

Petition #: 2002-23
Petitioner: Dewitt F. McCarley

ORDINANCE NO. _____ **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 City Code of the City of Charlotte shall be amended to add to Section 2.201, “Definitions”, the following two definitions:

- (i) Between “Boarding house” and “Buffer” a definition of “Breakwater” to read as follows:

Breakwater

A structure located offshore or extending into the water from the shore and intended or used to protect a shoreline, boat, or building or other structure from the force of waves.

- (ii) Between “Person” and “Pilot plant” a definition of “Pier” to read as follows:

Pier

A structure designed to extend into or along the water for use as a landing place for boats or as a promenade.

Section 2. Appendix A-Zoning of the City Code of the City of Charlotte shall be amended to add a new Section 12.515, “Special requirements for facilities located on or adjacent to the Catawba River and its impoundments (Lake Norman, Lake Wylie and Mountain Island Lake)”, to read as follows:

“Sec. 12.515. Special requirements for facilities located on or adjacent to the Catawba River and its impoundments (Lake Norman, Lake Wylie and Mountain Island Lake)”

The purpose of this Section is to provide supplemental restrictions to protect and enhance water quality, safety, and public recreational opportunities on the Catawba River and its impoundments (Lake Norman, lake Wylie, Mountain Island Lake within Mecklenburg County). These requirements shall apply to the surface waters of the Catawba River and its impoundments and all land areas within 1,000 feet of their shorelines. In the case of Lake Norman, the regulatory boundary shall be measured as 1,000 feet horizontally and upland of the designated full pond level of 760 feet contour elevation. This contour elevation shall also serve as the standard from which all related measurements will be taken. In the case of the Catawba River and its other impoundments, the shoreline shall be the mean high water mark. The restrictions of this Part shall be supplemental to any other standards established in these regulations and governing any individual property on or adjacent to the Catawba River and its impoundments.

- (1) In addition to the uses permitted in the underlying district elsewhere in these regulations, the following uses shall be permitted as of right provided they meet all requirements of this Part and all other requirements established in these regulations:
 - (a) Piers.
 - (b) Moorings and floats.
 - (c) Marine railways.
 - (d) Breakwaters.
 - (e) Swimming areas.
 - (f) Boat houses.
- (2) Piers and other shoreline projections must be located and constructed within the areas described by and in accordance with the standards below:
 - (a) A projection over the water may be established at each of the two property lines on the shoreline. Each projection shall be perpendicular to a line connecting two points on the shoreline where a 10-foot radius from that property corner intersects the shoreline at 760 foot contour on Lake Norman or mean high water mark on the other lakes, as illustrated in Figure 12.515(a). Two or more abutting property owners may apply for a permit for a common pier facility and may use all or any part of the individual areas as defined above.
 - (b) Piers, floats, pilings, buoys and all other appurtenances used to berth a boat at a pier shall not extend over the water more than 80 feet from the shore, except that a pier may extend from the shore for the distance needed to reach a water depth of 10 feet below full pond level, but in no event greater than 120 feet from the shore. Piers for a commercial marina may extend the distance to reach a water depth of 15 feet, but no greater than 180 feet from the shore. When located in a cove, a pier shall not extend more than one third (1/3) of the width of the cove as measured from the shore at the point of proposed construction to the closest point on the opposite shore, as illustrated in Figure 12.515(b).

Figure 12. 515 (a)

