

PART "B"
STAFF RECOMMENDED CHANGES TO SUBDIVISION ORDINANCE

Petition #: 2009-038
 Petitioner: City of Charlotte

APPROVED BY CITY COUNCIL
 APRIL 20, 2009

ORDINANCE NO. 4397

AN ORDINANCE AMENDING CHAPTER 20
 OF THE CITY CODE – SUBDIVISION ORDINANCE

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

Section 1: Chapter 20, "Subdivision Ordinance" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 20: SUBDIVISION ORDINANCE

1. Amend Section 7.110, "Right-of-Way" by adding new transitional setback standards for Independence Boulevard, and placing the information into a table format. The revised text shall read as follows:

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

Street Type	Minimum Right-of-Way
Freeway or Expressway (Class I) other than U.S. 74 from Briar Creek southeast to the City limits	350 feet
U.S. 74 between Briar Creek and W.T. Harris Boulevard	250 feet
U.S. 74 from W.T. Harris Boulevard southeast to the City limits	280 feet
Limited Access Arterial (Class II)	200 feet
Commercial Arterial (Class III-C)	150 feet
Major Arterial (Class III)	100 feet*
Minor Arterial (Class IV)	70feet*
Collector (Class V)	60 feet
Local (Class VI)	50 feet
Local Limited (Class VI L)	40 feet

*The right-of-way widths for urban Class III and IV thoroughfares located within the area bounded by Route 4 and I-85 shall be a minimum of 80 feet for Class III streets and 60 feet for Class IV streets and as provided for in Section 12.103 of the City of Charlotte Zoning Ordinance.

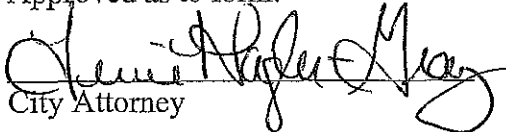
Along existing streets less than 60 feet wide, there is no requirement that right-of-way greater than 30 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved.
(amendment effective May 1, 1989)

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

1. It serves no more than 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.

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

Approved as to form:


City Attorney

I, _____, 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 ____ day of ____, 2009, the reference having been made in Minute Book ____, and recorded in full in Ordinance Book ____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ____ day of _____, 2009.

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

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Collector (Class V)	60 feet
Local (Class VI)	50 feet
Local Limited (Class VI L)	40 feet

(Petition No. 2009-038BSUB, § 7.110, 04/20/09)

*The right-of-way widths for urban Class III and IV thoroughfares located within the area bounded by Route 4 and I-85 shall be a minimum of 80 feet for Class III streets and 60 feet for Class IV streets and as provided for in Section 12.103 of the City of Charlotte Zoning Ordinance.

Along existing streets less than 60 feet wide, there is no requirement that right-of-way greater than 30 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved. (amendment effective May 1, 1989)

The Charlotte-Mecklenburg Planning Commission, after consulting applicable plans and programs, and after consulting with appropriate city, county, state and/or federal officials will be responsible for the determination of the classifications of streets or segments of streets. These standards represent the normally required rights-of-way. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis. When a subdivider elects to establish a

roadway divided with a center strip or median, the right-of-way width must be at least the proposed width of the center strip or median plus 62 feet. The Class VI-L street may only be used subject to the following conditions:

1. It serves no more than 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.

7.120.

Arterial street right-of-way. Whenever a tract of land to be subdivided includes any part of an arterial street shown on the thoroughfare plan approved by the Planning Commission and adopted by the City Council and Board of County Commissioners and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. The subdivider is responsible for the dedication of the right-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with the provisions of Section 8.110. The remainder of the minimum required right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat. All measurements involving minimum lot standards under this ordinance and under the zoning ordinance will be made at the edge of the full right-of-way. All of the area of the dedicated right-of-way for any public street except Class V or Class VI streets may be used in the computation of development rights, but may not be used for the computation of lot area, open space, required parking, storm water detention, or to fulfill any other mandatory requirement. The procedure for calculating the allowable number of lots or unit density is contained in Section 12.105 of the zoning ordinance. In addition, a developer may choose to dedicate the full right-of-way and thereby use the entire dedicated area for the density calculation.

7.130.

Freeways. Whenever a tract of land to be subdivided includes any part of the proposed right-of-way of a freeway, as shown on a thoroughfare plan approved by the Planning Commission and adopted by the City Council or the Board of County Commissioners, or adopted by the state Board of Transportation and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit. The subdivider must reserve the proposed right-of-way in accordance with the requirements in Section 7.120.

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of April, 2010, the reference having been made in Minute Book 130, and recorded in full in Ordinance Book 56, Page(s) 135a-135e.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 29th day of March, 2010.


Stephanie C. Kelly, CMC, City Clerk



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APPROVED BY CITY COUNCIL
APRIL 20, 2009

Petition No. 2008-019
Petitioner: The Boulevard Company
~~ORDINANCE NO. 41472~~

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

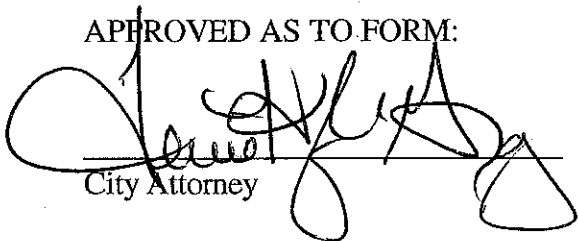
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-2(CD)SPA.

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.

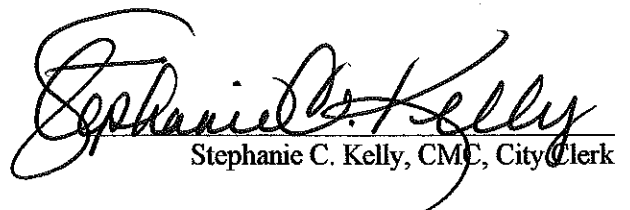
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th April, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Page(s) 147-148.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of July, 2009.


