storm water fee according to the policies of Charlotte-Mecklenburg Storm Water Services to compensate for this responsibility. The property owner will be responsible for the on-going maintenance of the Structural BMP's. If at any time the BMP's are not properly maintained, the credit will be suspended.

5. Additional Requirements

- A. An Occupancy Permit shall not be issued for any building within the permitted development until the City Engineering Department has approved the stormwater control structure, as provided in Section 10.710.3(A).

Section 10.711. Appeals and Variances.

- A. Any appeal to reverse or modify the order, decision, determination, or interpretation of the Zoning Administrator shall be subject to Chapter 5, Appeals and Variances, of these regulations.
- B. A petition for a local watershed variance, as defined in this part, shall comply with all the procedures and standards of Chapter 5, Appeals and Variances, of these regulations. The Board of Adjustment shall have the authority to grant or to deny a local watershed variance based upon § 5.108, "Standards for granting a variance". Any appeal for the Board's decision shall be pursuant to Chapter 5 and G.S. § 160A-388(e).
- C. A petition for a minor watershed variance or a major watershed variance, as defined in this part, shall comply with all the procedures and standards of Chapter 5, Appeals and Variances, of these regulations, with the following additions:
 - 1. In addition to the notification requirement of Chapter 5, the Zoning Administrator shall mail a written notice to each local government having jurisdiction in the watershed where the subject property is located and/or any entity utilizing the receiving waters of the watershed as a water supply at least ten (10) working days prior to the public hearing. The applicant for the variance shall provide a list of those local governments and/or

entities that must be notified. The notice shall include a description of the variance being requested. Recipients of the notice of the variance request may submit comments at least three (3) working days prior to the scheduled hearing date by the Board of Adjustment. Such comments, properly filed, shall become part of the record of proceedings.

2. The Board of Adjustment shall have the authority to grant or deny a minor watershed variance based upon § 5.108 "Standards for granting a variance". Any appeal of the Board's decision shall be pursuant to Chapter 5 and G.S. § 160A-388(e).
3. The Board of Adjustment shall make a recommendation to grant or a decision to deny a major watershed variance based upon § 5.108, "Standards for granting a variance" of these regulations and the standard provided for in 15A NCAC 2B.0104(r) which states that a major watershed variance is to be determined on a case-by-case basis, when necessary to accommodate important social and economic development.

- a. If the Board of Adjustment recommends that the major variance be granted, the Zoning Administrator shall within thirty (30) working days forward a preliminary record of the Board's hearing to the North Carolina Environmental Management Commission ("EMC") for final decision in accordance with the State's rules and regulations. The preliminary record of the hearing shall include:

- (a) The variance application;
- (b) The hearing notices;
- (c) The evidence presented;
- (d) Motions, offers of proof, objections to evidence, and rulings on them;
- (e) Proposed findings and exceptions;
- (f) The proposed decision, including all conditions proposed to be added to the permit.

1. When the EMC approves or denies the variance, the EMC will prepare an EMC decision and send it to the Board. The Board shall then prepare a final decision granting or denying the proposed variance. If the EMC approves the variance with condition and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

The EMC decision shall constitute the final decision on the major variance request and the Zoning Administrator shall notify the applicant of the decision.

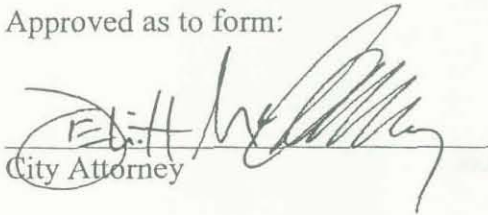
2. Any further appeal of the EMC's decision of a major watershed variance shall be pursuant to the authority and enabling legislation of the EMC.

- b. If the Board of Adjustment makes a decision to deny the major variance, then the record of the Board's hearing, findings, and conclusions shall not be forwarded to the North Carolina Environmental Management Commission. Any appeal of the Board's denial of a major watershed variance shall be pursuant to Chapter 5 and G.S. § 160A-388(e).

- c. The Zoning Administrator shall keep a record, including a description of each project receiving a variance and any reasons stated for granting the variance, of all approved major and minor watershed variances. If applicable, the Zoning Administrator shall submit a record of the variances granted during the previous calendar year to the North Carolina Division of Environmental Management on or before January 1 of the following year. This record shall provide a description of each project receiving a variance and the reasons for granting the variance.

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

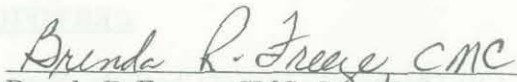
Approved as to form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 247-260A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.


Brenda R. Freeze, CMC, City Clerk

CITY ZONE CHANGE

Petition No. 2001-062
Mecklenburg County
Environmental Protection

ORDINANCE NO. 1929-Z

ZONING REGULATIONS

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

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by establishing the Lower lake Wylie Watershed Overlay District to the various zoning designations on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

APPROVED AS TO FORM:


City Attorney

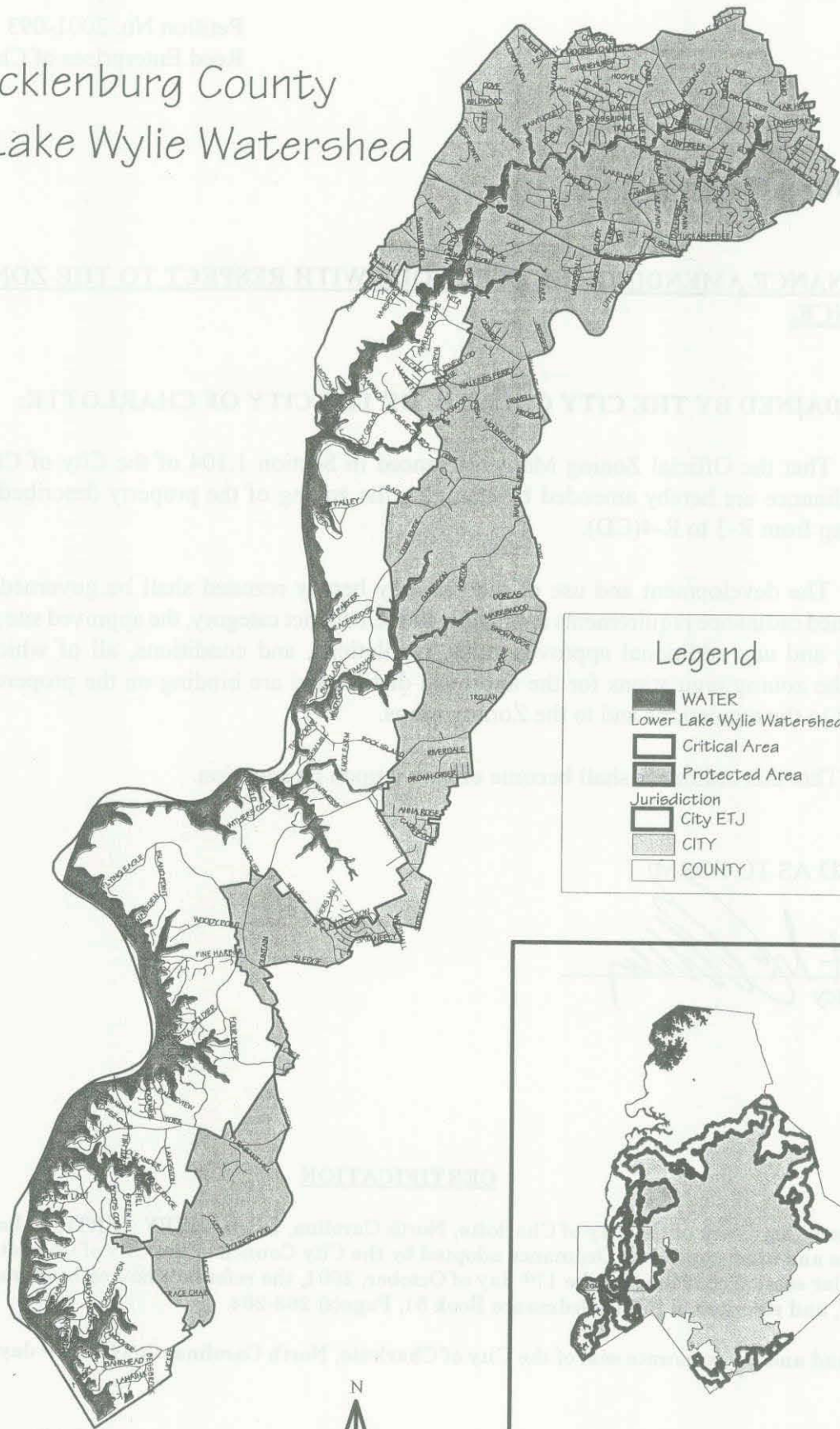
CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 261-262.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.

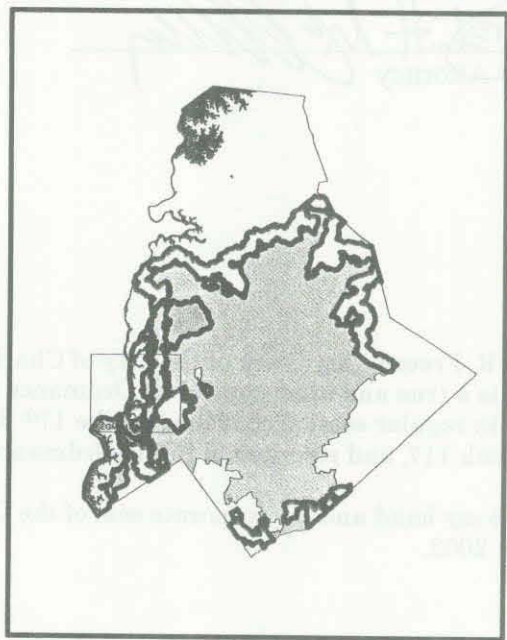
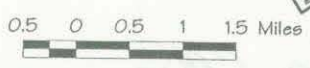

Brenda R. Freeze, CMC, City Clerk

Mecklenburg County Lower Lake Wylie Watershed



Legend

- WATER
- Lower Lake Wylie Watershed
- Critical Area
- Protected Area
- Jurisdiction
 - City ETJ
 - CITY
 - COUNTY



Petition No. 2001-093
Reed Enterprises of Charlotte Inc.

ORDINANCE NO. 1930-Z

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

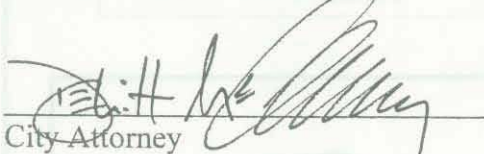
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 to R-4(CD).

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

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

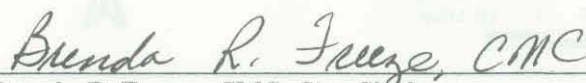
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