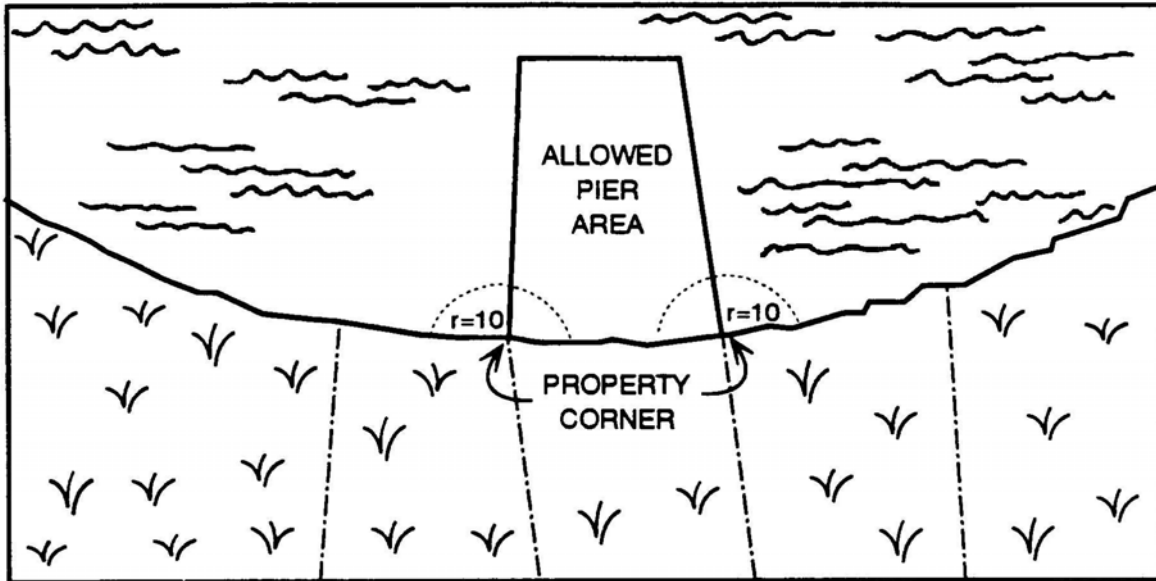
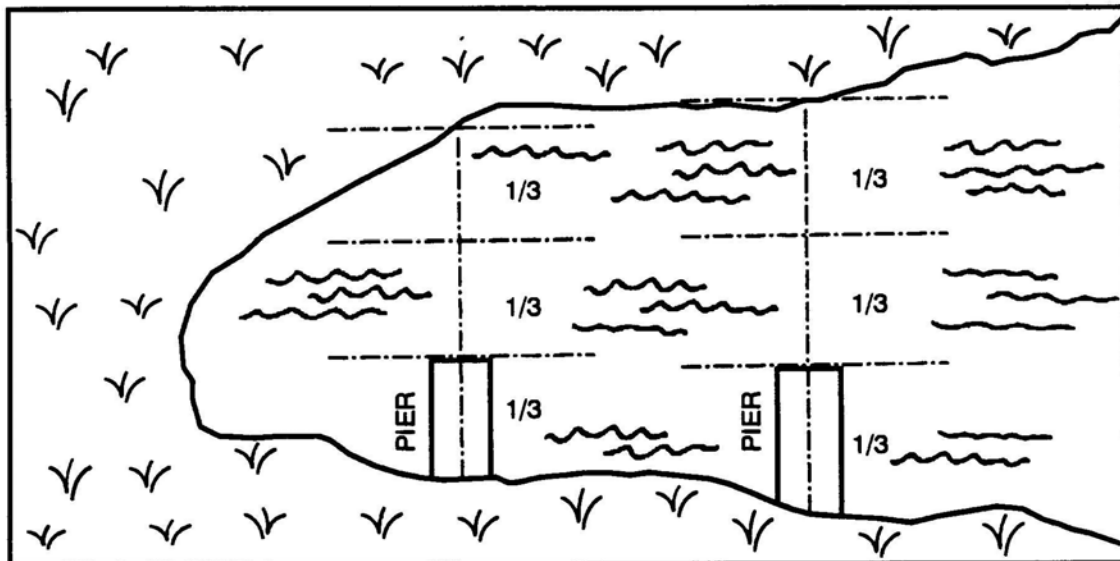
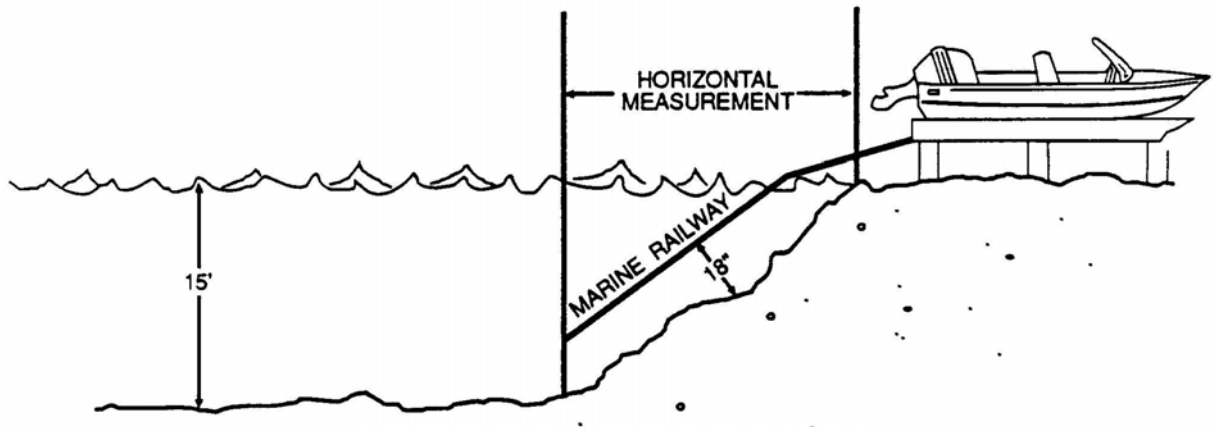


Figure 12. 515 (b)