Stephanie C. Kelly, CMC, City Clerk

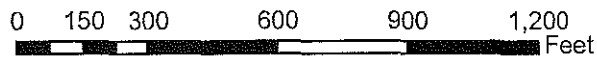
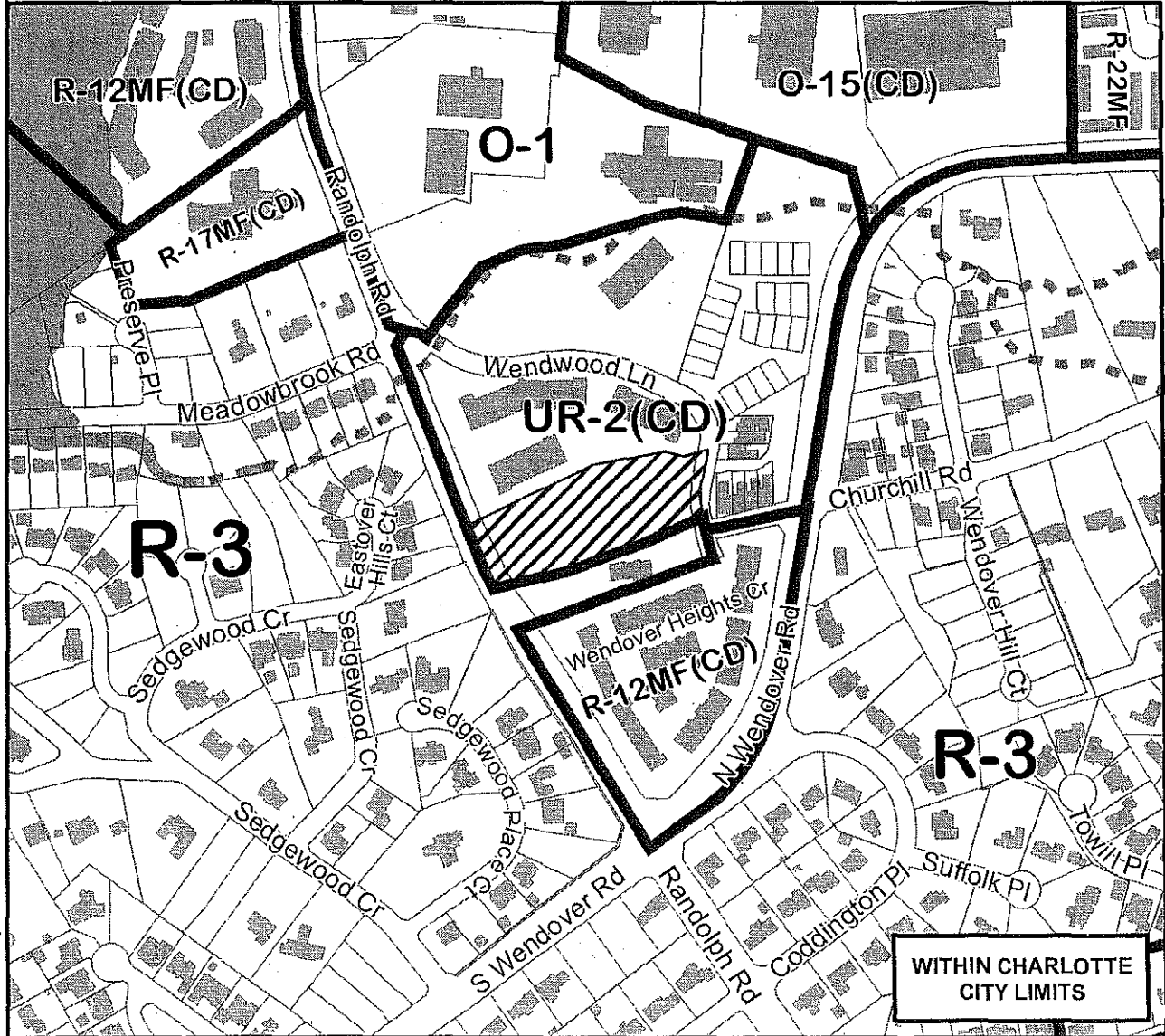
Petition #: **2008-019**

Petitioner: The Boulevard Company

Zoning Classification (Existing): UR-2(CD)
(Urban Residential, Conditional)

Zoning Classification (Requested): UR-2(CD) S.P.A.
(Urban Residential, Conditional, Site Plan Amendment)


Acreeage & Location : Approximately 2.58 acres located on the northwest corner of Churchill Road and Wendwood Lane.





Zoning Map #(s) **124**




Map Produced by the
Charlotte-Mecklenburg Planning Department
1-29-2009

 Requested UR-2(CD) S.P.A. from UR-2(CD)

 Existing Building Footprints


 Existing Zoning Boundaries

 Charlotte City Limits

 FEMA flood plain

 Watershed

 Lakes and Ponds

 Creeks and Streams

APPROVED BY CITY COUNCIL
APRIL 20, 2009

Petition No.: 2008-053
Petitioner: ~~Moody Lake~~ Office Park Development
ORDINANCE NO: 4148-Z

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

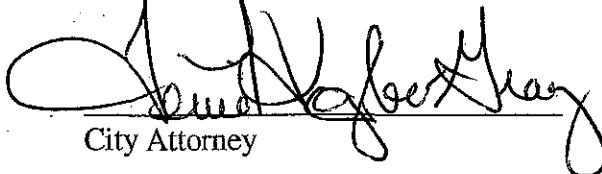
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 BP(CD) to MUDD-O Five Year Vested Rights.

