Charlotte City Council

# Transportation & Planning Committee

Meeting Summary for May 27, 2010

## COMMITTEE AGENDA TOPICS

**I.** **Subject:** **Urban Street Design Guidelines**
Action: Motion made to move forward with the schedule provided (passed unanimously)

## COMMITTEE INFORMATION

Present: David Howard, Warren Cooksey, Patsy Kinsey, Susan Burgess (by phone)
Time: 2:05 pm – 3:45 pm

## ATTACHMENTS

1. Agenda
2. USDG Presentation
3. Handouts Package

## DISCUSSION HIGHLIGHTS

Chairman David Howard called the meeting to order and asked everyone in the room to introduce themselves. He said the only item on the agenda is the Urban Street Design Guidelines. He then turned it over to Danny Pleasant and Debra Campbell.

Mr. Pleasant said that he and Ms. Campbell would team up on the introduction. The Urban Street Design Guidelines (USDG) is where transportation and planning come together, because streets are an enormous part of the public realm. He stated that 25-30% of the land in the City is made up of streets and they want to keep the streets in a way that is complimentary to the City. He also stated that the generations coming up prefer to live in places that are more urbanized, according to some of the studies being done today. The USDG speaks to that urbanizing flavor in the community. The streets are context sensitive, meaning they fit correctly into their environment, whether it's single-family residential, mixed use or commercial. This is the City's Complete Streets Policy. He stated that today the Committee will see the ordinance language first, so they can have a chance to review it before it goes into the public review sessions. He

said they would be in public review through the summer and hoped to have it adopted by Council in December. He also stated that this is one of their key targets this year, to get the USDG put into ordinance language. That's important because 95% of the streets get built through the development process.

*(Council member Cooksey entered the meeting)*

Ms. Campbell added that the three major themes that staff established for this process of converting USDG from policy to ordinance is: 1) that the standards need to be predictable and flexible, 2) staff needed to track issues that come up when applying these polices, and 3) figuring how to provide different types of choices with ordinance language. Ms. Campbell said she hoped the Committee would see that staff accomplished the three goals. Also, Council heard a lot from the community about the value of USDG policies. She stated that Mr. Davis will provide the Committee with the direction staff is moving, in terms of an ordinance to accomplish predictability, flexibility and compliance choices. This is the first phase of trying to enhance quality development in this community. Ms. Campbell then turned it over to Mike Davis and Shannon Frye.

Mike Davis said that in front of the Committee is the presentation that he would be working from, as well as a notebook with a summary of the key content items, the presentation, the draft Subdivision Ordinance, a text amendment to the Zoning Ordinance, a text amendment to the Tree Ordinance and the Standards Manual summary (all copies attached). He then began reviewing the "Urban Street Design Guidelines Ordinance Implementation" presentation (copy attached).

**["17 Policy Statements" slide]**

Mr. Davis said the USDG policy contains 17 policy statements that establish the basis for the ordinance updates. They are meant to summarize everything in the policy. Policy statements 1–6 generally deals with process and he pointed out that policy statement #5 deals directly with the selection of local street types and matching them to land uses. Policy statement #7 describes the creation of streets at regular intervals. Policy statements 8-13 are specific about design elements for streets and #8 and #13 deal with applying planting strips and traffic calming. Lastly, Policy statements 14-17 describe action items for staff to update documents and codes.

**["3 Doors" slide]**

Mr. Davis said they have attempted to deal with the predictability and flexibility with what they are calling a "3 door" approach to plan approval. Door 1 is the administrative process and is prescriptive in nature. The table on this slide is an example of one they might use under Door 1. Door 2 is where there are certain conditions that may be worth talking about and there are good reasons why a particular site can't meet every standard, so staff is given the authority, under the ordinance, to negotiate with developers to vary or depart from certain standards in order to do the development. All of that is done today and they have tried to retain the authority that staff has to be able to be flexible with designs, but it is limited. Door 3, alternative compliance, is a concept

that is new to Charlotte. Mr. Davis said the idea is to have a quasi-judicial process where a group of people can make a determination about whether a development's proposal may work, even it if doesn't meet all the standards.

Howard: So, does Door 2 still go to ZBA for variance?

Davis: No, Door 2 is entirely staff driven.

Howard: So there is a system in place for staff to do an appeal and variance?

Davis: There's a system in place through the Zoning Committee, where if someone disagrees with a staff decision, it could go to the Zoning Committee to appeal the decision.

Pleasant: Doors 1 and 2 are what we do today. Door 3 doesn't have a hard definition around it just yet, but the idea is to go outside of the normal staff and have another group look at the characteristics the developer is proposing that don't meet the standards.

Burgess: What Committee would hear the quasi-judicial process? Would that be the Planning Commission?

Davis: That has not been defined yet. As we learn more about this process, part of what we have to figure out is who the right people are to make those determinations.

**["Street Network" slide]**

Mr. Davis went on to say that the remainder of the presentation is broken into four components. It starts with the hardest things and gets easier as they go. He said that many of the examples coming up are "cartoonish" examples to explain how it would work, and then they would see some real examples.

**["Creating Blocks and Streets (1/2)" slide]**

Mr. Davis said this slide lists the five rules for creating blocks for all uses. These rules work from the assumption that we want to start from the outside in and use common sense before they ever start measuring anything.

**["Creating Blocks and Streets (2/2)" slide]**

Mr. Davis said that as they move through how to create street networks, they are proposing some of that to be done with public streets and allowing some of the network be built with private streets. This slide just creates the rules for when public is used and when private is used.

**["Private Street Design" slide]**

Mr. Davis said the idea here is they would be setting up rules that involve the use of public and

private streets and it's important for everyone to be on the same page about what the key similarities are and what the key differences are. Both provide for two-way vehicular travel and both have sidewalks and planting strips. Some important differences are private streets don't have right-of-way; therefore, they don't have setbacks measured from the rights-of-way. Angle parking is allowed in private streets.

**["Preferred and Maximum Block Lengths" slide]**

Mr. Davis said the idea here is they aren't proposing rules that treat everything the same. The rules for street network will vary based on two things: 1) where you are in the City as a function of Centers, Corridors and Wedges and 2) land use. These next slides will show how all this fits together.

**["Street Network Schematic" slides]**

Mr. Davis said these next slides will be a series of animations that will describe how all these rules and concepts fit together. This is the rule for how you create all streets, for all kinds of uses. In the picture, the bottom thick line represents an existing street. The green box represents a site that a developer has along that street. The first thing that would happen in the process is to look at the existing streets that are stubbed around the site. The dashed line at the top left represents a paper street, which is where someone has dedicated right-of-way, but the street hasn't been physically constructed. The idea is wherever you have stubs, they need to get extended into the site. With the paper street, they would say they want you to extend it only if the City is willing to build that particular piece of the paper street. Mr. Davis said they can't put the burden of that construction on the person doing the site.

Howard: Have we ever asked someone to do that?

Davis: I'm not sure, but as I understand it, we can't require a developer to take on responsibilities off of their site.

Kinsey: The two side lines on the right are stubbed streets?

Davis: Yes, from a previous development.

Kinsey: Okay and we're expecting the current developer to go in and connect those streets?

Davis: The green site represents the property the developer owns. They would need to continue those stubbed streets into their property.

Frye: Just for clarification, the current Subdivision Ordinance requires the extension of stubs into undeveloped property, so this is not new. The new concept on this slide is if the paper street exists, we would recognize that as a stub even though it's not a built street. Mr. Davis is saying the concept would be that the developer would recognize the stub and point the street to the paper street and then the City would construct the paper portion of it.

Howard: If for some reason the City decided not to extend it, does the developer still have to show it on the plan, or could they now put a lot there? Could they develop that right-of-way?

Davis: The ways it's drafted now is, if the City is not committed to building the paper street when the development occurs, you would not have to stub to it. So, it could become something other than a street.

Mr. Davis continued on and said the next thing to do is bring in the table (referencing the table on the previous slide) and start measuring the different sides of the site. You refer back to the table to find out where you are located in the City. This example assumes you are residential in a wedge, so the preferred spacing is 600 feet. The site length measures at 2,350 feet, so you would divide 2,350 feet by 600 feet, which gives us the number of blocks (3.9), which is always rounded down (3). Blocks are created by creating streets. You repeat the same process on each side of the site.

Howard: Why would it matter when you already have stubs coming in?

Davis: That's true, but what could have happened is you may have only had one stubbed street and so if you needed 3 blocks then you would have had to add a second street.

Mr. Davis went on to say that the measurements on the right hand side of the slide are the preferred values. Preferred block spacing is always lower than the maximum block spacing. He then described how the maximum block spacing works. If you go back to the table, you find that it's an 800 feet maximum block spacing for residential in a wedge. You would then check to make sure that none of the blocks that would be created exceeds the 800 feet. He said that more often than not, it's the maximum block lengths that are going to drive this more than preferred. As you get into very large sites, the way the map works is the preferred block spacing starts to drive the creation of more blocks, but for most of the medium to small sites, the maximum block spacing will govern.

Cooksey: If the property to the left side of the paper street were vacant or partially developed and the City decided not to build out the paper street, then if I'm understanding this right, you'll still have to have two streets along the left hand side, but the top one may not be 550 feet from the property line. It may be 650 feet, thereby reducing the 800 foot maximum in the middle between the two streets. Is that correct?

Davis: Well, one of the things we figured out and drafted is we don't want to create stubs to established single-family and if we have paper streets present, they were usually created when someone built a single-family subdivision. If you have a paper street, then I will predict that the whole edge is probably an established single-family subdivision, so there is no requirement to create that stub in the first place. You can't stub in that direction, so it's fine.

Howard: But if it's vacant then that would be different.

Davis: If it's vacant, it varies a bit. If it's just vacant, then yes, you stub. If it's existing single-

family, then there are conditions where you may or may not stub.

Mr. Davis continued and said the next slide shows how the streets would link up to create a street network according to the rules proposed in the ordinance.

**[“Use of Private Streets” slides]**

Mr. Davis said the next slides will relate to the rules for private streets. The blue lines are public streets and the red lines are private streets. He said the examples shown are for single-family residential. In today’s Subdivision Ordinance and Zoning Ordinance, the requirements are single-family occurs only on public streets, with the exception of (zoning category) MX. He said they aren’t changing that. All other uses require streets to be built according to the methodology described earlier, but recognize there will be value in satisfying network requirements with private streets.

Mr. Davis moved to the next slide to talk about multi-family streets. He said that for adjacent multi-family developments, even when they establish good connectivity between them, they tend to see that over time, one of them gates off from the other. He said they don’t want the network to shut down entirely, so to deal with it they are proposing for multi-family to have at least one street in each direction to turn public. Under planned multi-family today, they require at least one public street through multi-family.

Howard: So you can’t have gates all the way around; therefore, there is no secure property?

Davis: You wouldn’t be able to gate the public streets, but you could gate off of the private streets.

Cooksey: Is it true that if a developer chooses to develop multi-family by right, then there will have to be public street connections in each direction, but a rezoning petition could still be filed with Council to make everything private?

Davis: A conditional zoning cannot exempt someone from an ordinance requirement. So, with the way the rules are drafted now, you couldn’t do that because the ordinance requirement would still carry.

Howard: Cheswick has one entrance on both sides. How does that work?

Cooksey: Cheswick has three entrances on two public streets and all three are gated.

Davis: The reason we felt like it made sense to have a public street is to get some level of connectivity between sites. However, when you start looking at real examples, you realize there is already a lot of lost opportunity to ever connect certain things. So, in the draft, we are saying if there is no opportunity to extend the public street network, then there is no requirement for the public street to go through the site.

**[“Multi-Use Examples” slide]**

Mr. Davis said these next slides are using the Blakeney development as an example. He pointed out that any one example that he brings forward could be misleading, because their experience is every time they apply it, they extract different revelations and they continue to refine the ordinance language. He said that Blakeney is a good example, because it’s a big, multi-use site and it was used in 2007 when the policy was adopted. The analysis that was done in 2007 was a literal adaptation and it produced a lot of streets. It had streets that went into existing single-family and flood plains. Mr. Pleasant added that this example was brought to staff and Council by representatives of the real estate industry. It was meant to demonstrate that if we applied the policy in the strictest fashion, that there might be dysfunction.