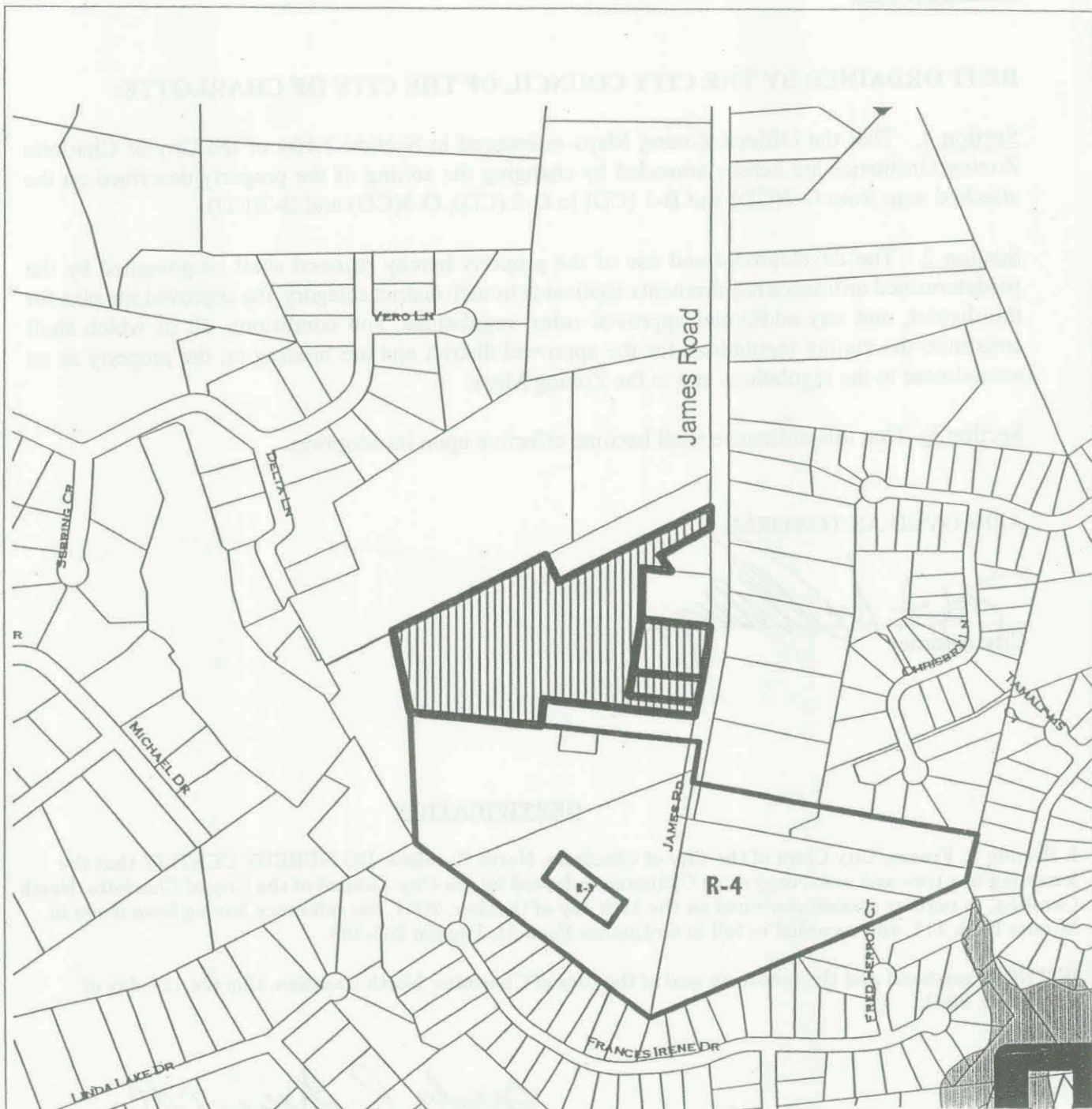
I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 263-264.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 21st day of February, 2002.


Brenda R. Freeze, CMC, City Clerk

Petition #: 2001-93
Petitioner: Reed Enterprises of Charlotte, Inc.
Hearing Date: September 17, 2001
Zoning Classification (Existing): R-3
Zoning Classification (Requested): R-4(CD)

Acreage & Location Approximately 12 acres located on the west side of James Road, south of Plaza Road Extension and east of East W. T. Harris Boulevard.



Zoning Map #(s); 91



Petition No. 2001-103
Highlands Realty Limited
Partnership

ORDINANCE NO. 1931-Z

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


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

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from O-2(CD) and B-1 (CD) to O-2 (CD), O-3(CD) and B-2(CD).

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

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

APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 265-266.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.


Brenda R. Freeze, CMC, City Clerk

CITY ZONE CHANGE

Petition No. 01-104
Cindy Glenn and
Michael Kampen

ORDINANCE NO. 1932-Z

ZONING REGULATIONS

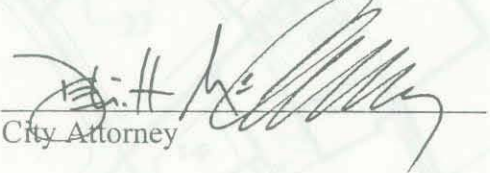
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified as approximately 0.5 acres located on the east side of Patterson Street, south of North Davidson Street (tax parcels 091-106-49 and 50) from R-5 to R-8 on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

APPROVED AS TO FORM:



City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 267-268.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.



