

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 Code of the City of Charlotte is hereby amended as follows:

B. 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 language regarding the elimination of the transitional setback along identified sections of U.S. 74 upon completion of the North Carolina Department of Transportation (NCDOT) Right-of-Way Acquisition Program. The revised subsection (1) shall read as follows:

Section 12.103. Requirements for lots along thoroughfares.

G.S. 160A-306 states 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) other than U.S. 74 from Briar Creek southeast to the City limits	175 feet
<u>U.S. 74 between I-277 and Albemarle Road</u>	<u>Does not apply</u>

U.S. 74 between <u>Albemarle Road</u> Briar Creek and W.T. Harris Boulevard	125 feet ²
U.S. 74 from W.T. Harris Boulevard southeast to the City limits	140 feet ^{2 and 3}
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	75 feet
Major Arterial (Class III)	50 feet ¹ —*—
¹ — Minor Arterial (Class IV)	35 feet ¹ —*—

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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.

²Completion of the North Carolina Department of Transportation (NCDOT) U.S. 74 right-of-way acquisition project (Transportation Improvement Project U-209B) from Albemarle Road to Sharon Forest Drive shall cause the transitional setback to no longer apply to the section of U.S. 74 from Albemarle Road to Sharon Forest Drive.

³Completion of the North Carolina Department of Transportation (NCDOT) U. 74 right-of-way acquisition project (Transportation Improvement Project U-2509) from Sharon Forest Drive to the southeast city limits shall cause the transitional setback to no longer apply to the section of U.S. 74 from Sharon Forest Drive to the southeast city limits.

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 _____, 2011, 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 _____, 2011.