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.

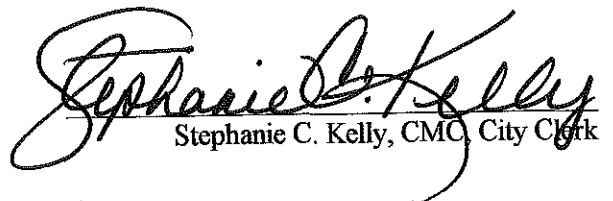
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th April, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Page(s) 149-150.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of July, 2009.


Stephanie C. Kelly, CMC, City Clerk

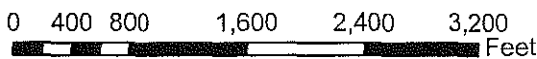
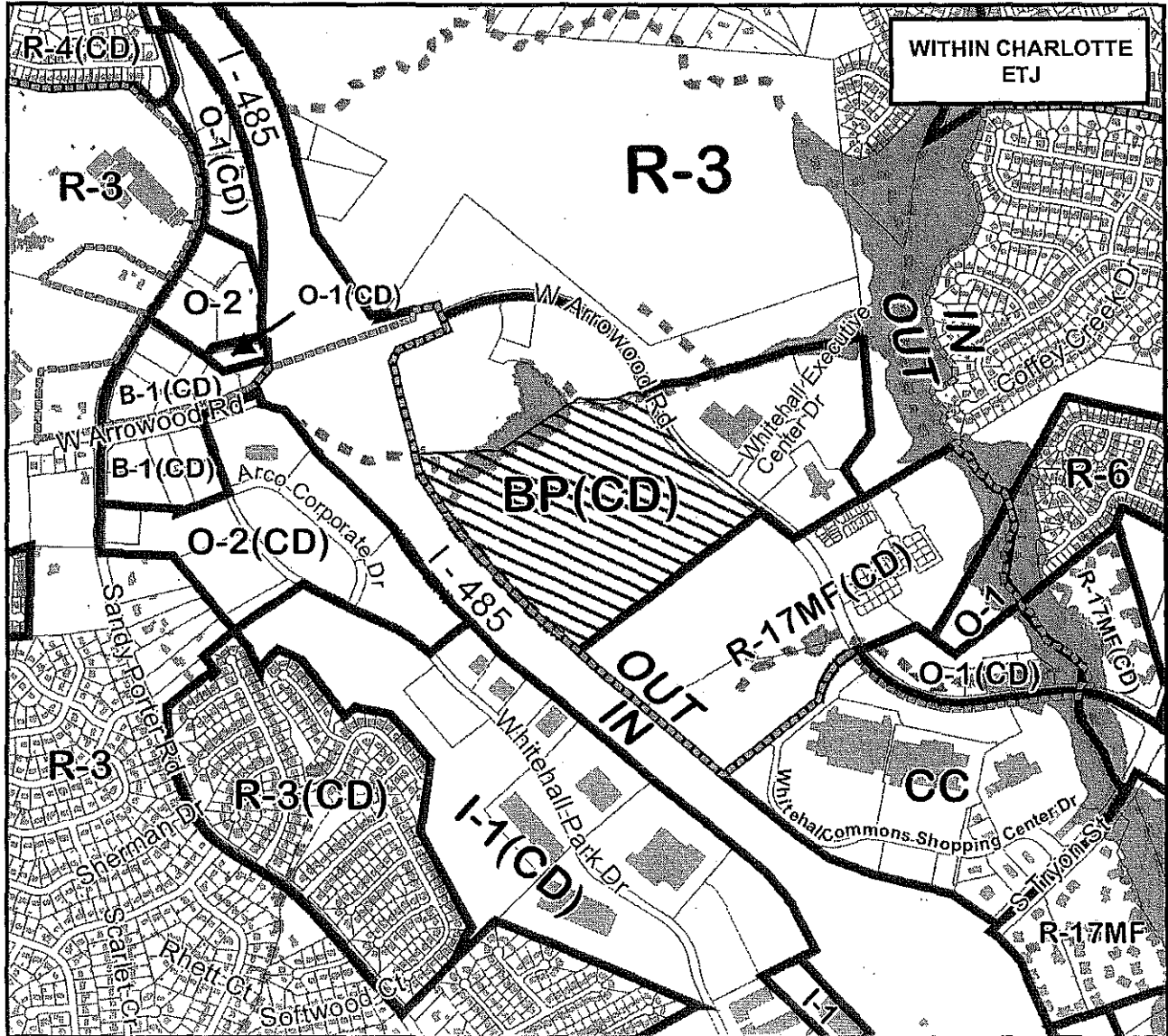
Petition #: **2008-053**

Petitioner: Moody Lake Office Park Development LP

Zoning Classification (Existing): BP(CD)
 (Business Park, Conditional)

Zoning Classification (Requested): MUDD-O Five Year Vested Rights
 (Mixed-Use Development District, Optional)

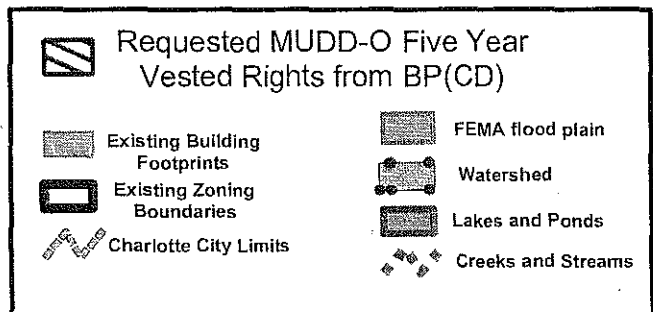
Acresage & Location : Approximately 60.30 acres located on the south side of W Arrowwood Road between I-485 and Whitehall Executive Center Drive.