Mr. Davis continued and said that each slide he is going to show is a blown up version of the different quadrants of the site. The first one (slide 19) is the northwest quadrant. The major north to south road is Rea Road and the major east to west road is Ardrey Kell Road. This quadrant is the primary retail quadrant of the development. The private streets are shown in blue and you can see that the streets have sidewalks. The boundary conditions are also important, and in this site, whereever there is not a street, it is existing single-family, which has a lot to do with how stubs in the network will connect. As we look and apply the methodology shown earlier, the only thing that will change in this quadrant is that the private street on the right side (shown in red) was in excess of the maximum block spacing down to Rea Road. It was only off by about 50 – 75 feet. In order to correct that today, that street would have had to shift to the south. In 2007 that analysis would show that street going through buildings.

Mr. Davis continued to the northeast quadrant, which is primarily single-family with some commercial. This area also has wetlands, flood plains and a greenway. Those exist as provisions under Door 2. Staff has the authority to vary from the block length requirements, so it wouldn’t make sense to connect between those two uses. He said the red line that is drawn in shows where the private street would be placed, based on having the correct block lengths and connection with the northwest quadrant. Mr. Davis also pointed out that with large sites like Blakeney, preferred block spacing starts to take over from the maximum block spacing.

Mr. Davis continued to the southeast quadrant and said that it is multi-family with wetlands, greenway and flood plain. As you look at the network, most of it exceeds the requirements of the network. The one thing missing, in terms of how it’s drafted in the ordinance, is continuing the block spacing of the private street (shown in red) down behind the backside of the development.

Mr. Davis said the last quadrant, the southwest quadrant, consists of existing single-family and some office space. There are a couple of things going on in that quadrant. First, the connection on the far left side makes the block spacing a little bigger than the maximum, so to keep that network pattern intact, that connection could have shifted a little to the right. It’s basically swapping where the access occurs to stay within the block spacing maximum.

Howard: If you moved the road up, would you want where the road was to now be a cul-de-sac?

Davis: That's a good question and I haven't considered that. The preference would be you find some way to connect that. So the fallacy would be to assume that's the only thing that's changed when you move that street. Maybe we would want to write in some other kind of Door 2 option that for these kinds of conditions, it makes more sense keep the original location. That's not in the draft right now, but that's the kind of thing that we might want to try to catch.

Mr. Davis continued and said that the second thing going on in this quadrant is the cul-de-sac at the bottom was built by the old rules that approved the cul-de-sac. Both the old ordinance and the one being proposed, would have preferred that the street be extended, but there are wetlands surrounding it. So, just as the cul-de-sac was allowed before, it would be allowed today.

Howard: Is that because of the environmental constraints or the hardship of setting a road over it?

Davis: In this case, it would be about environmental sensitivity.

Howard: Is that a regulated wetland?

Frye: Yes.

Howard: This is one of those predictable and flexible things.

Davis: Yes, it's Door 2.

Ms. Campbell continued and said that she thought it was key to emphasize what they have learned. In 2007, when they were presented with the Blakeney example, there were tons of streets everywhere on the site and the argument was "you could not do this." They said they could not develop Blakeney today if they applied the USDG policies. Even when staff reviewed it, they would say "you have to do this or that" because they were looking at it from a literal policy perspective. She said staff has listened to the issues and are now doing what is rational and reasonable and still accomplishes the goals of street connectivity and network. Also, it's more than just streets. There is an environment that has to be respected too. Context sensitive design is important in this.

**["Local Street Design" slide]**

Mr. Davis said that the policy statement basically says we want to create streets. The designs are responsive to the adjacent land uses. The USDG policy starts with pictures that describe visually what the components of the street are, but they do include some specific dimensions about some of the elements. He stated that at the back of the notebook is a one page summary that describes what they are doing to update the Land Development Standards Manual, which is the manual that engineers and contractors use to build these streets.

**[“Local Street Types” slides]**

Mr. Davis said the upcoming slides show the different types of streets proposed in the USDG. The first is the Residential Narrow Street. It’s the narrowest one on the menu. It does allow two-way travel, but it’s meant to be used where there is low volume. They don’t expect parking on the streets, even though it is allowed. It also has wider planting strips and sidewalks.

Howard: Do you define this by the density or the anticipated traffic count?

Davis: In this case, there are two different ways it can be used and it has to do with things that convince us that parking isn’t going to be a problem on the street. Parking on the street drives a lot of these streets.

Mr. Davis continued on to the Residential Medium Street. He said this street type is very important because it is most similar to the residential streets that get built today. From curb to curb, it’s exactly the same street and the only difference is the planting strip and the sidewalk. Parking is expected on a Residential Medium Street and it is expected to be sporadic, mixed in with the travel lanes, but not at a volume we can’t accommodate. The Residential Wide Street type would be used when you have adjacent higher intensity, multi-family uses where you would reasonably expect there to be more on-street parking demand and you wouldn’t want it in the mixed travel lanes. You would want the parking in a recessed parking base, which is where you create a dedicated parking space parallel to the curb that is not in the travel lane.

Mr. Davis said the next street type is Office/Commercial Narrow. He said this is a street type where they don’t expect any parking because it’s used to support retail developments, where people are building parking lots. The next type is the Office/Commercial Wide where some mixed-use sites may want to rely on on-street parking. This design would include wider travel lanes and recessed on-street parking. The last street type is Industrial. It doesn’t have dedicated on-street parking, but it does have wide travel lanes, because they are streets that accommodate the biggest and heaviest trucks that make big, sweeping turns. On-street parking is not prohibited, but it’s also not expected too much. All the street types have in common 8 foot planting strips and typically, 5-foot sidewalks.

Howard: I don’t see bike lanes on any of these street types.

Davis: Typically, local streets would not have bike lanes. The idea is that local streets are going to be low volume and low speed. These are not thoroughfares.

**[“Residential Setbacks” slide]**

Mr. Davis said to imagine the top graphic is the current residential street type, the ones that get built for single-family. The way the setbacks get measured today, is there is a right-of-way line and the setback is measured off of that right-of-way line. If you compare that to the Residential

Medium Street type, the only thing that is changing on the diagram is the sidewalk. It's now a little bigger and farther from the curb. If you drop the right-of-way line down, you discover that the street no longer fits in that same right-of-way. There are two ways to solve that: 1) whatever doesn't fit in the right-of-way you can put in the easement or 2) it can all be put in the right-of-way, but that means the right-of-way has to shift out. The important relationship is the building to the curb, so why not measure the building setback from the curb and that would hold everything constant.

Mr. Davis pointed out that this is the one Zoning Ordinance text amendment that is in the Committee's packet.

**["Street Trees" slides]**

Mr. Davis said that policy statement #8 describes that they want to have 8-foot planting strips in the local streets because they want to have street trees. Eight feet is an important dimension because that's what the tree experts say is the smallest amount of space that they think could have canopy trees grow and create a tree canopy. It also helps with the root system. Mr. Davis said this is the one Tree Ordinance text amendment in the Committee's packet.

On the left is a drawing that shows how street trees are currently required under what's called perimeter trees. The requirement says they have to be in the setback and not in the right-of-way. Currently, you are allowed to put those perimeter trees in by special exception or allowance by Landscape Management. He stated that they are proposing to allow for more options and flexibility and you could now plant the large maturing tree in the planting strip. He also said that they do have more to learn about this because planting strips are the locations that are most popular to put underground utilities, so they do still need to look into this proposal a little more.

Kinsey: We are talking about for new development, right?

Davis: That's correct.

Burgess: Do we require trees on private streets?

Davis: I don't know the answer to that question.

Howard: But you would require it as a setback, right?

Davis: As I understand it, trees are required to be planted as a function of the permitting process for the building. A commercial development triggers the requirement for trees to be planted in the setbacks, which are off of public streets.

Howard: What are the planting strip requirements for private streets?

Davis: They wouldn't be any different, except where they are adjacent to bays of head-in parking. Some of these private streets contain pull in 90 degree parking. In the design details,

we have proposed that the sidewalk could be adjacent to the curb with a wider dimension. However, if there is no parking there, that sidewalk would be 8-feet from back of curb.

Howard: Do the trees become the City's responsibility when they are put in?

Davis: Yes. There are some logistical pieces of this involving the idea that if they are now in the right-of-way, they become the City's responsibility for maintenance, but they also are satisfying that development's requirements for perimeter trees. So, that development has an interest in the fate of those trees.

Campbell: What we've heard from Council is that you like trees in the planting strips. This is trying to accomplish that, but not by requirement.

Howard: Does this help with the part of the Tree Ordinance that has to do with the placement of trees around buildings? It doesn't count toward the 10% or 15% tree save, does it?

Frye: I don't know the supplemental planning requirements for commercial development, but I know the tree save requirement is separate from the planting requirement.

**["Traffic Calming" slides]**

Mr. Davis continued on and said that they want to create neighborhoods where they don't have to go back later and put speed humps or other things in. He said they want to do what they can through the design process to accomplish that on the front end. There are three ways to do this. First, is dealing with intersection spacing. If you follow the rules on building street networks, just the mere presence of having intersections at four regularly occurring intervals does build in some inherent traffic calming.

The second way is curb extensions. Some of the local streets have dedicated on-street parking. He said they suggest that where you have wide sections, if the blocks are too long, they would want you to come out of the recessed parking bay and narrow it for about 20 feet to create a narrowing.

The third way is to have a consultation with staff and see what other choices may be available using devices. CDOT has a good history of doing some retrofit devices, but every one that is done takes a lot of care and design detail and they aren't comfortable saying "go build these things in large numbers," but they don't want to rule them out either. If a site designer wants those kinds of treatments, then staff will attempt to work with them to make it happen.

**["Schedule" slide]**

Mr. Davis read through the schedule shown on the slide and said they would continue to come back to the Committee within those dates to give updates on the process. He said they hope to have a decision from Council in December.

Howard: When dealing with the public meetings, are you going to them or are they coming here?

Davis: We have it proposed for them to come here to Room 267.

Burgess: Have you looked at model ordinances elsewhere? If so, what cities?

Davis: I don't know the answer to which ordinances were looked at. We did use a consultant from Austin, Texas and he introduced us to some of these concepts.

Howard: Can we get that in one of the updates?

Davis: Yes.

Kinsey: Who do you anticipate participating in these hearings and workshops?

Davis: I imagine it will be a lot of interest from various development groups. Also, probably some of the groups that participated in the development of the policies, like the Bicycle Advisory Committee, representatives from the tree groups, and probably transit riders. I think the development community will be the most engaged. We will go and talk to any group who wants to understand how this will work and would provide sincere feedback on how they think it could be improved.

Kinsey: Do you think meeting here would produce a hardship on anyone?

Davis: If we run into that, we are committed to getting this out in front of people and we could revise our process. Also, part of our distribution would include the presidents' of Homeowner Associations.

Council member Cooksey made a motion and was seconded by Council member Kinsey to go forward with the schedule provided. *(Motion passed unanimously)*

Chairman Howard thanked everyone for attending and adjourned the meeting at 3:45 p.m.

# Transportation & Planning Committee

**Thursday, May 27; 2:00 – 3:30 PM**
**Charlotte-Mecklenburg Government Center**
**Room 280**

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|---|---|
| **Committee Members:** | David Howard, Chair<br>Michael Barnes, Vice Chair<br>Warren Cooksey<br>Susan Burgess<br>Patsy Kinsey |
| **Staff Resource:** | Jim Schumacher |

## AGENDA

**I. Urban Street Design Guidelines** – 90 minutes
*Staff Resource: Mike Davis*
Staff will present the first draft of updated ordinance language to implement the Urban Street Design Guidelines and provide an overview of the key content. Following this presentation, staff will conduct public meetings and work with stakeholders to refine the ordinance language. The plan is to have the ordinance amendments ready for adoption by the end of 2010.

