

**PART “B”**  
**STAFF RECOMMENDED CHANGES TO SUBDIVISION ORDINANCE**

Petition #: 2009-038  
Petitioner: City of Charlotte

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

ORDINANCE NO. \_\_\_\_\_

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.

<b>Street Type</b>	<b>Minimum Right-of-Way</b>
Freeway or Expressway (Class I) <u>other than U.S. 74 from Briar Creek southeast to the City limits</u>	350 feet
<u>U.S. 74 between Briar Creek and W.T. Harris Boulevard</u>	<u>250 feet</u>
<u>U.S. 74 from W.T. Harris Boulevard southeast to the City limits</u>	<u>280 feet</u>
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.

PART "B"  
STAFF RECOMMENDED CHANGES TO ZONING ORDINANCE

Petition #: 2009-038  
Petitioner: City of Charlotte

**AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE –ZONING ORDINANCE**

**ORDINANCE NO.**

**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 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.103, "Requirements for lots along thoroughfares" subsection (1) by adding new transitional setback standards for Independence Boulevard, and placing the information into a table format. The remaining subsections shall remain unchanged. The revised subsection (1) shall read as follows:

**Section 12.103. Requirements for lots along thoroughfares.**

G.S. 160A-306 state that cities shall have authority to (i) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic loads, and other characteristics relevant to the achievement of the purposes of this Section, and (ii) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be setback from the right-of-way line or the center line of an existing or proposed street. Pursuant to that authority, the following requirements shall apply:

- (1) The minimum yards or setbacks prescribed for each zoning district, which abuts a thoroughfare shall be measured from the proposed right-of-way line established for each classification of thoroughfare as follows:

Thoroughfare Classification	Distance From Thoroughfare Centerline to "Proposed; Right-of-Way Line"
Freeway or Expressway (Class I) <u>other than U.S. 74 from Briar Creek southeast to the City limits</u>	175 feet
<u>U.S. 74 between Briar Creek and W.T. Harris Boulevard</u>	<u>125 feet</u>
<u>U.S. 74 from W.T. Harris Boulevard southeast to the City limits</u>	<u>140 feet</u>

Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	75 feet
Major Arterial (Class III)	50 feet*
Minor Arterial (Class IV)	35 feet*

\*The distance from thoroughfare centerline to proposed right-of-way line for Class III and IV thoroughfares located within the area bounded by Route 4 and I-85 shall measure 40 feet for Class III streets and 30 feet for Class IV streets. These standards represent the normally required rights-of-way. However, 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 by the City Department of Transportation. In addition, in those areas in which the existing street right-of-way exceeds the above noted dimension, the right-of-way width may not be reduced and certain thoroughfares will exceed this dimension as indicated by the Thoroughfare Plan.

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.

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