Brenda R. Freeze, CMC, City Clerk

Petition #: **2001-104**

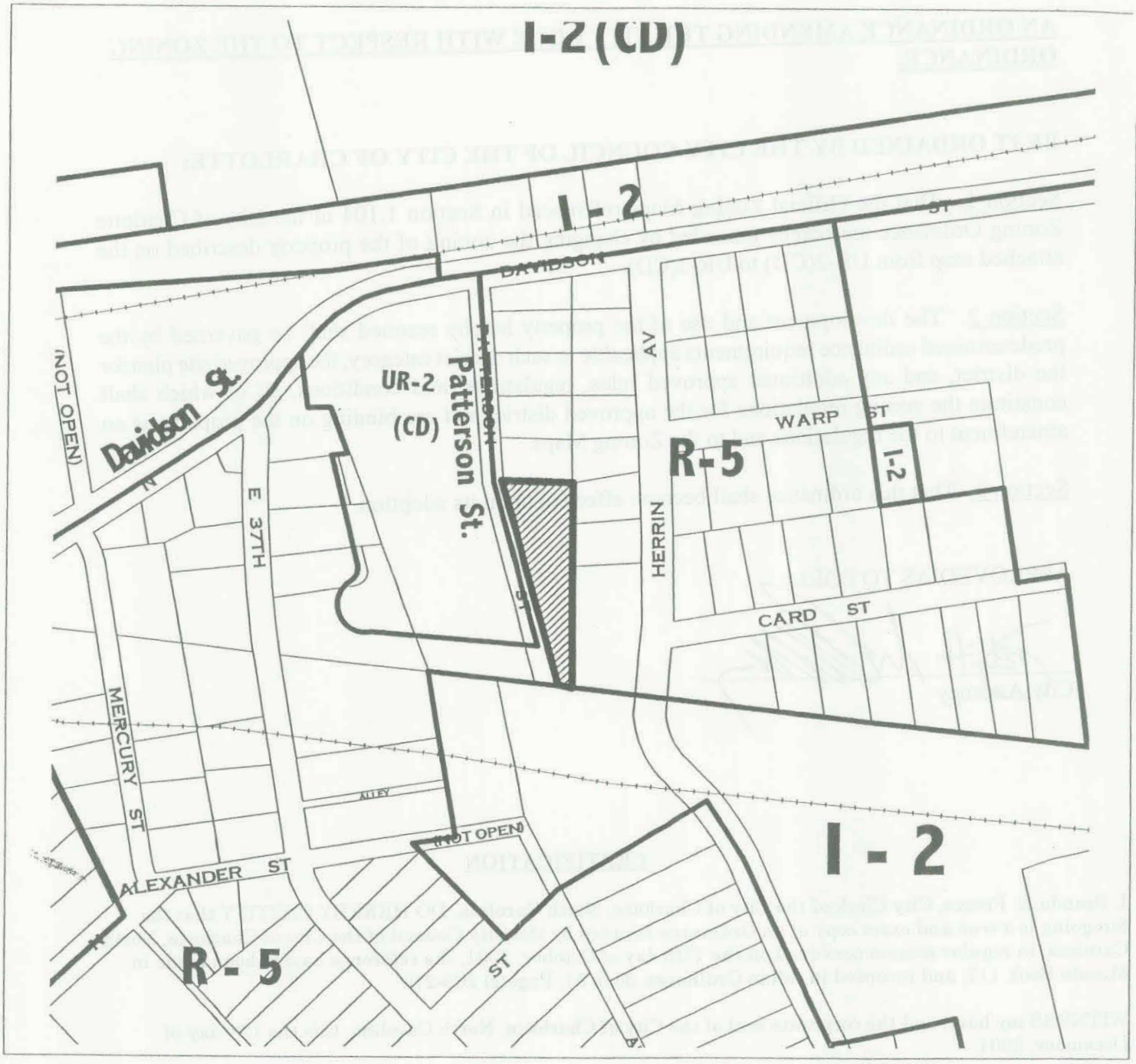
Petitioner: **Cindy Glenn & Michael Kampen**

Hearing Date: **September 17, 2001**

Zoning Classification (Existing): **R-5**

Zoning Classification (Requested): **R-8**

Acres & Location **Approximately 0.50 acres located on the east side of Patterson Street, south of North Davidson Street.**



Zoning Map #(s);

Map 89

Map Legend

	ETJ		Floodplain(stp)
	Almoke(stp)		County Line
	Watershed		City Limits(arc)
	Historic District		

Petition No. 2001-110
Gateway Homes

ORDINANCE NO. 1933-Z

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


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

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from UR-2(CD) to UR-3(CD).

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

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

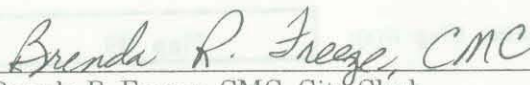
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 269-270.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.


