

Petition No. 2009-083
Petitioner: Charlotte-Mecklenburg Planning Commission

JAN 19 2010

**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 15: SUBJECT INDEX

1. APPENDICES

a. Appendix 1: LIST OF ACCEPTABLE PLANT SPECIES.

1. Delete the contents of Appendix 1 as this list has been revised and incorporated into the Land Development Standards Manual as of 7-1-09. Add the term, "RESERVED" to reserve space for a future Appendix I. The revised Appendix shall read as follows:

APPENDICES

APPENDIX 1: RESERVED

B. TABLE OF CONTENTS

1. Amend the Table of Contents by modifying the listing for Appendix 1. The new list of appendices shall read as follows:

APPENDICES:

Appendix 1: Reserved	A-1
Appendix 2: Zoning Maps Conversion Process	A-5
Appendix 3: N.C. General Statute Article 26A (Sec. 14.202.10) Adult Establishments	A-8
Appendix 4: Amendments (since this printing)	A-10
Appendix 5: Watershed Buffer Guidelines for Mecklenburg County	A-1

C. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by referencing the new location of the approved plant species list for the following three definitions:

Large maturing tree.

A tree whose height is greater than 35 feet at maturity and has a minimum caliper of 2½ inches at the time of planting and meets the specifications of American Standards for Nursery Stock, published by the American Association of Nurseryman. (See the “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual)

Shrubs.

Woody branching plants of relatively low height. (See the “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual)

Small maturing trees.

A tree the height of which is less than 35 feet at maturity and has a minimum 1½-inch caliper at the time of planting and meets the specifications of American Standards for Nursery Stock, published by the American Association of Nurseryman. (See the “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual)

D. CHAPTER 9: GENERAL DISTRICTS

1. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1208, “Development Standards”, subsection (8), “Screening Standards”, subsection (a)(3) by referencing the new location of the approved plant species list. The other subsections shall remain unchanged. The subsection shall read as follows:

- (3) Shrubs used for screening shall be evergreen and at least 2 to 2 ½ feet tall with a minimum spread of 2 feet when planted and no further apart than 5 feet. Shrubs shall be adequately maintained so that an average height of 5 to 6 feet can be expected as normal growth within 4 years of planting. The average expected height may be reduced to 4 feet for screening along public streets. Shrubs and trees shall be on the approved plant list in the “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual. Walls shall be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).

E. CHAPTER 10: OVERLAY DISTRICTS

1. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.907, “Development Standards”, subsection (8), “Screening Standards”, subsection (a)(3) by referencing the new location of the approved plant species list. The other subsections shall remain unchanged. The subsection shall read as follows:

3. Shrubs used for screening shall be evergreen, at least 2 to 2 ½ feet tall with a minimum spread of 2 feet when planted and no further apart than 5 feet. Shrubs shall be adequately maintained so that an average height of 5 to 6 feet can be expected as normal growth within 4 years of planting. The average expected height may be reduced to 4 feet for screening along public streets. Shrubs and trees shall be on the approved plant list in the “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual. Walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).

F. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.705, “Development Standards” subsection (3), “Landscape edge and internal planting requirements”, subsection (a)(1) by referencing the new location of the approved plant species list. The other subsections shall remain unchanged. The subsection shall read as follows:
 - (1) The type of trees to be planted must come from the approved list in the “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual. Minimum tree caliper measured six inches above the ground on all trees shall be 2½ inches and the minimum height shall be 10 feet.

G. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

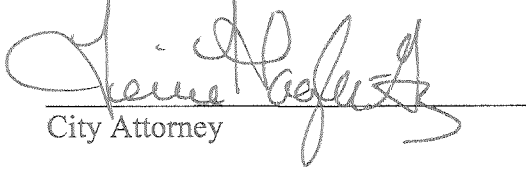
1. PART 3: BUFFERS AND SCREENING

- a. Amend Section 12.302, “Buffer Requirements”, subsection (9)(d) by referencing the new location of the approved plant species list. The other subsections shall remain unchanged. The subsection shall read as follows:
 - (d) Shrubs and trees shall be on the approved plant species list in the “Approved Plant Species” matrix in the Charlotte Land Development Standards Manual;
- b. Amend Section 12.303, “Screening Requirements”, subsection (2)(g) by referencing the new location of the approved plant species list. The other subsections shall remain unchanged. The subsection shall read as follows:
 - (g) Shrubs used in any screening or landscaping must be evergreen, at least 2 to 2½ feet tall with a minimum spread of 2 feet when planted and no further apart than 5 feet. They must be of a variety and adequately maintained so that an average height of 5 to 6 feet could be expected as normal growth within 4 years of planting. The average expected height may be reduced to 4 feet for screening along public streets. Shrubs and trees shall be on the

approved plant list in the "Approved Plant Species" matrix in the
Charlotte Land Development Standards Manual; and

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 19th day of January, 2010, 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 _____, 2010.