**Next Scheduled Meeting:** Monday, June 14 at 3:30 p.m. in Room 280

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| Distribution: | Mayor & City Council<br>Transportation Cabinet | Curt Walton, City Manager | Leadership Team |

CHARLOTTE

# Urban Street Design Guidelines Ordinance Implementation

Presentation of Key Content to the Transportation & Planning Committee

5/27/10

This packet contains the following documents:

1) Summary of changes proposed for the implementation of USDG entitled *Tracking USDG Policy into Ordinance*
2) PowerPoint slides for today's presentation
3) 1st draft of proposed Subdivision Ordinance Update
4) 1st draft of proposed Zoning Ordinance text amendment
5) 1st draft of proposed Tree Ordinance text amendment
6) Explanation of proposed Land Development Standards changes

For questions regarding these documents, please contact:


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or

Shannon Frye
Planning Department
Subdivision Program Area
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# Tracking USDG Policy into Ordinance

## Policy Statement 7: Establish a network of streets based on preferred and maximum block lengths according to land use and location.

| Subject | Current Practice | Proposed Practice | Sec | Page | Flexibility Measure |
|---|---|---|---|---|---|
| Requirement for Streets | Only require streets for single-family and multi-family. Zoning requires multi-family units to be within 400' of a private street. | Require streets (public or private) to be constructed regardless of use. Multi-family requires at least one public street in each direction. | 20-23 (a), 20-24 (a)(2) | 25, 29 | Use of private streets and half streets. |
| Block Lengths | No blocks are allowed longer than 1000 feet | Blocks are created by following steps: 1) Extend existing stubs and paper streets, 2) complete existing half-streets 3) divide frontage by preferred block spacing and rounding down, and 4) ensuring no blocks exceed the maximum block length | 20-23(b)2 | 25 | Exemptions allowed based on existing environmental and other site conditions. Use of residential narrow |
| Private Streets - Construction Standards | All multi-family buildings must be within 400' of a private street. Zoning Ordinance requires a system of interconnected sidewalks out to public street sidewalk system. | Private Streets must include sidewalks and planting strips. All public street construction standards apply except for centerline design criteria, parking, and use of materials. | CLDSM | - | Allow varied materials and relaxed design criteria. City Engineer can vary all standards. |
| Half Streets | Not allowed | Allow streets to be split along property lines as an alternative to building a full street based on consultation with staff. No half streets for single family. | 20-23 (i) | 28 | Negotiated use with staff. |
| Paper Streets | Not allowed | Use only when stubbing to existing single-family lots that are likely to subdivide. | 20-23 (b)(3)b.2. | 26 | - |

## Policy Statement 5: Apply the appropriate USDG street classifications and cross-sections as descibed in Chapter 4 of the USDG to new local streets.

| Subject | Current Practice | Proposed Practice | Sec | | Flexibility Measure |
|---|---|---|---|---|---|
| Selection of Local Streets | Select from Local, Local Limited, Collector, and Commerical. | Select from Residential (Narrow, Medium, Wide), Office/Commerical (Narrow, Wide), Industrial & Collector | 20-21 (e)(1) | 21 | Use of area plans and conditional rezonings can inform choice. |
| Sidewalk Standards for Local Streets | Sidewalks are typically 4' wide, located 4' from curb. | Sidewalks are 5', 6', or 8' wide according to land use, located 8' from curb. | 20-55(b), CLDSM | 39 | Sidewalks can transition to or match existing sidewalks. City Engineer can vary location of sidewalk |
| R/W and Setbacks | Rights-of-way are typically either 50' or 60' based on street type | Rights-of-way expand to contain sidewalks and on-street parking. | 20-22(d), Zoning Amen. | 21 | Allow for use of easements; Adjust setback measurements for SF residential uses to allow build-to lines to remain the same. |
| Transition Points | Transition street types only at intersections. | For half streets, match each half to land use on that side for streets parallel to thoroughfare; use a consistent street type for blocks perpendicular to thoroughfare. For full streets, street types should transition at intersections. | 20-22 (a) | 19 | - |

## Policy Statement 8: Create 8' planting strips, planted with large-maturing trees, except in the case of new Medium Local Streets. For this category, developers could choose between 8' planting strips and large-maturing trees, or 6' planting strips and small or medium-maturing trees, but the developer would be expected to justify why they are not implementing 8' planting strips.

| Subject | Current Practice | Proposed Practice | Sec | | Flexibility Measure |
|---|---|---|---|---|---|
| Allow Perimeter Trees in Planting Strip | Perimeter Trees for commercial development are allowed in planting strips only if in urban districts or with permission by Landscape Management | Allow perimeter trees to be placed in the planting strip in commercialdevelopments by right (where the future curbline locations are known). | Tree Ord. | - | New allowance, not a requirement |

## Policy Statement 13: Incorporate traffic calming components or treatments into the design of new or retrofitted streets. Require "slow points" on new local streets.

| Subject | Current Practice | Proposed Practice | Sec | | Flexibility Measure |
|---|---|---|---|---|---|
| Requirement for Slow Points | N/A | Require that traffic calming be built in for local streets according to the following: 1) Intersections count as slow points if built at recommended spacing 2) Require neck-downs midblock along res. wide and off./com. wide 3) Consult with staff for use of other devices. | 20-23(j) | 28 | Staff consultation |
| Alternative Compliance | Appeals and variances are only relief from the Subdivision Ordinance requirements. | Add a non-hardship waiver process based on meeting the underlying intent of the ordinance. | 20-10 | 8 | - |

CHARLOTTE

# Urban Street Design Guidelines Ordinance Implementation

**Presentation to the Transportation & Planning Committee**

**May 27, 2010**

Mike Davis, PE
Department of Transportation

Shannon Frye
Planning Department

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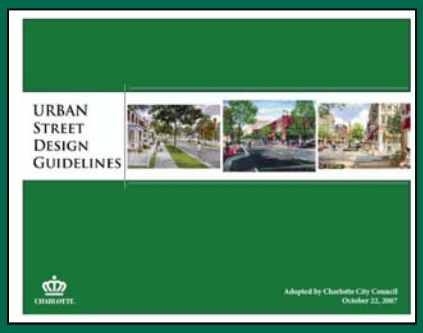
## Overview

- Adopted October 2007
- Already used in area plans and CIP projects
- Seeking to adopt into ordinance with flexibility and consistency

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## 17 Policy Statements

The USDG Policy contains 17 policy statements that establish the basis for ordinance updates. Not all of the statements apply to local streets or land development.

•Policy Statements

1-6) Describes processes
- #5 – Selection of local street types

7) Describes the creation of streets at regular intervals (blocks)

8-13) Describes specific design elements
- #8 Planting strips and street trees
- #13 Traffic calming

14-17) Describes action items for staff
- #14 Update codes, standards and ordinances

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## 3 Doors

Door 1 – Administrative; Prescriptive

| Location / Land Use | Maximum Street Spacing |
|---|---|
| Industrial Center | 1000’ |
| Mixed Use Center | 650’ |
| Transit Station Areas | 600’ |

Door 2 – Administrative; Variations from prescribed standards allowed by staff

Staff may authorize block lengths in excess of the prescribed maximum where one or more of the following conditions exist:

1) A physical impedance to a connection exists, such as a freeway, railroad line, rapid transit line, or gas pipeline.
2) A natural impedance exists, such as areas of steep slopes or wetlands.
(continues)

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## 3 Doors

Door 3 – Alternative Compliance

Not administrative; most likely a quasi-judicial process; most likely not by staff.

> "To hear and decide requests for alternative compliance with the standardsof this chapter. In order to grant the request, the commission shall make the following findings:
>
> (i) The purposes of this chapter will be equally well or better served by the applicant's proposal; and
>
> (ii) The departure is the minimum necessary, given the specific circumstances of the request."

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## Questions -3 Doors

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# Street Network

*Policy Statement #7: Establish a network of streets based on preferred and maximum block lengths.*

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## Creating Blocks and Streets (1/2)

Rules for Creating Blocks for all Uses

1) Extend any existing street stubs
2) Extend any paper street stubs
3) Complete any half street located along property lines
4) Create new blocks and street stubs by dividing site boundary lengths by the "preferred block spacing" and rounding down
5) Create any new streets necessary to ensure no block exceeds the maximum

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## Creating Blocks and Streets (2/2)

Use of Public and Private Streets

1) All single-family residential lots must be located on public streets
2) All other uses are required to create public streets according to the prescribed methodology. Private streets may substitute for public streets under prescribed conditions.
3) Where streets are required for multi-family sites, at least one street in each direction must be public. This requirement does not apply for any direction that does not lead to a stub at the property line.

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## Private Street Design

Private Streets Compared to Local Public Streets:

Similarities

- Provides for 2-way vehicular traffic at low speeds
- Has sidewalks and planting strips on each side of the street

Differences

- No right-of-way required
- No setbacks required
- Angle parking is allowed
- Tighter curves and steeper grades allowed

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## Preferred and Maximum Block Lengths

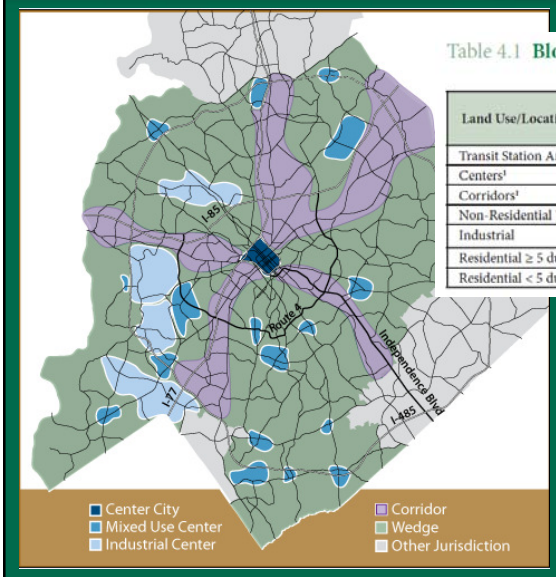


Table 4.1 **Block Lengths for Local Streets**

| Land Use/Location | Preferred or Typical Block Lengths for Local Streets | Maximum Block Length for Local Streets |
|---|---|---|
| Transit Station Areas[1] | 400′ | 600′ |
| Centers[1] | 500′ | 650′ |
| Corridors[1] | 600′ | 650′ |
| Non-Residential Uses[1,2] | 500′ | 650′ |
| Industrial | 600′ | 1,000′ |
| Residential ≥ 5 dua (gross) in Wedges | 600′ | 650′ |
| Residential < 5 dua (gross) in Wedges | 600′ | 800′ |

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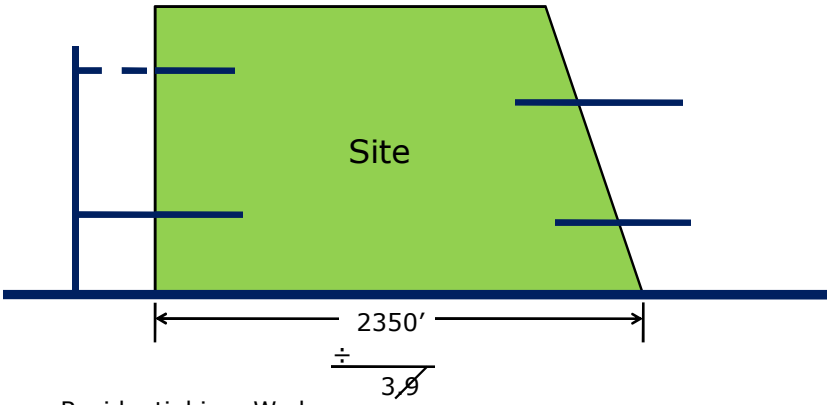
## Street Network Schematic

Street network design starts by connecting to adjacent property




Residential in a Wedge
Preferred Spacing = 600′

3 Blocks, 2 Streets

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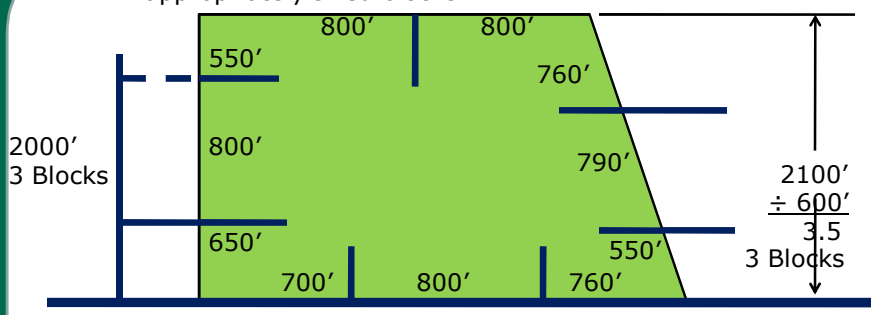
## Street Network Schematic

Preferred and Maximum values are used to create appropriately sized blocks.




