

Petition #: 2005-049
Petitioner: Charlotte-Mecklenburg
Planning Commission

Approved by City Council
May 16, 2005

**AN ORDINANCE AMENDING CHAPTER 20,
(SUBDIVISION REGULATIONS) OF THE CITY CODE**

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

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 replacing the definition of "reverse frontage". The current definition, to be deleted, reads as follows:

REVERSE FRONTAGE. The configuration of lots or a development site so that vehicular access to the lots or development site does not involve individual driveway connections to the street for which the access is restricted, but rather is from another means such as a public street which either intersects or runs parallel to the street for which access is restricted or a private street or easement. Reverse frontage does not relate to any particular orientation of the structure to the street.

The revised definition would read as follows:

REVERSE FRONTAGE. A "reverse frontage" lot is a through lot or "double frontage" lot, other than a corner lot, where vehicular access is restricted to the abutting federal or state highway, major or minor thoroughfare, or commercial arterial, and where the lots have vehicular access provided by an interior public or private street. A block containing reverse frontage lots is comprised of one tier of lots rather than the standard two tiers. Reverse frontage does not relate to the structure's orientation to the street.

2. Amend Section 2.100, "Definitions" by correcting the reference to the Zoning Ordinance. The current definition reads as follows:

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: (amendment effective May 1, 1989)

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 into 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 to 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.

The revised definition shall read as follows, with a change in item #2:

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: (amendment effective May 1, 1989)

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 the Zoning 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 into 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 to 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.

3. Add the following definitions to Section 2.100 in alphabetical order:

THROUGH LOTS. A lot other than a corner lot, with a frontage on more than one street. A “through lot” may also be referred to as a “double frontage lot”, or a “reverse frontage lot”

DOUBLE FRONTAGE LOT. A lot with street frontage along two opposite boundaries. A “double frontage lot” may also be referred to as a “through lot” or a “reserve frontage lot”.

4. Amend Section 6.600, “Final Plat Requirements”, item 5 to match the state requirements for the type of North arrow to place on final plats. The current section reads as follows:

5. The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and north point, with indication of whether the north point is true, magnetic, or grid, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties .

The revised section shall read as follows:

5. The name of the township in which the subdivision is located, the name of the subdivision, the name of the owner, the name, registration number and seal of the registered surveyor under whose supervision the plat was prepared, the date of the plat and a north point oriented as per state statutes, and a small vicinity map showing the location of the subdivision with respect to adjacent streets and properties .

5. Amend Section 6.600, “Final Plat Requirements”, item 6 to require a minimum of two monuments per map instead of per block on the final plat, and to delete the reference to a concrete monument. The current section reads as follows:

6. The accurate location of monuments which must be established along the rear property lines of lots with a minimum of 2 per block located along a common line, including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended therefrom. Design and material of the concrete monument must be in accordance with the standard detail contained in the Charlotte-Mecklenburg Land Development Standards Manual.

The revised section shall read as follows:

6. The accurate location of monuments which must be established along the rear property lines of lots with a minimum of 2 per map including coordinates computed from the North Carolina Plane Rectangular Coordinate System as extended therefrom. Design and materials shall be in accordance with the standard detail contained in the Charlotte-Mecklenburg Land Development Standards Manual.

6. Amend Section 7.200, "Design Standards for Lots" by replacing subsection 7.200.3 with new text that states that the first requirement for subdividing land into lots is to verify the density requirements of the underlying zoning district are met. The current subsection reads as follows:

3. Minimum sizes. Lots may not be less in width or are than required by the zoning ordinance for the district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.

The revised text shall read as follows:

3. Maximum density and minimum lot requirements. Density controls the maximum number of lots that can be created when subdividing property. Once the maximum density is established, lots must meet all the development standards of the underlying zoning district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.

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 16th day of May, 2005, 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 _____, 2005.