Brenda R. Freeze, CMC, City Clerk

Petition #: 2001-110

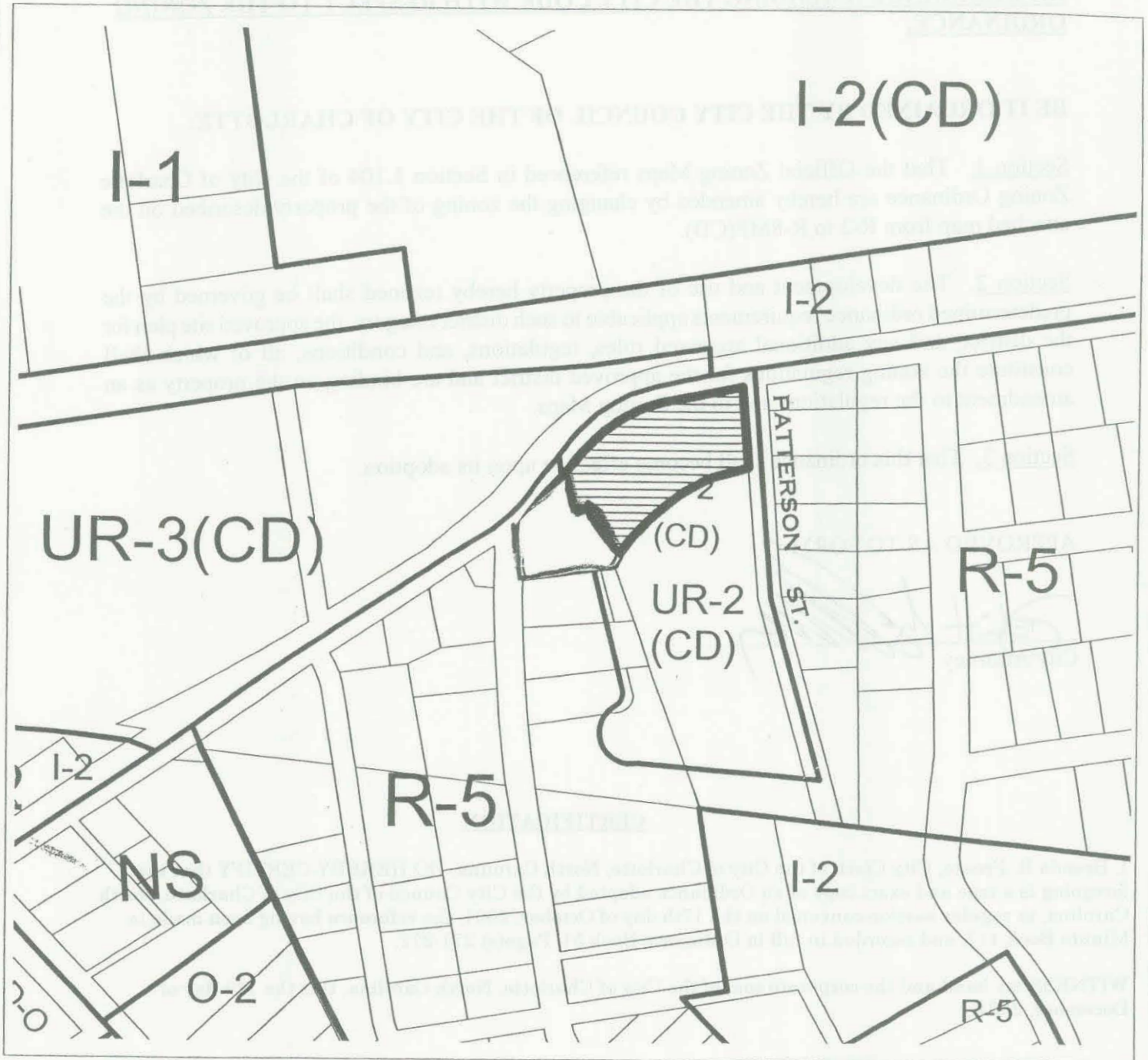
Petitioner: Gateway Homes

Hearing Date: September 17, 2001

Zoning Classification (Existing): UR-2 (CD)

Zoning Classification (Requested): UR-3 (CD)

Acreage & Location Approximately . acres located on the southwest corner of North Davidson Street and Patterson Street.



Zoning Map #(s);

89

Charlotte-Mecklenburg Planning Commission

Map Legend

	ETJ		Floodplain.shp
	Almo.se.shp		County Line
	Watershed		City Limits(arc)
	Historic District		

Petition No. 2001-112
Deltas of Charlotte

ORDINANCE NO. 1934-Z

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

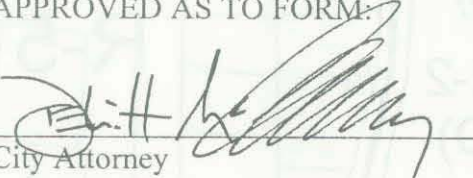
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 to R-8MF(CD).

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

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

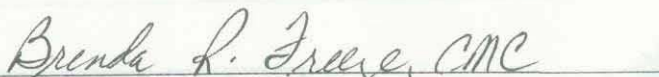
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 271-272.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.


Brenda R. Freeze, CMC, City Clerk

Petition #: 2001-112

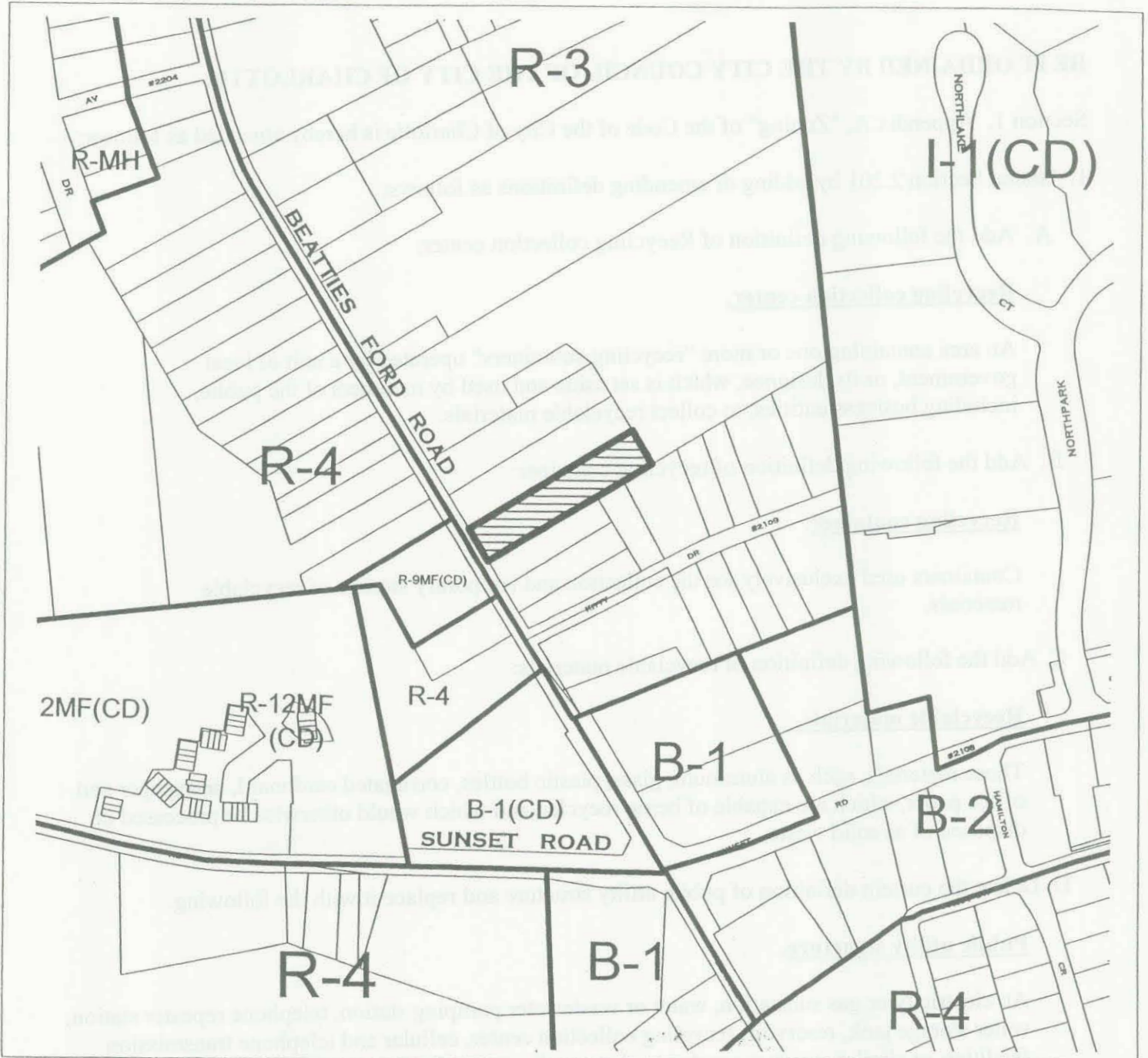
Petitioner: Deltas of Charlotte

Hearing Date: September 17, 2001

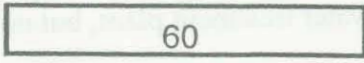
Zoning Classification (Existing): R-3

Zoning Classification (Requested): R-8MF(CD)

Acresage & Location Approximately 2 acres located on the east side of Beatties Ford Road, north of Sunset Road.