Maximum Block Spacing for ≤ 5 du / acre = 800′

3 Blocks, 2 Streets

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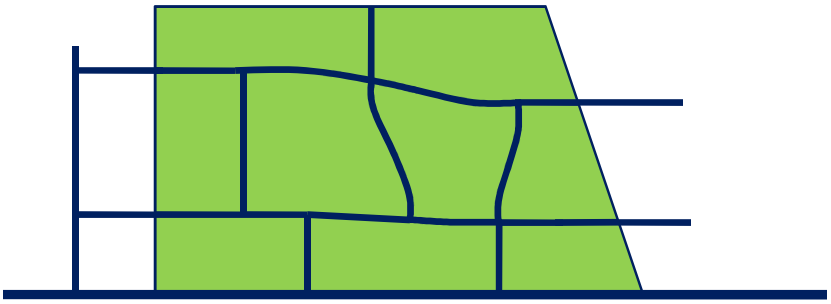
## Street Network Schematic



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## Questions – Street Network

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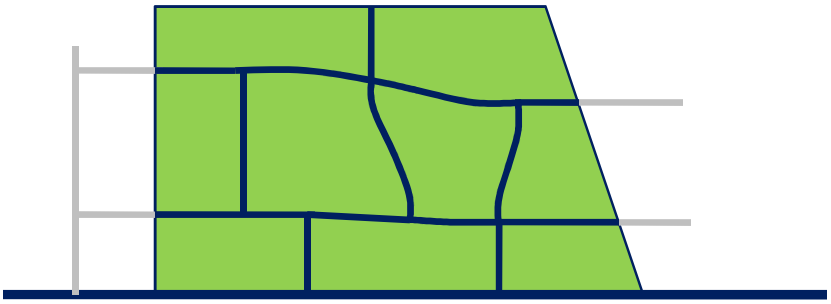
## Use of Private Streets

Single family subdivision requires the use of public streets.



All other uses require streets that may be public or private.

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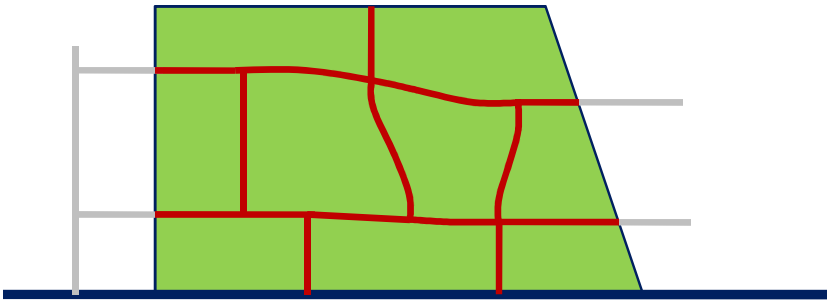
## Use of Private Streets

Multi-family uses require at least one street in each direction to be public.



Public streets stubs must be extended as public streets until connected to another public street.

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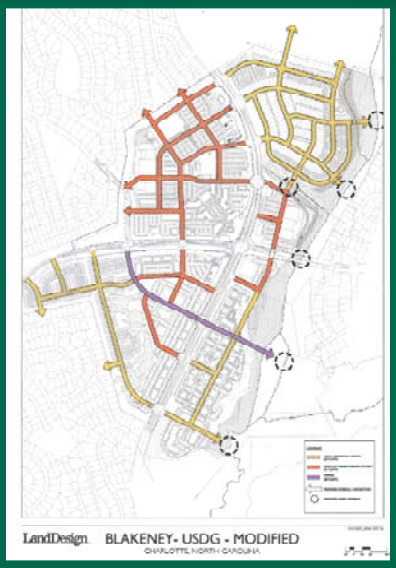
## Multi-Use Example




*2007 Analysis*

First analysis of Blakeney was completed in 2007, prior to the development of concepts to incorporate the policy into ordinance.

Represented a literal interpretation of policy.

Blakeney, along with many other examples, was used to help write the draft ordinance language to ensure practical application.

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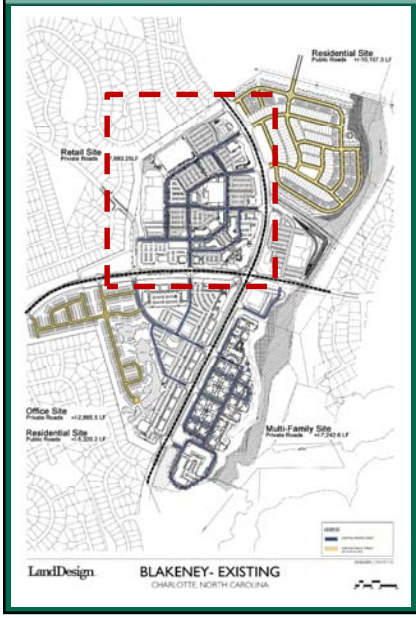
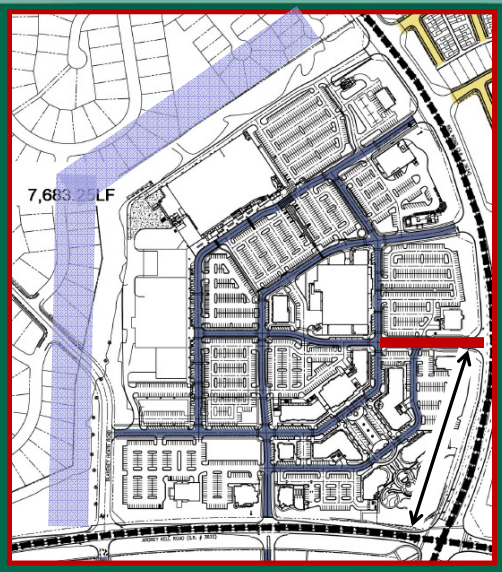
## Multi-Use Example

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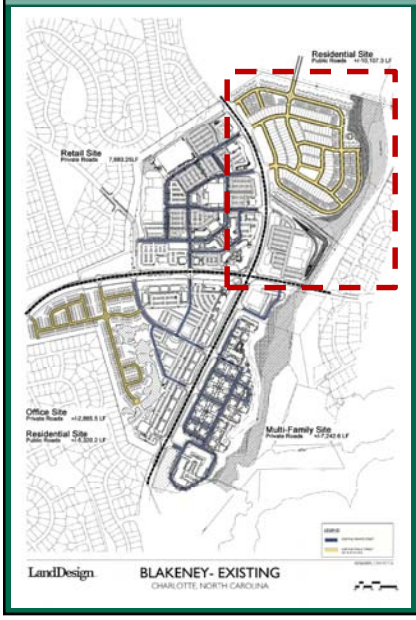
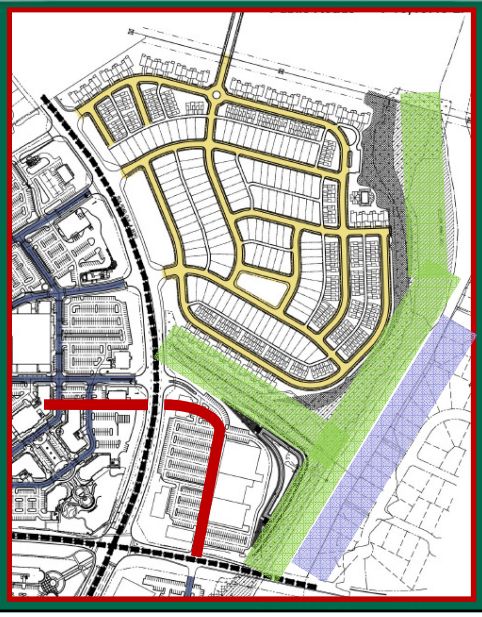
## Multi-Use Example





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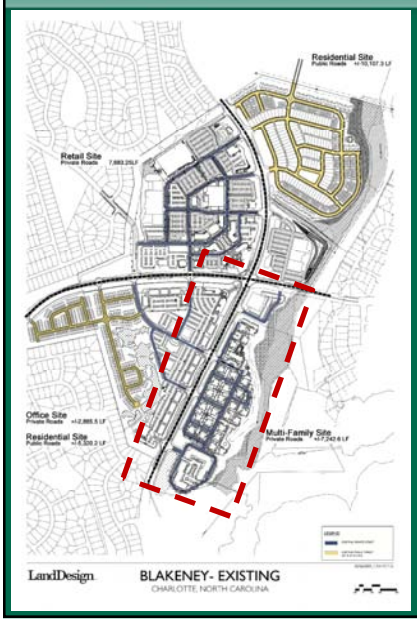
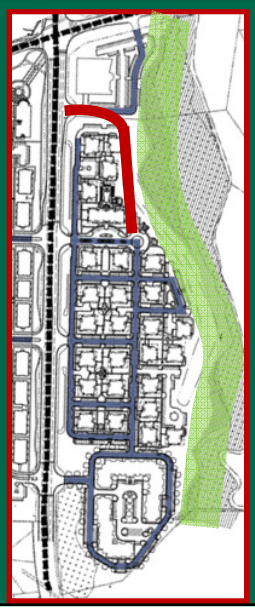
## Multi-Use Example



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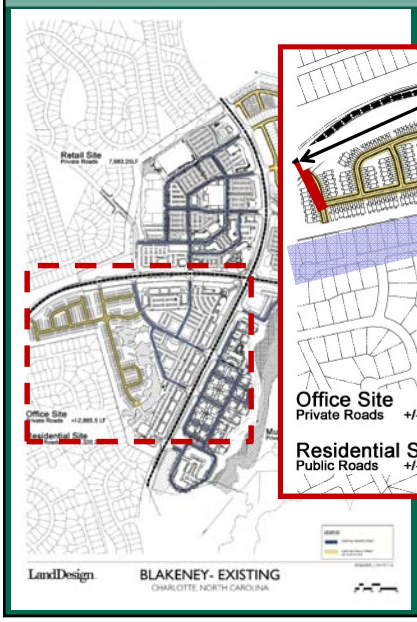
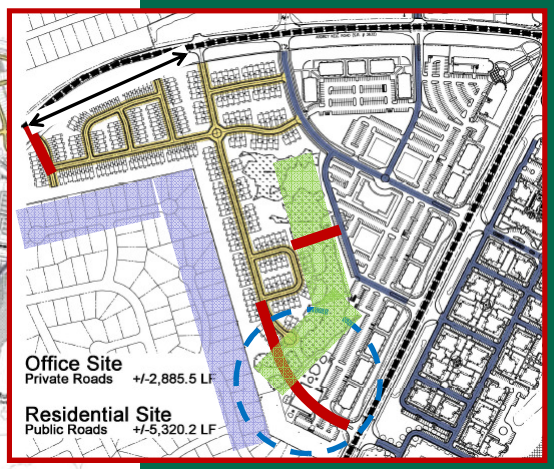
## Multi-Use Example

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## Questions – Street Network

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# Local Street Design

*Policy Statement #5: Apply the appropriate USDG street classifications and cross-sections, as described in Chapter 4 of the USDG, to new local streets.*