Zoning Map #(s) **132,133**



Map Produced by the
 Charlotte-Mecklenburg Planning Department
 01-12-2009



APPROVED BY CITY COUNCIL
APRIL 20, 2009

Petition No. 2008-147
Petitioner: Kathy and Sonja Garmon
ORDINANCE NO. 4149-Z

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

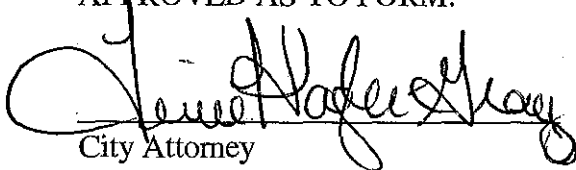
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 I-1 to I-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.

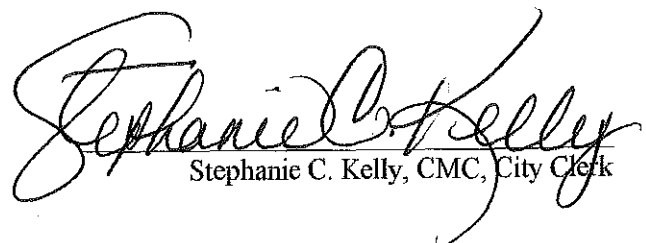
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of April, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Page(s) 151-152.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of September, 2009.


Stephanie C. Kelly, CMC, City Clerk

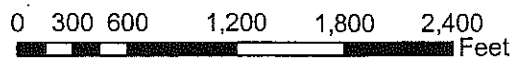
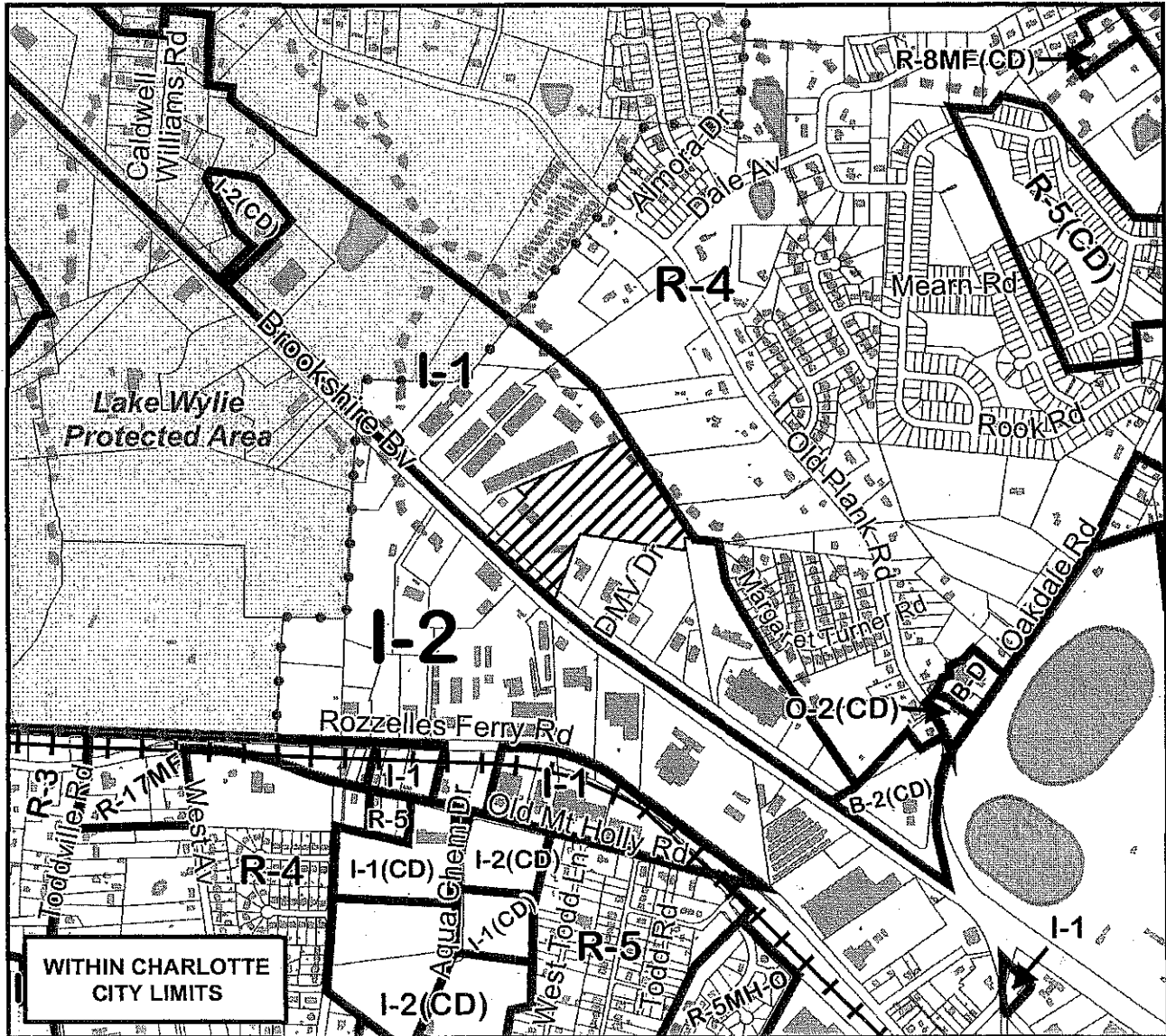
Petition #: **2008-147**

Petitioner: Kathy T. Garmon and Sonya S. Garmon

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

Zoning Classification (Requested): I-2(CD)
 (General Industrial, Conditional)

Acreege & Location : Approximately 12.17 acres located on the north side of Brookshire Boulevard between Oakdale Road and Caldwell Williams Road.