Zoning Map #(s);



Map Legend

	ETJ		Floodplain.shp
	Admnsrv.shp		County Line
	Watershed		City Limits(arc)
	Historic District		

Petition No. 2001-113
Petitioner: Mecklenburg County Solid Waste Department

ORDINANCE NO. 1935 **AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – 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. Amend Section 2.201 by adding or amending definitions as follows:

A. Add the following definition of Recycling collection center:

Recycling collection center.

An area containing one or more "recycling containers" operated by a unit of local government, or its designee, which is set aside and used by members of the public, including business entities, to collect recyclable materials.

B. Add the following definition of recycling container:

Recycling container.

Containers used exclusively for the collection and temporary storage of recyclable materials.

C. Add the following definition of recyclable materials:

Recyclable materials.

Those materials, such as aluminum, glass, plastic bottles, corrugated cardboard, newspaper and office paper, which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

D. Delete the current definition of public utility structure and replace it with the following:

Public utility structure.

An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir, recycling collection center, cellular and telephone transmission facilities, or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a wastewater treatment plant, but not including satellite dish

antennas, facilities for the handling of solid waste (except for recycling collection centers), or radio, television, or microwave transmission or relay towers.

2. Amend Section 12.303(1) to read as follows:
and where ever the term “trash handling areas” appears, change to “solid waste handling areas”:

Section 12.303. Screening requirements.

The provisions of this Section must be met at the time that land is developed or land and structures are redeveloped. A buffer required in Section 12.302 may be used to meet the requirements of this Section. The requirements of this Section do not apply to lots or portions of lots, which are vacant or undeveloped.

- (1) The following uses must be screened from abutting property and from public view from a public street:
 - (a) Parking lots for more than 10 automotive vehicles and parking decks, excluding new and used automotive sales lots and parking areas for detached, duplex, triplex or quadraplex dwellings on a single lot;
 - (b) Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;
 - (c) Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures; and
 - (d) Loading docks or spaces, except in the area where such use abuts other loading docks and spaces.
 - (e) Outdoor storage of materials, stock and equipment; and
 - (f) Any other uses for which screening is required under these regulations.

3. Amend Sections 12.403. to read as follows:

Section 12.403. Dumpsters, recycling containers, solid waste handling areas, and service entrances.

The following requirements shall apply to all dumpsters, recycling containers, solid waste handling areas, and service entrances accessory to any multi-family or nonresidential use and shall be shown on submitted plans:

- (1) Except as provided in subsection (2) below, any such accessory use or structure shall be screened on three sides by a fence, wall or planting materials from the public view from public streets and any abutting properties located in a residential, research, office, or business zoning district in accordance with Section 12.303.

- (2) Screening in accordance with Section 12.303 shall not be required where any buffer, as set out in Section 12.302, separates such accessory uses and structures from the public street or abutting property.
- (3) When a recycling container is placed on a property permitted before October 17, 2001, the minimum number of parking spaces required by these regulations may be reduced by up to three (3) spaces, if necessary, to provide space for the location and servicing of the recycling container. [This provision is included in these regulations to allow existing uses or uses for which building permits have been obtained prior to the date set forth above to place recycling containers on the property without the location of such a recycling container creating a violation of these regulations.]
- (4) All non-residential uses except multi-family that are permitted after October 17, 2001, shall be required to set aside space for recycling containers and for dumpsters used for the collection of solid waste. Equal space shall be allocated for both recycling and solid waste containers.

All multi-family complexes, which are permitted after October 17, 2001, shall be required to set aside space for recycling containers and dumpsters used for the collection of solid waste as follows:

Space for Solid Waste Containers	Space for Recycling Containers
At a minimum, space for an 8 cu.yd. container per each 30 units or 8 cu.yd. compactor per each 90 units.	Space for five 96-gallon carts per each 80 units (approximately 12x12 foot space).
However, if the multi-family complex is of such a nature that individual garbage and/or recycling containers are presented to each unit and no clustered collection points are utilized, then the owner/owners agent shall make a statement to this effect on submitted plans and does not need to show space for recycling and/or solid waste containers.	

Exceptions to section 12.403, item (4). A permit shall not be denied if (a) the project for which the permit is sought is for the renovation or redevelopment of an existing building or facility and (b) the existing building or facility does not have sufficient exterior property available for a recycling container/s. The minimum number of parking spaces required by these regulations may be reduced by up to three (3) spaces, if necessary, to provide space for the location and servicing of recycling container/s.

- 4. Amend CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, by amending Section 12.504 to read as follows

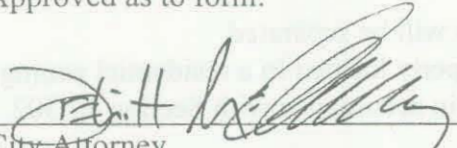
Section 12.504. Public utility structures.

Public utility structures are permitted within any zoning district as a principal use subject to the following specific conditions:

- (1) Lots must conform to minimum setback and yard requirements of the zoning district in which they are located. Unmanned utility structures with internal floor space of less than 300 square feet are exempted from the minimum lot size requirement.
- (2) Electric and gas substations and sewage treatment plants will be separated by a Class A buffer from the street and any abutting property located in a residential zoning district, and screened from any use in any other district, in accordance with Section 12.302.
- (3) Control houses, pump and lift stations, cellular transmission facilities and other similar uses shall be screened in accordance with Section 12.303 from the street and any abutting property located in a residential zoning district.
- (4) A fence not easily climbable or comparable safety devices must be installed and maintained in order to make the facility inaccessible to the public.
- (5) The design of buildings, structures and facilities on a site should conform as closely as possible to the character of the area or neighborhood.
- (6) Any public utility structures not specifically listed are exempt from the requirements of this Section.
- (7) Wireless communications transmission facilities including, but not limited to, transmission structures, equipment shelters and related facilities may be established in accordance with the provisions of subsection 12.108(8) and the provisions of this Section. Wireless Communications transmission facilities may also be established as accessory or secondary uses in accordance with the provisions of subsection 12.108(8).
- (8) The following requirements shall apply to all recycling collection centers:
 - (a) Except as provided in subsection (b) below, any such use or structure shall be screened on three sides by a fence, wall or planting materials from the public view from any abutting properties located in a residential, zoning district in accordance with Section 12.303.
 - (b) Screening in accordance with Section 12.303 shall not be required where any buffer, as set out in Section 12.302, separates uses and structures from abutting property located in a residential zoning district.