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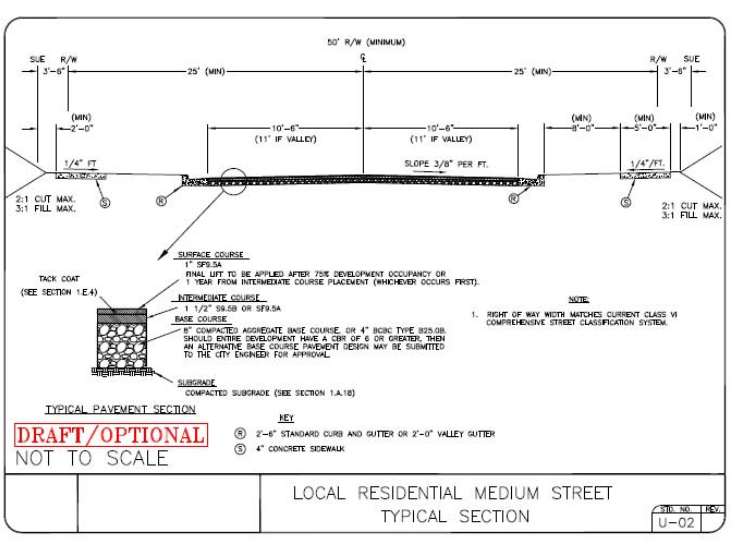
## Local Street Standards

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## Comparison of Existing and Proposed Local Streets

| Current Local Street Types | Proposed USDG Street Types |
|---|---|
| Limited Residential | Residential Narrow |
| Residential | Residential Medium |
| Residential Collector | Residential Wide |
| Commercial | Office/Commercial Narrow |
| | Office/Commercial Wide |
| | Industrial |
| | Collector |

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## Local Street Types

| Proposed USDG Street Types | Application |
|---|---|
| Residential Narrow | Used for single-family residential where parking is not needed on the street and adequate nearby streets are present in the network. |
| Residential Medium | Default local street type. Used for single-family residential; assumes sporadic on-street parking. |
| Residential Wide | Multi-family residential uses greater than 8 units per acre. Design includes recessed on-street parking. |
| Office/Commercial Narrow | Used for single-use office and commercial sites where parking is handled by on-site parking lots. |
| Office/Commercial Wide | Used for mixed-use sites that rely on-street parking. Design includes wider travel lanes and recessed on-street parking. |
| Industrial | Used for all industrial uses. Provides wide travel lanes and assumes limited use of on-street parking. |

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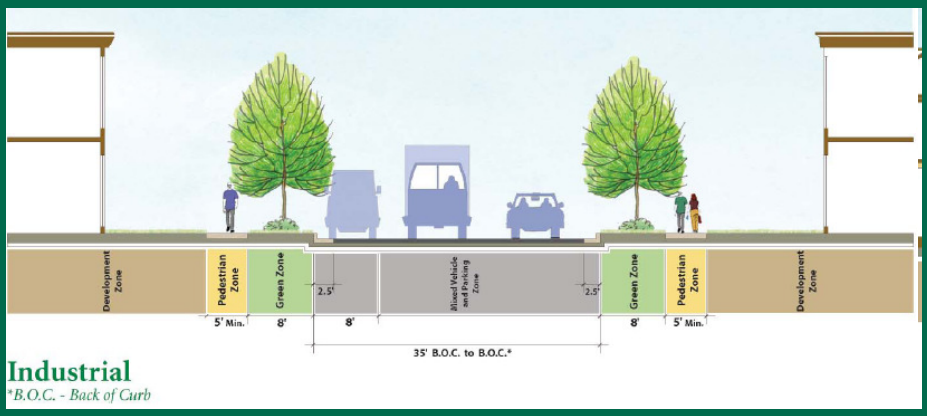
## Local Street Types

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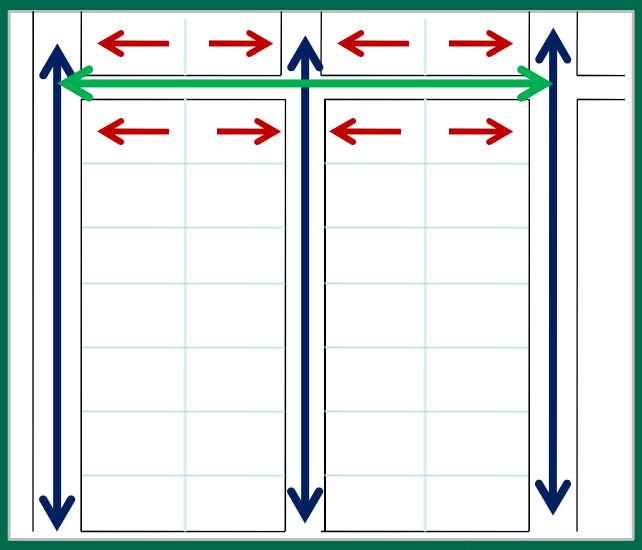
## Narrow Street: Block "End" Application

Lots front adjacent streets

More than 1 connection



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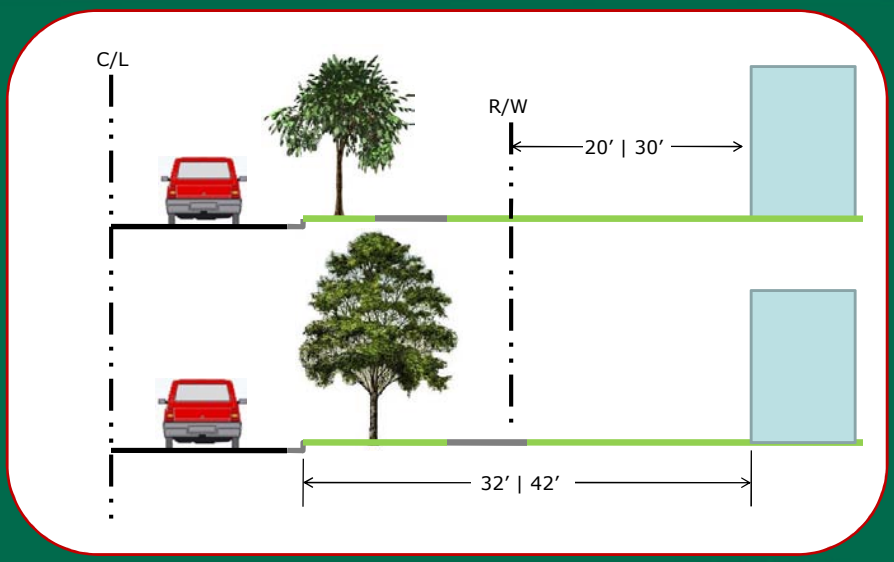
## Residential Setbacks

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## Questions – Local Streets

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# Street Trees

*Policy Statement #8: Create 8' planting strips, planted with large-maturing trees, except in the case of new Medium Local Streets. For this category, developers could choose between 8' planting strips and large-maturing trees, or 6' planting strips and small or medium-maturing trees, but the developer would be expected to justify why they are not implementing 8' planting strips.*

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## Street Trees

Current

Proposed

Allow Perimeter Trees to be planted in the planting strip.

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## Questions – Street Trees

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# Traffic Calming

*Policy Statement #13: Incorporate traffic calming components or treatments into the design of new or retrofitted streets. Require "slow points" on new local streets.*

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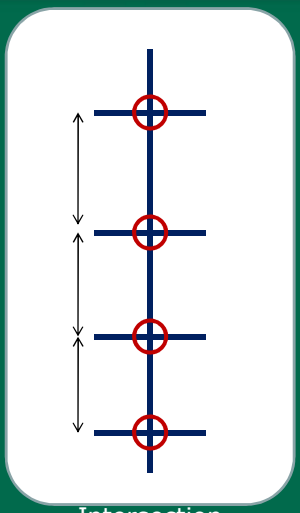
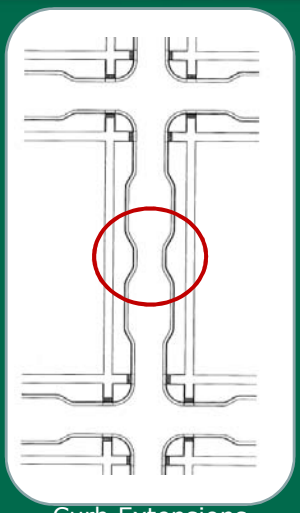
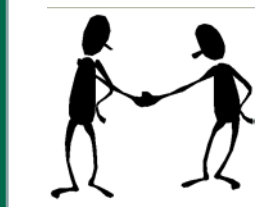
## Traffic Calming



Intersection Spacing



Curb Extensions



Staff Consultation

- Chicanes
- Traffic Circles
- Etc.

"Devices"

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## Questions – Traffic Calming

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## Summary

Key Points

• Ordinance language is consistent with the USDG Policy

•Language has been drafted reviewing real site plan examples to ensure practical application

• Alternative Compliance will offer a new process allowing for innovation and flexibility

• Local street types offer more choices

• **This is first-draft language, meant for refinement based on feedback from the Transportation and Planning Committee and the public**

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# Schedule

| Activity | Committee Meetings | Public Meetings | Full Council |
|---|---|---|---|
| Introduce draft and present key concepts | 27-May | 15-Jun | |
| Present compiled comments received; seek understanding of intent or interest behind comments where needed | 22-Jul | 13-Jul | |
| Present staff's proposed disposition of comments received and recommended final ordinance language. | 26-Aug | 18-Aug | |
| Council Workshop | | | 7-Sep |
| Public Hearing | | | 15-Nov |
| Requested Council Decision | | | 20-Dec |

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**D R A F T**

CHARLOTTE.

City of Charlotte
North Carolina

# Subdivision Ordinance

*Adopted by* Charlotte City Council

**USDG REVISIONS 5/27/10 DRAFT**

D R A F T

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# ARTICLE I. IN GENERAL

## Sec. 20-1. - Short title.

This chapter will be known and may be cited as the "Charlotte Subdivision Ordinance."

(Code 1985, § 20-1)

## Sec. 20-2. - Purpose.

This chapter is adopted pursuant to the authority conferred by G.S. 160A-371 et seq., the Charter, and certain special legislation for the city and the county (ch. 203, Sess. Laws 1961) and for the purpose of promoting the orderly development of the city and county and for the purpose of coordinating streets within subdivisions with existing or planned streets or with public facilities; to secure adequate rights-of-way or easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; and to create conditions essential to health, safety, convenience and the general welfare.

(Code 1985, § 20-2)

## Sec. 20-3. - Jurisdiction.

This chapter applies to all subdivision activities for which approval under this chapter is required in the city.

(Code 1985, § 20-3)

## Sec. 20-4. - Compliance.

All plats for the subdivision of land must conform to the requirements of this chapter and be submitted in accordance with the procedures and specifications established in this chapter. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this chapter.

(Code 1985, § 20-5)

## Sec. 20-5. - Modification of certain standards.

(a) Certain development standards regulated by this chapter and specifically as follows may be modified under the provisions of the city zoning ordinance:

(1) Street right-of-way.

(2) Sidewalks.

(3) Curb and gutter.

(4) Type of street (public or private).

(5) Street pavement width.

(b) The standards of chapter 19 of this Code, which also regulate the development of streets, sidewalks and other facilities in the city, must be complied with, except as may be varied under article III of this chapter.

(Code 1985, § 20-6)

## Sec. 20-6. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alternative Compliance (**To Be Defined**)*

*Appeal* means an action relating to a dispute involving an administrative interpretation or application of an ordinance standard to a particular parcel of land.

*Building envelope* means a three-dimensional area on a lot that remains for placing a structure on a site after setbacks, yard, height, and bulk regulations are observed.

*Charlotte-Mecklenburg Land Development Standards Manual* means the manual of construction standards and details, jointly prepared by the city engineer and the county director of engineering, which regulates and controls the provision and construction of public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever in this chapter reference is made to "standards" or "manual," it refers to that document.

*Collector street (class V)* means any street which is defined as a collector street in the adopted comprehensive street classification system.

*Commercial arterial street (class III-C)* means a multilane, major roadway connecting class I or II roads with lesser streets in the network. The class III-C road may also connect this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds, while also providing, as a major part of its function, direct access to nonresidential high trip generating land uses. A class III-C road may be part of state primary or secondary highway systems.