Zoning Map #(s) **67, 68**



	Requested I-2(CD) from I-1		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

APPROVED BY CITY COUNCIL
APRIL 20, 2009

Petition No.: 2009-015
Petitioner: City Attorney/City Clerk

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

ORDINANCE NO. 4150

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

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

A. CHAPTER 6: AMENDMENTS

1. PART 1: Provisions of General Applicability

- a. Amend Section 6.113, subsection (1), (2), and (3) to clarify that either a form prescribed by the City or a form created by an individual containing all the required information must be submitted to the City Clerk. In addition, list the specific information that must be submitted to the Clerk to deem the protest petition "complete". And last, submittal of a map is no longer necessary. The revised text shall read as follows:

Section 6.113. Protest petitions.

- (1) In the event that the City Council receives a petition protesting any reclassification of property, and signed by the owners of either 20 percent or more, of the area included in the proposed change, or 5% or more of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned, the amendment shall become effective only upon an affirmative vote of three-fourths (3/4) of the members of the City Council, including the Mayor, who are not excused from voting. For the purposes of this subsection, vacant positions on the Council and members who are excused from voting shall not be considered "members of the Council" for calculation of the requisite supermajority.

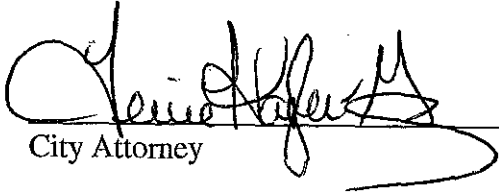
Street right-of-ways shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. The protest petition shall be on the form prescribed by the City or on a document containing all of the information on the City's form. All

protest petitions shall include the following information to be considered complete:

- Name, address, daytime phone number of the person filing the protest petition with the City Clerk.
 - Rezoning petition number.
 - Statement of the reason for the protest petition.
 - Legible printed name of property owner(s).
 - Tax parcel identification number of the property included in the protest petition.
 - Address of the property included in the protest petition.
 - Daytime phone number of property owner(s) or authorized agent signing the protest petition.
 - Signature of legal property owner(s) or authorized agent (indicate representative capacity) of the property included in the protest petition.
 - Number of pages submitted.
 - Clerk's certification.
- (2) No protest against any change or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. § 160A-385, unless it 1) meets the requirements of subsection (1) of this section, and, 2) has been received by the City Clerk in sufficient time to allow the City at least two normal work days, excluding Saturdays, Sundays and City of Charlotte legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. (For example, a petition must be filed by 5:00 p.m. on Wednesday for a hearing taking place the following Monday.)
- (3) Any property owner may withdraw their protest at any time prior to the Council's vote on the rezoning petition. Such a withdrawal deletes the subject properties from the computation pursuant to G.S. § 160A-385. In order to effectively withdraw signatures, the withdrawals must be in writing, identify the rezoning petition protested against, state that the submitted signatures have the purpose of deleting the signers from the protest petition, and be submitted to the City Clerk. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the rezoning petition shall trigger the supermajority voting requirement. A withdrawn protest may not be reinstated after the deadline for filing protests set forth in subsection (2).
(Petition No. 2006-16 §6.113(3), 03/20/06)

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

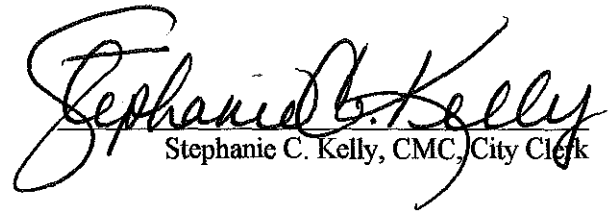
Approved as to form:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th April, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Page(s) 153-155.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of July, 2009.


Stephanie C. Kelly, CMC, City Clerk

APPROVED BY CITY COUNCIL
APRIL 20, 2009

Petition No.: 2009-023
Petitioner: Cashel Rock Investors

ORDINANCE NO. 4151-Z

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

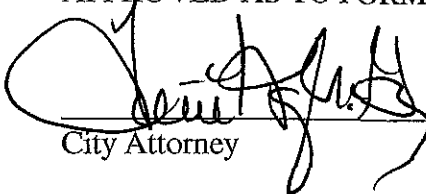
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 I-1 and I-1(CD) to I-1(CD), UR-C(CD), and 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:

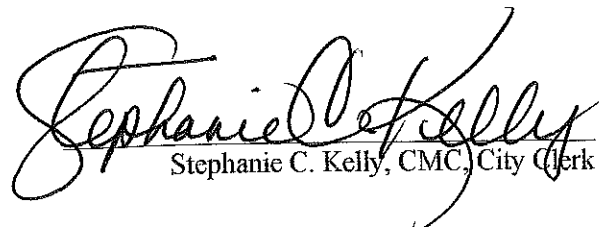


City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of September, 2009.