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

Approved as to form:

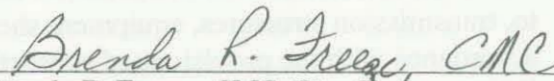


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 273-277.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.



Brenda R. Freeze, CMC, City Clerk

Petition: 2001-115 SUB
Petitioner: Charlotte-Mecklenburg Planning Commission

ORDINANCE NO. 1936 AMENDING CHAPTER 20

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, SUBDIVISIONS, of the Code of the City of Charlotte is hereby amended as follows:

1. Amend Section 2.100. Definitions, by adding the following definitions in alphabetical order:

Connectivity: Street or subdivision design which provides for public access, ingress and egress by interconnecting streets, bike paths, and walkways within a development and with adjoining developments. Connectivity facilitates vehicular, bicycle, and pedestrian transportation without promoting cut-through traffic.

Cut-Through Traffic: A route used by vehicles not having an origin or destination in the neighboring area which promotes an unnecessary increase in traffic and adversely impacts existing neighborhoods or communities.

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

Stub Streets: Streets that are designed to extend to the property line with a temporary barricade and have the intent to be extended to provide for future access and connectivity.

Major Streams: Jurisdictional streams which are regulated by state or federal agencies.

2. The following underlined text will be deleted entirely:

6.200.2. Conformity. All proposed subdivisions should be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas where existing developments 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.

6.200.3. 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.

6.200.4. 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.

6.200.5. 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.

The following will replace sections 6.200.2. through 6.200.5.

6.200.2. The proposed street system shall be designed to provide a network of interconnected streets so as to facilitate the most advantageous development of the entire neighboring area. Stub streets shall be provided to adjacent properties where feasible. The proposed street system shall extend existing streets on their proper projections. Cul-de-sacs shall not be used to avoid connection with an existing street or to avoid future extension. Cul-de-sacs and other permanently dead-end streets are permitted where one or more of the following conditions offer no practical alternative for connectivity:

- Topographical conditions
- Environmental conditions
- Property shape
- Property accessibility
- Land use relationships

3. The following underlined text will be deleted entirely:

6.200.8. 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 thorough plan or is a designated collector street.

And be replaced with the following renumbered section:

6.200.3. Discourage cut-through traffic. Residential street systems shall be designed to establish circuitous routes to discourage cut through traffic. The street design shall have multiple connections, (existing and future), to disperse traffic impacts and reduce speeding. Where feasible, all new development shall provide more than one access for ingress and egress at the time of development. Consideration for cut-through traffic shall not apply when a street is designated as a thoroughfare on the adopted thoroughfare plan or is designated as a collector street on the adopted major collector street map.

4. Renumber existing sections 6.200.9. and 6.200.10. as 6.200.4. and 6.200.5. respectively.

5. The following underlined text will be deleted in its entirety:

6.200.11. 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 driveways from having direct access to the highway or street.

And be replaced with the following renumbered section:

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

6. Renumber the existing sections of 6.200.in proper numerical order.

6. The following underlined text will be deleted in its entirety:

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 two 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 and along collector streets when reverse frontage is used along an adjacent thoroughfare.

And be replaced with the following:

7.150. Block lengths. Block lengths shall not be more than 1,000 feet, except as hereinafter provided. The Planning staff may authorize block lengths in excess of 1,000 feet where one or more of the following conditions exist:

- Topographical conditions
- Environmental conditions
- Property shape
- Property accessibility
- Land use relationships

Block widths must be sufficient to allow two tiers of lots except where single tiers of lots will facilitate nonresidential development and the separation of residential and nonresidential developments or the separation of residential development from thoroughfares.

8. The following underlined text will be deleted in its entirety:

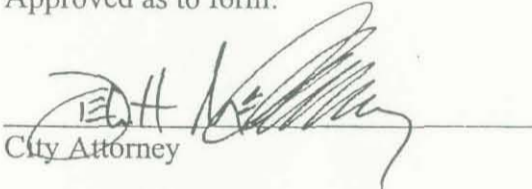
7.160. Cul-de-sac. Cul-de-sac (streets designed to be permanently closed at one end), may not be longer than 1,000 feet and must be terminated by a circular right-of-way not less than 80 feet in diameter (90 feet with curb and gutter and 100 feet with open ditches in Mecklenburg County) or other alternate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

And be replaced with the following:

7.160. Cul-de-sac. Cul-de-sacs or other permanently dead end streets shall not be longer than 500 feet or 10 times the minimum lot width of the zoning classification, whichever is greater. The Planning staff may authorize longer cul-de-sac lengths where one or more of the conditions specified in Section 6.200.2 exist. The distance of a cul-de-sac shall be measured from the centerline intersection to the center point of the cul-de-sac. The cul-de-sac shall be terminated by a circular right-of-way not less than 80 feet in diameter (100 feet with open ditches in Mecklenburg County). Alternate turnaround designs as accepted by the city or county engineer may be considered. Flag lots along the turnaround portion of the cul-de-sac shall not be used to artificially increase the length of the cul-de-sac. In the event a vehicular connection is impractical, a pedestrian and/or bicycle connection may be required.

Section 2. This ordinance shall become effective upon adoption.

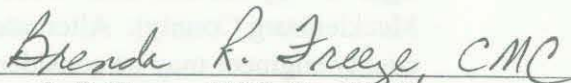
Approved as to form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 278-283.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of December, 2001.