*Connectivity* means street or subdivision design which provides for public access, ingress and egress by interconnecting streets, bikepaths, and walkways within a development and with adjoining developments. Connectivity facilitates vehicular, bicycle, and pedestrian transportation~~without promoting cut-through traffic.~~

*Cul-de-sac* means a street designed with a turnaround, or a street that will not reasonably be extended in the future.

~~*Cut-through traffic* means a route used by vehicles not having an origin or destination in the neighboring area which promotes an unnecessary increase in traffic and adversely impacts existing neighborhoods or communities.~~

~~*Department of environmental protection (DEP)* means the county department of environmental protection.~~

*Double frontage lot* means 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~~ reverse frontage lot".

*Freeway or expressway (class I)* means a multilane, grade-separated, limited-access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such

a facility may be part of the interstate, federal or state primary highway system. A class I road freeway or expressway will be built to or approach interstate design standards.

*Green zone* means the space lying between the sidewalk and back of curb (typically a planting strip or hardscaped amenity zone) which serves as a buffer between pedestrians and vehicles. The green zone typically includes street trees and landscaping, and often includes street furnishings and utilities.

*Groundwater and wastewater services* means Mecklenburg County Groundwater and Wastewater Services Department.

*Half street* means a street that lies across a property line between two properties and is partially improved on one of the properties only.

~~*Hearing committee*. The Charlotte-Mecklenburg Planning Commission can serve as the hearing committee to hear and decide variances and appeals, or it can appoint the zoning committee to serve as the hearing committee.~~

*Limited-access arterial street (class II)* means a multilane limited-access major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speeds. Intersections are at grade with access only at cross streets rather than at individual driveways. All types of land uses are acceptable along this road, with proper consideration to environmental stresses related to the road.

*Local street* ~~(*class VI*)~~ means a street that provides access to residential, industrial or commercial districts, as well as to mixed use areas. Speeds and motor vehicle traffic volumes are low, providing a safe and comfortable environment for pedestrians and bicyclists.

~~two-lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and class V streets which serve the area. The class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (class VI-L) serves the same system function as the class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include planned developments and other similar techniques or cul-de-sac streets in conventional subdivisions. A class VI-L street may not provide vehicular access to elementary, junior or senior high schools; colleges; or official sites for such schools or to proposed places of public assembly including public or private parks, recreation facilities or greenways.~~

*LUESA* means the Mecklenburg County Land Use and Environmental Services Agency

*Major arterial (class III)* means a multilane major roadway connecting class I, II or III streets with lesser streets in the network. The class III road may also provide connections between this and other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.

*Major streams* means jurisdictional streams which are regulated by state or federal agencies.

*Minor arterial (class IV)* means a roadway, frequently two lanes, providing a connection from class II and class III roads to other lesser roads in the system. It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this region to other regions. Therefore, it usually only handles trips for short to moderate distances.

*Mixed use development* means one or more buildings that contain more than one type of land use (e.g., retail, office, residential); or, a combination of buildings that contain single uses and buildings that contain more than one type of land use. At least one land use is non-residential. A key characteristic of mixed use development is that the various uses are well integrated in a pedestrian-oriented environment.

*Paper street* means a right-of-way for a street offered for dedication on a final recorded plat which has not been constructed or accepted by the city for maintenance.

*Parks department* means ~~either the city parks and recreation department or~~ the county park~~s~~ and recreation department.

*Planned development* means a group of two or more duplex, triplex, quadraplex, ~~or~~ multifamily residential or nonresidential buildings established in a single development tract, under unified control which is to be planned and developed as a whole, either as a single development project or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purpose of the planned development, and having a unified design of buildings and coordinated organization of open space, parking and service areas.

*Private street* means a facility which is constructed as and operates like a public street, but which is located on private land and is privately maintained.

*Public street* means a street accepted for dedication to the city, county or North Carolina Department of Transportation.

*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.

*School board* means the Charlotte-Mecklenburg School Board.

*Street* means a facility (either public or private) designed to accommodate motor vehicle, pedestrian and bicycle travel.

*Street right-of-way* means any public right-of-way set aside for public travel which has been accepted for maintenance by the state or the city or the county if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which, prior to the effective date of the ordinance from which this chapter derives, has been approved by either the planning commission, the city council or board of county commissioners or is subsequently approved by the planning staff or the planning commission or has otherwise been established as a public street prior to the adoption of the ordinance from which this chapter derives.

*Stub street* means a street that is designed to extend to the property line with a temporary barricade and has the intent to be extended to provide for future access and connectivity.

*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 chapter:

(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 five 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 G.S. ch. 46 (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 chapter.

(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 chapter 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.

*Subdivision, limited*, means a subdivision that is not otherwise exempt from this chapter, and where the tract or parcel of land retained by the owner submitting the land for subdivision approval is in excess of ten acres. For such subdivisions, the owner shall be required to plat only the parcel to be transferred or leased, and only that parcel shall be subject to the requirements of this chapter.

*Subdivision, minor*, means a subdivision that is not otherwise exempt from this chapter and that does not involve any of the following:

(1) The creation of any new public street or street right-of-way or improvements to an existing street.

(2) The extension of any needed rights-of-way or easements for the water or sewer system operated by the Charlotte-Mecklenburg Utilities.

(3) The installation of drainage improvements through one or more lots to serve one or more other lots.

(4) The installation of a private wastewater treatment plant or a private water supply system for more than one lot or building site.

*Thoroughfare* means any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The terms "thoroughfare" and "arterial" are used synonymously and indicate streets which are designated as class I, II, III, III-C or IV.

*Thoroughfare plan* means the most recent Map approved by the Mecklenburg-Union Metropolitan Planning Organization ~~city council and the board of county commissioners~~ which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation. ~~The terms "thoroughfare plan" and "arterial street plan" are used synonymously.~~

*Through lot* means 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."

*Traffic calming* means a measure (or measures) that reduce(s) vehicle speeds to provide facilities that accommodate more types of users and encourage alternative modes of transportation.

*Variance* means an action requesting consideration for relief from the strict enforcement of the standards of this chapter where special circumstances or unusual considerations may exist on the parcel of land.

*Zoning committee.* The Charlotte-Mecklenburg Planning Commission is divided into two major working committees: the zoning committee and the planning committee.

(Code 1985, § 20-8; Ord. No. 2960, § 1, 5-16-2005; Ord. No. 2961, §§ 1—3, 5-16-2005; Ord. No. 3401, § 1, 10-18-2006)

Cross reference—Definitions generally, § 1-2.

## Sec. 20-7. - Rules of construction.

For the purposes of this chapter, the following rules of construction apply:

(1) This chapter will be construed to achieve the purposes for which it is adopted.

(2) If a conflict occurs between the text of this chapter and any caption, figure, illustration, table or map, the text of this chapter will control.

(3) If any conflict occurs in limitations, restrictions or standards applying to a project, the more restrictive provision will apply.

(4) Reference to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

(Code 1985, § 20-9)

## Sec. 20-8. - Planning staff.

In addition to any authority granted to the staff of the Charlotte-Mecklenburg Planning ~~Commission~~ Department (referred to as "planning staff") by other ordinances of the city or the county, the planning director and the employees under his control will have the following powers and duties to be carried out in accordance with this chapter:

(1) Review and approve all subdivisions of land within the authority and jurisdiction of this chapter.

(2) Maintain the text of this chapter.

(3) Maintain files and other public records related to the administration and enforcement of this chapter.

(4) Recommend and comment on proposed amendments to this chapter.

(5) Interpret the sections of this chapter.

(6) Work to coordinate all local, state and other appropriate agency reviews and comment on all subdivisions proposed under this chapter.

(7) Establish such rules of procedure as necessary and proper for the administration of their responsibilities under this chapter.

(Code 1985, § 20-10)

## Sec. 20-9. - Planning commission.

(a) In addition to any authority granted to the Charlotte-Mecklenburg Planning Commission (hereinafter "planning commission) by other ordinances of the city or Mecklenburg County, and in accordance with the provisions of the interlocal agreement regarding the structure and responsibilities of the planning commission, the planning commission will have the following powers and duties to be carried out in accordance with these regulations.

(1) To hear appeals filed regarding the action of the planning staff in the approval or disapproval of any subdivision proposed under these regulations.

(2) To hear and decide requests for variances from the standards of this chapter in accordance with the provisions of article III. The planning commission may appoint

the zoning committee to serve as the hearing committee to hear and decide requests for variances.

(3) To hear and decide appeals from the interpretation of any provisions of this ordinance from the planning staff. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(b) In all of these matters, the planning commission, or the hearing committee, may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of this chapter.

(Code 1985, § 20-11; Ord. No. 2960, § 2, 5-16-2005)

## Sec. 20-10. – Development review board.

RESERVED

Appointed to hear and decide requests for alternative compliance with the standards of this chapter. In order for the development review board to grant the request, the board shall make the following findings:

(a) The purposes of this chapter will be equally well or better served by the applicant's proposal; and

(b) The departure is the minimum necessary, given the specific circumstances of the request.

## Sec. 20-11~~0~~. - Amendments.

(a) The planning staff may, from time to time, and must at the request of the city council, board of county commissioners or planning commission, prepare certain improvements to the text of this chapter to correct errors, update or modify the requirements, or otherwise improve the operation of this chapter in regulating the subdivision of land.

(b) Amendments to this chapter may only be enacted pursuant to the public notice and public hearing requirements established by law. All text amendments must be referred to the planning commission for a recommendation prior to final action by the elected officials. Failure of the planning commission to act on such a recommendation within 30 days following the public hearing will be deemed to constitute an affirmative recommendation on the proposed amendment. An action to defer a recommendation for cause will constitute an action for the purposes of this section.

(Code 1985, § 20-12)

## Sec. 20-12~~1~~. - Compliance required.

After the effective date of the ordinance from which this chapter derives, no plat of a subdivision of land, subject to the jurisdiction of this chapter, will be filed or recorded by the county register

of deeds until it has been submitted to and approved by the planning commission staff. This includes all divisions of land as defined in section 20-6.

(Code 1985, § 20-13)

## Sec. 20-13. – Intent

(a) Consistency with adopted public plan and policies. All subdivision of land approved under this chapter should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policies regarding development objectives for the area, as well as specific policies or plans for public facilities, such as streets, parks and open space, schools and other similar facilities. Plans and policies for the community are on file in the offices of the planning commission.

(b) Street network goals. The proposed street network should implement the following goals:

(1) Support economic development and quality of life – by providing more transportation capacity, while creating more user-friendly streets overall.

(2) Provide more and safer transportation choices – by creating a better-connected network (route choices) and building streets for a variety of users (mode choices).

(3) Better integrate land use and transportation – by avoiding mismatches between land uses and streets, and by creating the right combination of land uses and streets to facilitate planned growth.

(c) Street network design. The street network should be designed to provide interconnected streets so as to facilitate the most advantageous development of the entire neighborhood or area of the city.

## Sec. 20-14~~2~~. - General requirements.

(a) Scope. The statements in this section provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this chapter. Questions of interpretation of any of these subsections should be discussed with the planning staff at the earliest possible time in the development of a subdivision proposal.

(b) ~~Consistency with adopted public plan and policies. All subdivision of land approved under this chapter should be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area, as well as specific policy or plans for public facilities, such as streets, parks and open space, schools and other similar facilities. Plans and policies for the community are on file in the offices of the planning commission.~~ The proposed street system should extend existing streets on their proper projections. Cul-de-sacs and other permanently dead-end streets should be avoided. All new development should provide for more than one access for ingress and egress, where feasible. Residential street design should ensure the creation of a network of low volume, low speed roadways.