Stephanie C. Kelly, CMC, City Clerk

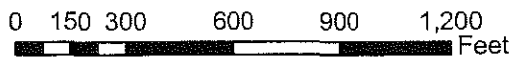
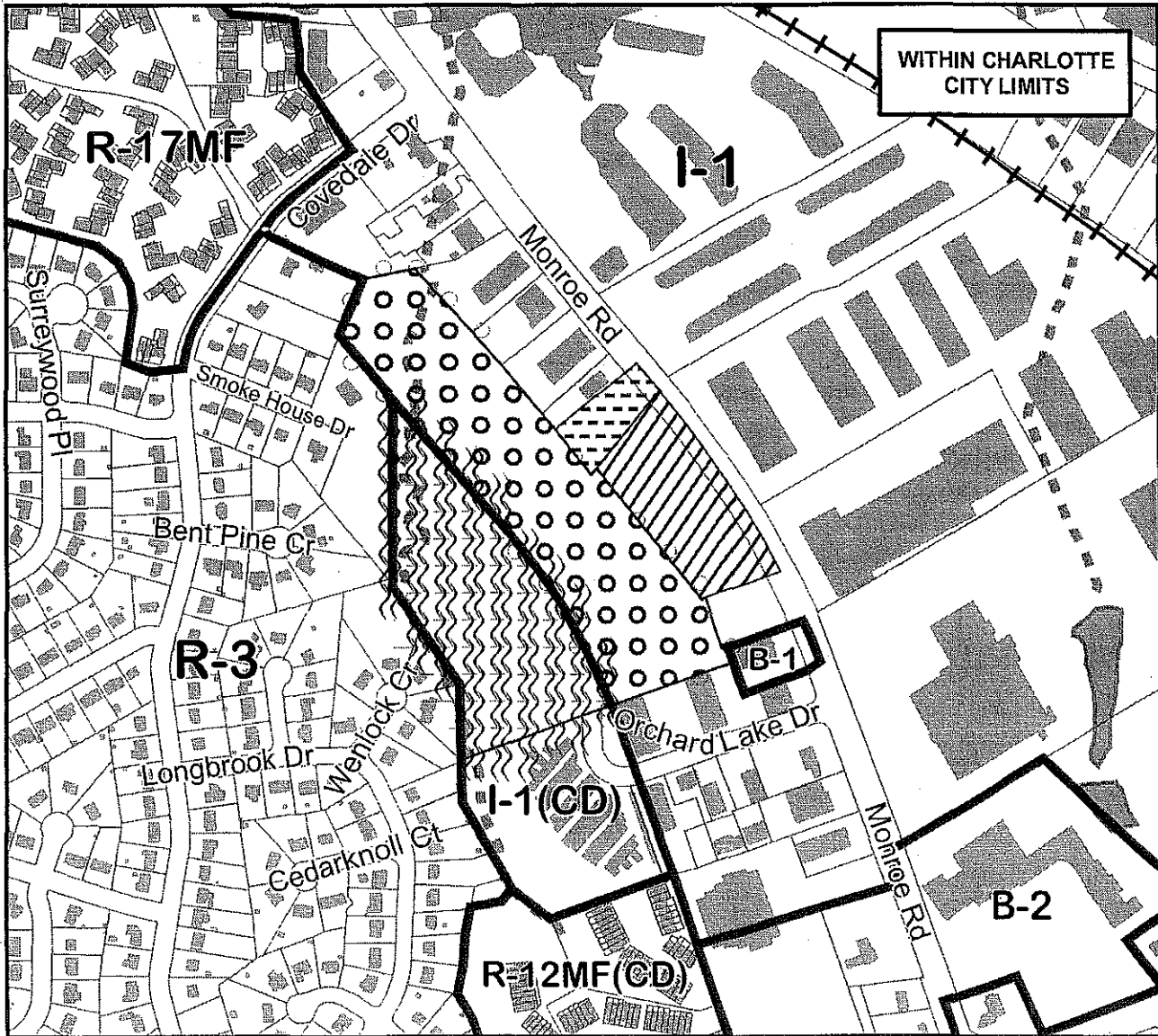
Petition #: **2009-023**

Petitioner: Cashel Rock Investors, Dean R. DeVillers

Zoning Classification (Existing): I-1 and I-1(CD)
 (Light Industrial and Light Industrial, Conditional)

Zoning Classification (Requested): I-1(CD), UR-C(CD), and UR-2(CD)
 (Light Industrial, Conditional), Urban Residential-Commercial, Conditional, and Urban Residential, Conditional)

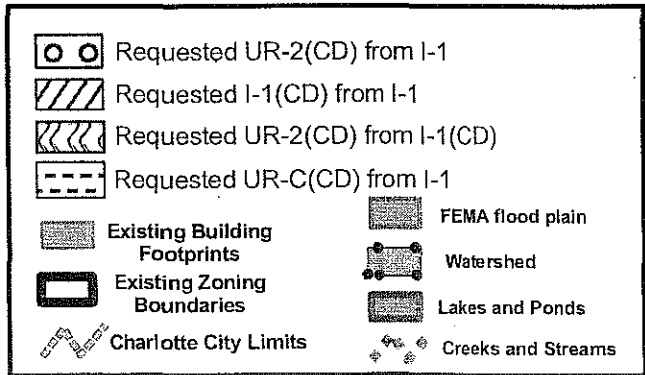
Acreeage & Location : Approximately 24.1 acres located on the west side of Monroe Road and north of Orchard Lake Drive.



Zoning Map #(s) **145**



Map Produced by the
 Charlotte-Mecklenburg Planning Department
 1-23-2009



APPROVED BY CITY COUNCIL
APRIL 20, 2009

Petition No.: 2009-024

Petitioner: Robert Mason & Associates, Inc.

ORDINANCE NO. 4152-Z

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

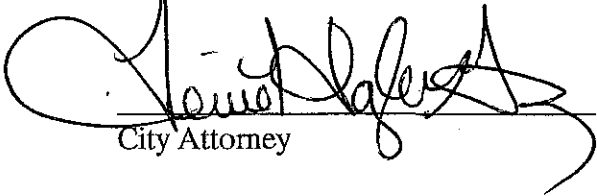
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 to I-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.