Brenda R. Freeze, CMC, City Clerk



Ordinance -- Electric Supply and Equipment Company Building

ORDINANCE NO. 1937-X

Ordinance designating as a Historic Landmark a property known as the "Electric Supply and Equipment Company Building" (listed under Tax Parcel Numbers 073-265-04 and 073-265-05 as of July 1, 2001, and including the north, west, and south elevations of the exterior of the building, the entire interior of the building, and the entire parcel of land listed under Tax Parcel Numbers 073-265-04 and 073-265-05 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of July 1, 2001). The property is owned by McCoy Holdings LLC, and is located at 421 Penman Street in the City of Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 17th day of October, 2001, on the question of designating a property known as the Electric Supply and Equipment Company Building as a historic landmark; and

WHEREAS, the Electric Supply and Equipment Company Building, designed by Lockwood Green & Co. of Greenville, South Carolina, and erected by Charlotte contractor Blythe & Isenhour, illustrates the essentially conservative values which underlay Charlotte's industrial and commercial architecture of the 1920's; and

WHEREAS, the Electric Supply and Equipment Company Building was an important component of the industrial and commercial infrastructure which allowed Charlotte to

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2100 Randolph Road
Charlotte, NC 28207

Ordinance -- Electric Supply and Equipment Company Building

become a major industrial warehouse and distribution center of the two Carolinas in the early twentieth century; and

WHEREAS, the Electric Supply and Equipment Company Building is an important remnant of an industrial district which arose in the early 1900's between the Wilmore streetcar line and the tracks of the Southern, now Norfolk Southern Railroad; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as Electric Supply and Equipment Company Building possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the Electric Supply and Equipment Company Building is owned by McCoy Holdings, LLC.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the "Electric Supply and Equipment Company Building" (including the north, west, and south exterior elevations of the building, the entire interior of the building, and the entire parcel of land listed under Tax Parcel Numbers 073-265-04 and 073-265-05 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of July 1, 2001) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 421 Penman Street in the City of Charlotte, Mecklenburg County, North Carolina. Exterior and interior features are more

completely described in the *Survey and Research Report on the Electric Supply and Equipment Company* (March 12, 2001).

2. That said exterior and interior are more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the this historic landmark not prohibited by other statutes, ordinances or

regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the Electric Supply and Equipment Company Building be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 17th day of October, 2001, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Approved as to form:

Carolyn D. Johnson

City Attorney

ORDINANCE NO. 11721

Ordinance designating as a historic landmark a property known as the "W. T. Alexander Residence" (hereinafter "Residence") located under Tax Parcel Number 029-031-17 as of July 1, 2001, and including the interior and exterior of the house, with house, detached carport and garage apartment, the exterior of the porch, and the entire parcel of land parcel under Tax Parcel Number 029-031-07 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of July 1, 2001. The property is owned by the Charlotte-Mecklenburg Historic Landmarks Commission, and is located at 4141B West Shallow Creek Church Road in the City of Charlotte, Mecklenburg County, North Carolina.

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of October, 2001, the reference having been made in Minute Book 117, and recorded in full in Ordinance Book 51, Page(s) 284-288.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of October, 2001.

Nancy S. Gilbert
Nancy S. Gilbert, CMC, Deputy City Clerk



Charlotte-Mecklenburg
Historic Landmarks Commission
5100 Randolph Road
Charlotte, NC 28207

ORDINANCE NO. 1938-X

Ordinance designating as a Historic Landmark a property known as the "W. T. Alexander Plantation" (listed under Tax Parcel Number 029-031-37 as of July 1, 2001, and including the interior and exterior of the house, well house, chicken coop and garage apartment, the exterior of the barn, and the entire parcel of land listed under Tax Parcel Number 029-031-37 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of July 1, 2001). The property is owned by the Charlotte-Mecklenburg Historic Landmarks Commission, and is located at 416/418 West Mallard Creek Church Road in the City of Charlotte, Mecklenburg County, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 17th day of October, 2001, on the question of designating a property known as the W. T. Alexander Plantation as a historic landmark; and

WHEREAS, the W. T. Alexander Plantation is a tangible reminder of Charlotte-Mecklenburg's plantation circle -- a small but influential portion of the agriculture economy that shaped life in largely rural nineteenth century Mecklenburg County; and

WHEREAS, William Tasse Alexander, a prosperous and prominent farmer within the Mallard Creek community of northern Mecklenburg County, was also an important member of one of the oldest and most influential families in the county; and

WHEREAS, the W. T. Alexander Plantation, which at its largest encompassed over 900 acres farmed by over thirty African and African-American slaves, is a well-

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preserved reminder of Mecklenburg County's small but significant plantation economy;
and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the W. T. Alexander Plantation possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the W. T. Alexander Plantation is owned by the Charlotte-Mecklenburg Historic Landmarks Commission.

NOW, THEREFORE, BE IT ORDAINED by the members of the City Council of Charlotte, North Carolina:

1. That the property known as the "W. T. Alexander Plantation" (including the interior and exterior of the house, well house, chicken coop, and garage apartment, the exterior of the barn, and the entire parcel of land listed under Tax Parcel Number 029-031-37 in the Mecklenburg County Tax Office, Charlotte, North Carolina, as of July 1, 2001) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 416/418 West Mallard Creek Church Road in the City of Charlotte, Mecklenburg County, North Carolina. Exterior and interior features are more completely described in the *Survey and Research Report on the W. T. Alexander Plantation* (March 1, 2001).

2. That said exterior and interior are more specifically defined as the historic and structural fabric, especially including all original exterior architectural features and the original contours of landscaping.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of State-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the this historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and*

Guidelines for Rehabilitating Historic Buildings, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

5. That a suitable sign may be posted indicating that said property has been designated as a historic landmark and containing any other appropriate information. If the owner consents, the sign may be placed on said historic landmark.

6. That the owners of the historic landmark known as the W. T. Alexander Plantation be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 17th day of October, 2001, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Approved as to form:

Dr. asst. Carolyn D. Johnson
City Attorney