(c) ~~Conformity. The proposed street system shall be designed to provide a network of interconnected streets so as to facilitate the most advantageous development of the entire neighboring area. Stub streets shall be provided to adjacent properties where feasible. The proposed street system shall extend existing streets on their proper projections. A cul-de-sac shall not be used to avoid connection with an existing street or to avoid future extension.~~

~~Culs-de-sac and other permanently dead-end streets are permitted where one or more of the following conditions offer no practical alternative for connectivity:~~

~~(1) Topographical conditions.~~

~~(2) Environmental conditions.~~

~~(3) Property shape.~~

~~(4) Property accessibility.~~

~~(5) Land use relationships.~~

~~(d) Discouragement of cut-through traffic. Residential street systems shall be designed to establish circuitous routes to discourage cut-through traffic. The street design shall have multiple connections, existing and future, to disperse traffic impacts and reduce speeding. Where feasible, all new development shall provide more than one access for ingress and egress at the time of development. Consideration for cut-through traffic shall not apply when a street is designated as a thoroughfare on the adopted thoroughfare plan or is designated as a collector street on the adopted major collector street map.~~

(~~e~~c) Relationship to railroad rights-of-way. When a subdivision adjoins a railroad right-of-way, the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.

(d~~f)~~) Half streets. Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall~~ould~~ be platted within such tract. New half streets are prohibited in single-family residential development.

(e~~g~~) Mature trees and natural vegetation. Streets and development sites should be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.

(~~h~~f) Access to parks, schools, greenways, etc. Streets ~~should~~ shall be designed or walkways dedicated to ensure convenient access to parks, greenways, playgrounds, schools and other places of public assembly.

~~Dedicated walkways may not be less than 15 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.~~

(g~~i~~) Parallel streets along thoroughfares. Where a tract of land to be subdivided adjoins a federal or state highway, major or minor thoroughfare, or commercial arterial, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage on an interior street for ~~the~~ lots ~~to be~~ developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means should be provided to prevent driveways from having direct access to the highway or street.

(h~~j~~) Public school and public park sites. When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such

reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.

(j~~k~~) Public facilities. When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, public housing or other public use sites, falls within an area proposed to be subdivided, the planning staff will notify the appropriate agency of the proposed subdivision and its effect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, by receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18-month period, none of the actions listed above has commenced, the subdivider may consider the land free of any reservation. The subdivider may choose to dedicate the area to be reserved and may transfer the development rights from the area to the remainder of the site in accordance with the provisions of the zoning ordinance.

(j~~l~~) Street names. Proposed street names shall~~ould~~ not duplicate nor too closely approximate phonetically the name of any street within the county or city. Where proposed streets are extensions of existing streets, the existing street names should be used.

(k~~m~~) Easements. Easements established to the width and in the locations required by the engineering department or the utility department, but in no case less than ten feet wide, should be provided for open or piped storm drainage, sanitary sewers and water lines. This requirement applies to such lines installed at the time of the development of the subdivision and to easements for such lines which may reasonably be expected to be installed in the future.

(l~~n~~) Proposed water and sewer system. The preliminary subdivision plan should be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

(1) Where these systems are to be a part of the public water and sanitary sewer systems owned and operated by the city, the acceptability of the proposed systems should be attested by the approval of the preliminary subdivision plan by the utility department or a letter from the utility department, stating the availability of water and/or sewer service, and that the subdivision will be allowed to connect to the systems upon the completion and dedication of the systems in the development.

(2) When the proposed systems to serve more than one structure do not contemplate the use of facilities owned and operated by the city, the proposed systems will be reviewed and approved by the agency with jurisdiction over the approval. Evidence must be provided by the developer prior to the preliminary plan approval of the required discharge permit

or perk test for sewage disposal, whichever is applicable. Prior to the approval of the final plat, evidence must be provided that both the sewer and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

~~(2)~~(3) Where local standards exceed those of state or federal agencies, and where those standards may be enforced over those of state or federal agencies, ~~the department of environmental protection~~ LUESA or Groundwater and wastewater services will coordinate all reviews for such standards. However, the approval of the proposed systems remains with the responsible agency, which may include ~~the department of environmental protection~~ LUESA or Groundwater and wastewater services.

(m~~o~~) Restrictions on subdivision of land subject to flooding. Lots that are subject to flooding should not be established in subdivisions, except as provided in section 20-21(f).

(n~~p~~) Water access lots. Where a subdivision which adjoins the Catawba River or its impounded waters contains interior lots, parcels or tracts of land which do not adjoin the water's edge, but any part of which is within 450 feet of the water's edge, one or more lots which adjoin the water's edge should be reserved to provide water access for the owners of interior properties. Such lots will be called water access lots (see section 20-21(g)). If the property which is in the same ownership adjoins the subdivision, this property will be construed as being part of the subdivision for purposes of determining requirements of water access lots.

(Code 1985, § 20-14)

## Sec. 20-15~~3~~. - Sketch plan.

(a) Encouraged for subdivisions. Prior to the filing of an application for approval of the subdivision preliminary plan, it is strongly encouraged, but not required, that a sketch plan be submitted to the planning staff for review and recommendation. When submitted, this sketch plan should be drawn to a scale no smaller than one inch equals 100 feet on a topographical survey and should show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions. It should include the following information:

(1) The boundary lines of the property being subdivided.

(2) Watercourses on the land to be subdivided.

(3) The location, names and right-of-way widths of any existing streets, paper streets, or half streets on or within 300 feet of the land to be subdivided.

(4) The location of all property lines which intersect the boundaries of the property being subdivided.

(b) Required for minor subdivisions. In order to facilitate the review and approval of a minor subdivision, a sketch plan must be submitted to the planning staff. The staff will advise the applicant of any deficiencies that must be corrected prior to submission of the final plat.

(Code 1985, § 20-15)

## Sec. 20-164. - Preliminary plan requirements.

The preliminary subdivision plan must be drawn to the following specifications and must contain or be accompanied by the information listed. No processing or review of a preliminary plan will proceed without all of the information listed. Detailed standards and specifications for construction are contained in the land development standards manual available from the city ~~or county~~ engineer:

(1) The boundary of the area to be subdivided and the location within the area, or contiguous to it, of any existing streets, railroad lines, watercourses, easements or other significant features of the tract.

(2) The location, sizes and elevations of existing sanitary sewers, storm drains and culverts within the tract and immediately adjacent thereto.

(3) Original contours at intervals of not less than four feet for the entire area to be subdivided and extended into adjoining property for a distance of 300 feet at all points where street rights-of-way connect to the adjoining property. These contours shall be referenced to mean sea level datum established by the U.S. Coastal and Geodetic Survey and as extended by the city through its primary control system or to a benchmark that is within 2,000 feet of the subdivision. Proposed contours for the full width of all street rights-of-way along open drainage channels and in all other portions of the subdivision where extensive grading is proposed must be shown. These requirements shall not apply where the size of the subdivision and the topography make such information unnecessary.

(4) The location of proposed streets, alleys, easements, lots, parks or other open spaces, reservations, other property lines and building setback lines with street dimensions, tentative lot dimensions, other property lines and the location of any ~~building restriction floodlines~~ storm water elevation line required by section 20-~~21~~24 (f).

(5) The location of all proposed storm drains and appurtenances with grades, inverts and sizes indicated, together with a map of the drainage areas tributary to the proposed storm drains, a copy of the data used in determining the sizes of drainage pipes and structures, use the ~~building restriction~~stormwater elevation ~~floodline~~ line and ~~flood~~stormwater protection elevation for each lot subject to flooding as defined in section 20-~~21~~24 (f).

(6) The name of the subdivision; the name and signature of the owner or the owner's duly authorized agent; the name of the surveyor, engineer or designer; the names of proposed streets; the names of adjoining subdivisions or property owners. The name assigned to the subdivision and the names assigned to streets at this time will be used throughout the review and approval process for preliminary and final plats and may not be changed without approval of the planning staff.

(7) The scale of the plan, which shall not be smaller than 100 feet to the inch; north point; date.

(8) Typical cross sections of proposed streets, showing widths and proposed construction of roadways.

(9) Proposed profiles of roadways. Where a proposed street is an extension of an existing street, the profile shall be extended to include 300 feet of the existing roadway and storm drains if present, and a cross section of the existing street shall be shown. Where a proposed street within the subdivision abuts a tract of land that adjoins the subdivision and where the street

may be expected to extend into the adjoining tract of land, the profile shall be extended to include 300 feet of the adjoining tract.

(10) The proposed method of water supply and sewage disposal; the number of housing units.

(11) A small-scale vicinity map showing the location of the subdivision with respect to adjacent streets and properties.

(12) The location of any existing demolition landfill on the site and the location of any proposed demolition landfill sites if such information is available.

(13) A timetable for estimated project completion of the area covered by the preliminary plan.

(Code 1985, § 20-16)

## Sec. 20-175. - Procedures for approval.

(a) Preliminary plan. A preliminary plan of the proposed subdivision, developed in accordance with the specifications set forth in section 20-14, must be submitted to the planning staff. The plan must be accompanied by an application in duplicate, signed by the owner and/or his duly authorized agent for approval of the plans, on application forms to be furnished by the planning staff. At the time of submission, the applicant will be advised as to the number of copies of the plan and related data required in section 20-14 that must be submitted with the application.

(b) Time limits. Time limits for reviewing complete applications are as follows:

| Action | Staff Time |
|---|---|
| Initial review of preliminary plan—red line drawings | 30 days |
| Review of plans with corrections and/or changes | 20 days |
| Approval of completed and correct plan | 10 days |

The time limits do not apply to plans for which no sketch plan has been prepared and submitted to the planning staff or to plans which contain any proposed school, park, greenway or other public facility for which reservation is required. The applicant may consent to an extension of any of the time limits in this subsection. Should the staff fail to respond within the time limits set out, the application will be considered to be denied, and the applicant may appeal the denial to the planning commission. If the application is denied by the planning staff, the staff will furnish a written notice of the denial and the reasons for the denial upon request of the applicant.

(c) Waiver. The required preliminary plan may be waived by the planning staff for certain subdivisions, including metes and bounds subdivisions. Such applications will be designated "minor subdivisions," provided:

(1) Such land abuts a street of required width and is so situated that no new streets are proposed, and no improvements are required to be installed by the subdivider according to this chapter.

(2) A plat of the tract being subdivided, accompanied by two applications signed by the owner/developer and/or his duly authorized agent, has been filed with the planning staff.

(3) The subdivider may be required to submit topographic information to determine flood elevations whenever the property proposed to be subdivided or resubdivided is traversed by or adjacent to a known watercourse. However, a final plat must be prepared and recorded as provided in section 20-~~16~~18.

(4) The required preliminary plan may also be waived by the planning staff for limited subdivisions and/or those subdivisions which do not involve the dedication of a new street.

(d) Final plats. Upon tentative approval of the preliminary subdivision plan by the planning staff, the subdivider may proceed to comply with the other requirements of this chapter and the preparation of the final subdivision plat. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plan, provided that all required improvements to any existing or new street shown on the preliminary plan within the boundaries of the final plat have been provided for or been assured by the posting of a surety as provided for in section 20-58 prior to any final plat approval. The final subdivision plat must be developed in accordance with the specifications set forth in section 20-~~16~~18. When the final plat is submitted to the planning staff for approval, it must be accompanied by an application in duplicate, signed by the owner and/or his duly authorized agent for final plat approval, on an application form to be supplied by the planning staff. The official plat for recording, together with a sufficient number of copies for distribution, must be presented for approval. The planning staff will approve final plats which comply with the requirements of this chapter within 30 days after complete submission.

(e) Disapproval. If the planning staff disapproves a preliminary plan or final plat of a subdivision, the grounds for such disapproval will be stated in writing to the applicant. After such disapproval, an appeal from the decisions of the planning staff may be taken to the planning commission, in accordance with article III of this chapter. The planning commission may approve, disapprove in whole or in part, or otherwise modify the action of the planning staff. A final plat of a subdivision approved by the planning commission upon appeal from the decision of the planning staff will be eligible for recording by the register of deeds of the county.

(f) Effect of approval of preliminary plan. A preliminary plan approved under this chapter will be valid for a period of three years from the date of approval. If no work on the site in furtherance of the plan has commenced within the three-year period, the preliminary plan approval will become null and void, and a new application will be required to develop the site. If work on the site in furtherance of the plan has commenced, that involves any utility installations or street improvements except grading, the plan will remain valid and in force, and the subdivision may be completed in accordance with the approved plan.