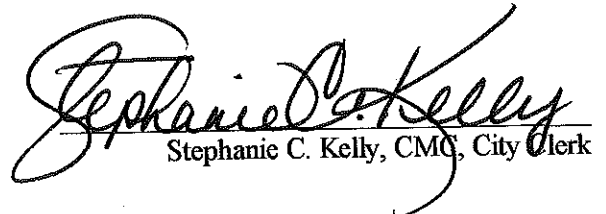
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th April, 2009, the reference having been made in Minute Book 128, and recorded in full in Ordinance Book 56, Page(s) 158-159.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of July, 2009.


Stephanie C. Kelly, CMC, City Clerk

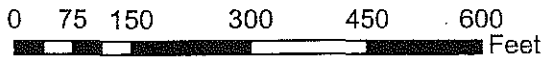
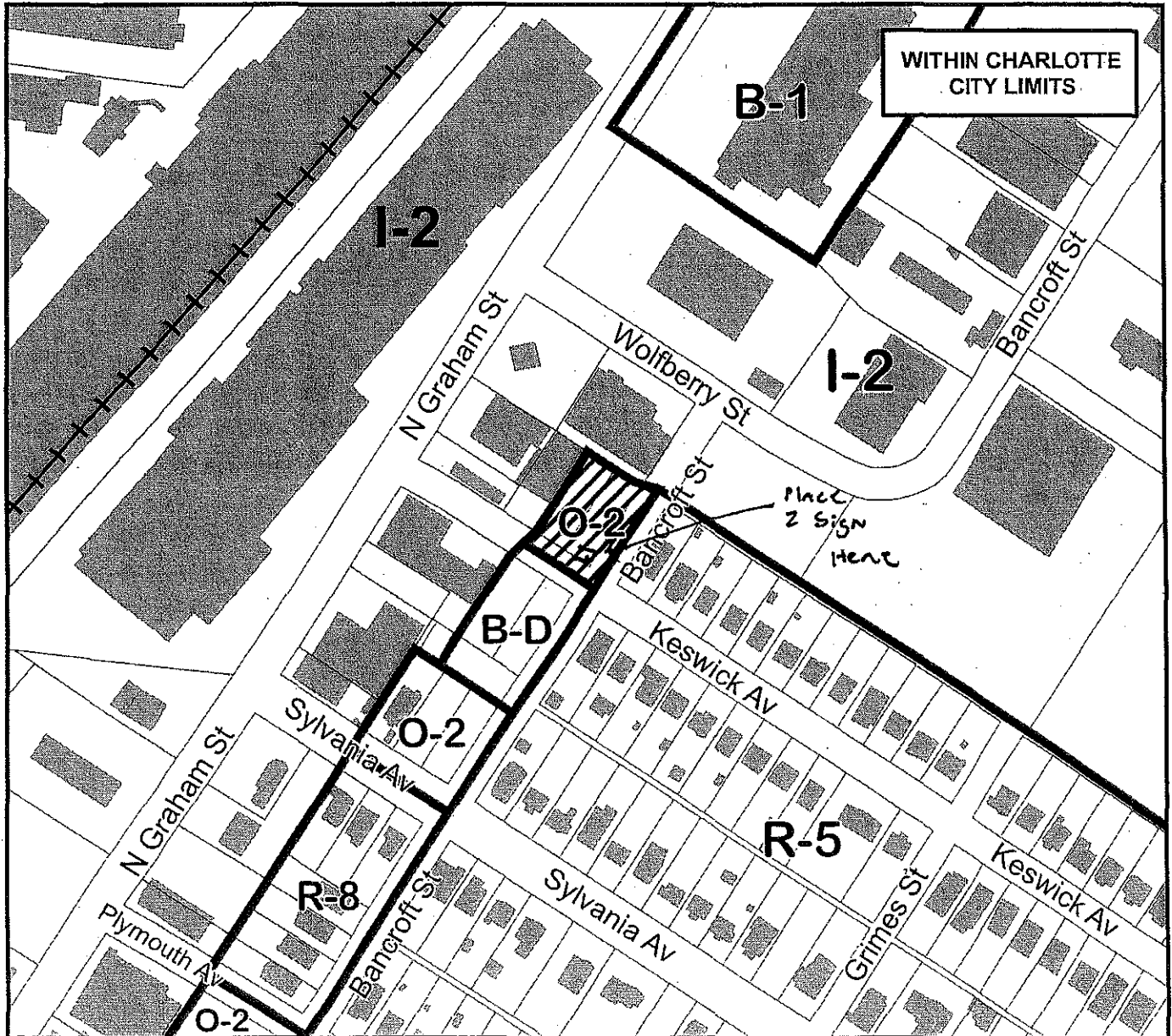
Petition #: **2009-024**

Petitioner: Robert E. Mason & Associates Inc.

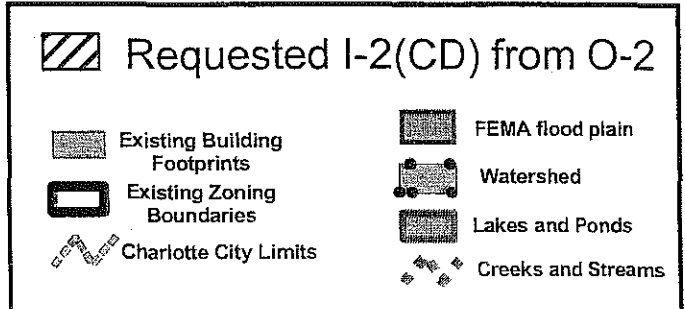
Zoning Classification (Existing): O-2
(Office)

Zoning Classification (Requested): I-2(CD)
(General Industrial, Conditional)

Acres & Location : Approximately .344 acres located on the northwest corner of Keswick Avenue and Bancroft Street.