- (c) Piers serving more than 50 dwelling units must also have a boat launching facility;
 - (d) All piers shall be designed so that the top of the decking will be at least one foot above the water surface when at full pond level;
 - (e) All piers and docks shall have two white reflectors located at least six inches above full pond level on the furthest corners of the extension of the pier into the water, reflecting light parallel to the shoreline in each direction and directly across the lake or river in line with the shore from each corner. White reflectors shall be placed on each side of the pier at intervals of 15 feet or less, six inches above the water, beginning at its outermost extension into the water, and extending to the shoreline at full pond level; and
 - (f) Where a pier cannot be constructed within the above described area, due to existing non-conforming piers on nearby property or to unusual property configuration, the property owner may apply for, and the Board of Adjustment may grant a variance from this requirement. In granting the variance, the Board of Adjustment must find that the construction of pier facilities on other properties would not be preempted.
- (3) Moorings and floats placed in the water for navigational purposes shall only be so placed with the express written approval of the Lake Norman Marine Commission or the North Carolina Wildlife Commission, whoever has jurisdiction. Moorings and floats placed for the purpose of mooring boats shall be separated on every side from any other mooring or float by a distance of at least 50 feet and shall be located so as to permit unobstructed passage of boats over the water. Moorings and floats shall not be anchored in such a manner as to deny or obstruct access to the water from boat docks, boathouses, or boat launching ramps. Moorings and floats shall conform with the Uniform State Waterway Marking System.
- (4) Marine railways shall have permanent signs complying with the requirements of the North Carolina Wildlife Commission Uniform State Waterway Marker System designating the location of the marine railway. Marine railways shall not extend above the normal or natural lake bed or river bed more than 18 inches between a horizontal measurement extending from the full pond level to a water depth of 15 feet below the full pond level, as diagramed in Figure 12.515(c).

Figure 12.515(c)



- (5) Breakwaters constructed for the purpose of protecting docks, piers, or other facilities, shall be placed to protect the particular facility for its width only and shall not obstruct or cause the obstruction of passage over the waters. Breakwaters shall be located and marked so as not to be a hazard to boating.
- (6) Areas specifically designated for swimming areas shall not be defined in water deeper than 15 feet and shall not extend more than 80 feet from the shoreline. Swimming areas shall remain confined within the projection of the side lot lines of the lot on which the area is located and shall meet the side yard requirements of the underlying zoning district within which the lot is located. Public swimming areas shall be, and private swimming areas may be, marked and protected in conformance with North Carolina Wildlife Commission regulations.
- (7) Special requirements for other uses along the Catawba River and its impoundments are as follows:
 - (a) All principal structures, except for boathouses, piers, walkways, breakwaters, and marine railways, shall be located at least 40 feet landward from the full pond level;
 - (b) All filling operations shall be designed by a registered engineer and, if conducted within the waters of Lake Norman, reviewed by the Lake Norman Marine Commission, the Federal Energy Regulatory Commission, the property owner, and approved by Duke Power Company before beginning the fill. Any fill shall not be placed above the full pond level without proper and adequate riprapping to prevent the fill material from being eroded into the water. Fill shall be compacted to reach 90% maximum dry density using the Standard Proctor Test as defined by ASTM D698 66T. Fill areas shall not obstruct access to the water, be a hazard to passage over the waters, or a nuisance to adjacent property owners;

- (c) Dredging shall not be conducted in such a way that the dredge spoil is placed back in the water so as to reduce water depth in areas outside of the dredged area. All dredging activities in Lake Norman shall be reported to the Lake Norman Marine Commission and the owner or his engineer, and approved by Duke Power Company prior to the beginning of any dredging;
 - (d) Signs, other than navigational signs, shall not unduly obstruct the view of water from any adjacent shore from property and shall not be placed in the water or within 25 feet of the shoreline. When lighted, signs shall have fixed, nonmoving, indirect or internal lighting. Off-site advertising signs placed or maintained to be visible from the water area are prohibited;
 - (e) Lights installed for purposes other than navigation shall not inhibit vision in any way nor be so bright that they may cause night blindness for boat operators on the water. Lighting which offers navigational aid on Lake Norman, whether public or private, shall require approval by the Lake Norman Marine Commission; and
 - (f) Overhead transmission lines shall be located at least 48 feet above the full pond level.
- (8) Special procedures for review and approval of uses in and along Lake Norman. The following requirements shall apply to uses in and along the shoreline of Lake Norman:
- (a) The Zoning Administrator shall submit one copy of any plans for a pier, mooring, float, marine railway, breakwater, sign, or swimming area to the Lake Norman Marine Commission for review and approval in accordance with adopted standards of the Lake Norman Marine Commission. Failure of the Lake Norman Marine Commission to respond to the plans within 30 days after receiving them shall be interpreted as an approval.
 - (b) The Zoning Administrator shall refer requests for variances from the requirements of this Part to the Lake Norman Marine Commission for its written opinion. The Lake Norman Marine Commission will evaluate the variance request as to the potential effect of the request on public recreation and water safety. The Zoning Administrator shall transmit the Lake Norman Marine Commission's opinions to the Board of Adjustment along with other pertinent information."

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 18th day of
March, 2002, 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 the _____
day of _____, 2002.