Zoning Map #(s) **87**



**APPROVED BY CITY COUNCIL
APRIL 20, 2009**

**CITY ZONE CHANGE
ORDINANCE NO. 4153-Z**

Petition No.: 2009-029
Petitioner: Charlotte Douglas International Airport

ZONING REGULATIONS

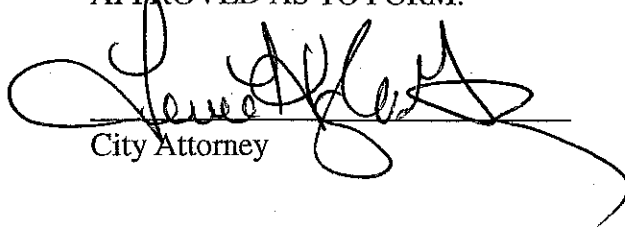
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified on the attached map from I-1 to I-2 on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

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

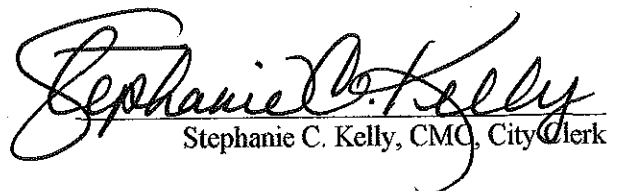
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

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Stephanie C. Kelly, CMC, City Clerk

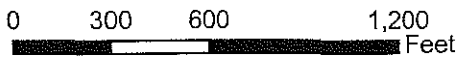
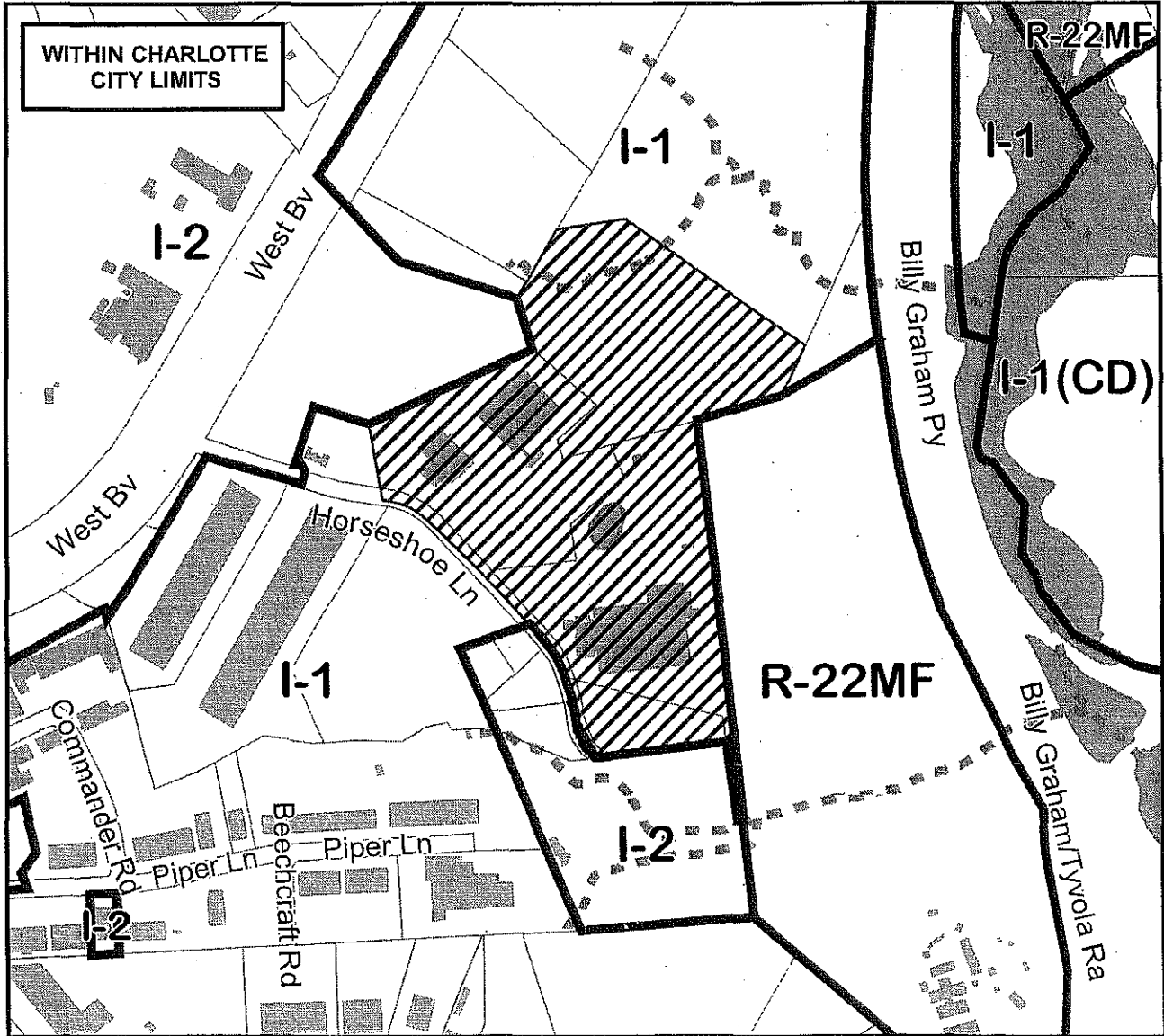
Petition #: **2009-029**

Petitioner: Charlotte Douglas International Airport

Zoning Classification (Existing): I-1
Light Industrial

Zoning Classification (Requested): I-2
General Industrial

Acresage & Location : Approximately 34 acres located along Horseshoe Lane
off West Boulevard.



Zoning Map #(s) **109**



Map Produced by the
Charlotte-Mecklenburg Planning Department
1-30-2009