(g) Release of grading permit. Preliminary plan approval is required for the issuance of a grading permit for any grading work on the site for the installation of any improvements in furtherance of the development. The release of the grading permit may be authorized by the planning staff prior to the approval of the preliminary plan, if the matters staying the

approval are not related to nor will have an effect on the need for grading on the site. Once the preliminary plan is approved, further approvals under this subsection are not required for granting permits for individual sites within the development.

(Code 1985, § 20-17)

## Sec. 20-18~~6~~. - Final plat requirements.

The final subdivision plat will be prepared by a registered surveyor and must be drawn to a scale of not smaller than 100 feet equal to one inch and must contain the following information:

(1) The exact boundary of the tract of land being subdivided, showing clearly the disposition of all portions of the tract.

(2) The lines and names of all streets, alley lines, lot lines, lot and block numbers, building setback lines, easements, reservations, on-site demolition landfills and areas dedicated to public purpose, with notes stating their purposes. Also, the plat for all lots subject to flooding shall include a statement as follows: "This lot is subject to flooding during heavy rainfall, and the construction of buildings or structures below the stormwater ~~flood~~ protection elevation of _____ is prohibited, as further described by section 20-~~21~~24 of the Charlotte Subdivision Ordinance." Plats for multiple lots may include the stormwater ~~flood~~ protection elevations in tabular form. In areas where the floodway regulations are applicable, the following statement shall be inscribed on the plat: "Any construction or use within the areas delineated as floodway fringe district boundary line and floodway district encroachment line is subject to the restrictions imposed by the floodway regulations." Any amendment to a previously approved final plat must note in writing on the amended plat the nature and extent of the changes and the deed or plat book and page number where previously recorded.

(3) Sufficient data to determine readily and reproduce accurately on the ground the location, bearing and length of every street and alley line, lot line, building line, easements required under this chapter or of record in the county or ascertainable by physical inspection of the property, and boundary lines of reserved or dedicated areas. All linear dimensions shall be in feet and hundredths thereof. The maximum allowable error of linear closure shall not be in excess of 1:10,000. In closed traverses, the sum of the measured angles shall vary with the theoretical sum by a difference not greater than an average of 7.5 seconds per angle, or the sum of the total shall not differ from the theoretical sum by more than 90 seconds, whichever is smaller.

(4) As-built drawings and plans of all water system, sewer system, and storm drainage system facilities. Such plans should show all easements and/or rights-of-way to demonstrate that the facilities are properly placed. These drawings need not be placed on the final plat but must be submitted at the time of the request for final plat approval or release of any surety for required improvements, whichever comes later.

(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.

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

(7) A certificate signed by the surveyor meeting the requirements of G.S. 47-30 for proof upon oath that the plat is in all respects correct, written as follows: "The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with G.S. 47-30 as amended, is in all respects correct according to the best of his knowledge and belief, and was prepared from an actual survey made by him on the _____ day of _____ , 20 _____ / _____ / _____ , with maximum linear error of closure of _____ , and a maximum field error of angular closure of _____ ."

Final written approval by the planning staff must be entered on the plat for recording. Changes or amendments to an approved final plat which already bears the written approval prior to recording the plat constitutes a violation of this section. The final plat shall be recorded within 120 days of the final approval date. A copy of the sealed and recorded final plat must be delivered to the planning staff within five days of recording.

(8) If the subdivision is wholly or partially located in the airport noise disclosure overlay district, the following statement shall be inscribed on the plat: "Noise Warning—This property, either partially or wholly, is zoned Airport Noise Disclosure Overlay District and lies within or near the Noise Exposure Map Areas of Charlotte/Douglas International Airport and may be subject to noise that may be objectionable."

(Code 1985, § 20-18; Ord. No. 2288, § 1, 4-21-2003; Ord. No. 2961, §§ 4, 5, 5-16-2005; Ord. No. 3401, § 1, 10-18-06)

## Sec. 20-19~~7~~. - Plats already established by survey.

(a) Plans for subdivisions of land previously approved by the city planning board or the Charlotte-Mecklenburg Planning Commission, but not recorded by the county register of deeds prior to February 29, 1956, will be approved for recording without complying with the requirements of this chapter if the plat conforms to the previously approved plan.

(b) Plats already established by survey and recorded in the office of the county register of deeds prior to the effective date of the ordinance from which this chapter derives will be eligible for development and other administrative permits without complying with the requirements of this chapter, but must be developed in accordance with the provisions of the subdivision ordinance in effect at the time of its approval.

(Code 1985, § 20-19)

## Sec. 20-20.~~Sec. 20-18.~~ - Planned developments.

(a) The requirements of this section will apply for the preparation, submission and approval of preliminary site plans for planned ~~unit~~ developments~~, cluster developments, subdivisions~~ involving one-family attached dwellings and planned multifamily developments.

(b) A pre-preliminary site plan conference will be arranged by the developer with designated members of the planning staff prior to the submission of a preliminary site plan for a planned ~~unit~~ development ~~or a cluster development~~.

(c) The developer must submit to the planning staff a preliminary site plan and supplemental documents for review and approval. The preliminary site plan must be prepared in accordance with the requirements of section 20-~~14~~ 16 and must include the following additional information:

(~~1~~1) The use, approximate height, bulk and location of all buildings and structures other than one-family detached and semidetached dwellings, except that one-family detached dwellings using a zero side yard shall be shown.

(~~2~~2) All proposed land use and dwelling unit densities.

(~~3~~3) For plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the development are intended to be filed.

(~~4~~4) The proposed location, use, improvements, ownership and manner of maintenance of common open space areas.

~~(5) Final drafts of legal documents dedicating and restricting the common areas and establishing a homeowners' association or similar organization.~~

(~~6~~5) Proposed off-street parking and circulation plan showing the location and arrangement of parking spaces and any driveways for ingress and egress to and from adjacent streets and highways.

~~(d) The planning staff will review the preliminary site plan to ensure conformance with the requirements of the zoning ordinance in appendix A to this Code and with this chapter. In addition, the planning staff will evaluate the plan in accordance with the following standards:~~

~~(1) The character, amount and arrangement of common open space areas must adequately serve the needs of the residents.~~

~~(2) Proposed means of dedication, ownership and maintenance of all common areas, the restrictions of its uses, and the organization and authority of such homeowners' associations as may be established for ownership and maintenance of the common area ensure the continuance of such space for its designed purpose.~~

~~(3) Site planning for the overall development provides protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development.~~

~~(4) The terms and conditions proposed for development over a period of years sufficient to protect the interests of the public and the residents of the development.~~

~~(5) Deviation from conventional requirements is justified by the high quality of design of the development.~~

(d) The planning staff action may be approval, tentative approval with conditions, or denial of the preliminary site plan. When granted tentative approval with conditions, the developer must submit a revised plan that is in conformance with those conditions.

(1) If the planning staff disapproves a preliminary site plan, the applicant will be notified of the grounds for such disapproval. After such disapproval, an appeal from the decision of the staff may be taken to the planning commission. The planning commission may disapprove in whole or in part or otherwise modify the action of the planning staff.

(2) The final plat for planned unit development, cluster developments, and subdivisions involving one-family attached dwellings shall be prepared in accordance with the requirements of section 20-18~~16~~ and shall contain the following additional information:

a. The use, bulk, and location of all buildings and structures other than one-family detached and semidetached dwellings.

b. All land uses.

c. The location, use, improvements, ownership and manner of maintenance of all common areas.

(e) The planning staff will review the preliminary site plan to ensure conformance with the requirements of the zoning ordinance in appendix A to this Code and with this chapter.

(f) The planning staff action may be approval or denial of the preliminary site plan.

(Code 1985, § 20-20)

## Sec. 20-21~~19~~. - Development standards for nonresidential development.

Subdivisions for nonresidential development must conform to this chapter and to the provisions of the applicable zoning district.

(Code 1985, § 20-21)**Sec. 20-22~~0~~. - Design standards for streets.**

(a) Scope. This section contains specifications for streets which must be followed in the subdivision process. Construction details for streets are available in the Charlotte Land Development Standards Manual. Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.

(b) 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 following standards, unless the city engineer certifies that special circumstances exist which make the dedication of reservation of the full right-of-way unnecessary or impractical.

(c) Non-local street right-of-way

| **Street Type** | **Minimum Right-of-Way (in feet)** |
|---|---|
| Freeway or Expressway (Class I) other than U.S. 74 from Briar Creek southeast to the City Limits | 350 |
| U.S. 74 between Briar Creek and W.T. Harris Boulevard | 250 |
| U.S. 74 from W.T. Harris Boulevard southeast to the City limits | 280 |
| Limited-access Arterial (Class II) | 200 |
| Commercial Arterial (Class III-C) | 150 |
| Major Arterial (Class III) | 100* |
| Minor Arterial (Class IV) | 70* |
| ~~Collector (Class V)~~ | ~~60~~ |

*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 width of 80 feet for Class III streets and 60 feet for Class IV streets and as provided for in Section 12.103 of the zoning ordinance in appendix A to this Code.

(1) Along existing local streets less than ~~60~~72 feet wide, there is no requirement that right-of-way greater than ~~30~~36 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.

(2) City staff, after consulting applicable plans and programs and after consulting with the 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.

(3) Whenever a tract of land to be subdivided includes any part of a thoroughfare shown on the thoroughfare plan approved by the Mecklenburg-Union Metropolitan Planning Organization and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the thoroughfare must be platted in the location and to the width specified in the plan.

(4) The subdivider is responsible for the dedication of the rights-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with Section 20-52. The remainder of the minimum right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat.

(5) Freeways. Whenever a tract of land is to be subdivided includes any part of the proposed right-of-way for a freeway, as shown on the thoroughfare plan approved by the

Mecklenburg-Union Metropolitan Planning Organization and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit. The subdivider must reserve the proposed right-of-way in accordance with the requirements in subsection (2) above.

(d) Local street right-of-way

| **Local Street Type Right-of-Way** | **Total Right-of-Way** | **Minimum Right-of-Way** (using an easement for the Pedestrian Zone) |
|---|---|---|
| **Local Residential Streets** | | |
| Narrow | 50 feet | 37 feet |
| Medium (default) | 56 feet | 42 feet |
| Wide | 71 feet | 50 feet |
| **Local Office/Commercial Streets** | | |
| Narrow | 55 feet | 41 feet |
| Wide | 77 feet | 57 feet |
| **Local Industrial Streets** | | |
| All local Industrial Streets | 65 feet | 51 feet |
| Collector (Class V) | 72 feet | 51 feet |

(e) Local Street Cross-section Application.

(1) Local street alternatives may be applied only in accordance with the table below.Cross-sections should be consistent for complete blocks based on the highest intensity of use, and transition between types only at intersections.

| **Land Use Conditions** | **USDG Street Type/Cross-Section** |
|---|---|
| **Residential Land Uses** | |
| Default: except in conditions 1-4 below, use: | Local Residential Medium |

| Land Use Conditions | USDG Street Type/Cross-Section |
|---|---|
| 1. If residential use within a mixed use development unless a conditional zoning district or small area : | Local Office/Commercial Wide |
| 2. If all lots are greater than 10,000 square feet with all of the following conditions:<br>• Lot frontage greater than 80 feet<br>• More than one street connection<br>• Parallel street located within one connected block | Local Residential Narrow |
| 3. If the street is abutted only by lots fronting adjacent perpendicular streets with the following condition:<br>• More than one street connection | Local Residential Narrow |
| 4. If greater than 8 dwelling units per acre | Local Residential Wide |

| | |
|---|---|
| **Industrial Land Uses** | Local Industrial Street |
| **Office/Commercial/Retail Land Uses** | |
| Default: except in conditions 1-2 below, use: | Local Office/Commercial Wide |
| 1. A conditional zoning district or small area plan prescribes the use of the Local Office/Commercial Narrow | Local Office/Commercial Narrow |
| 2. The developer can reasonably demonstrate to city staff that the anticipated development will not create parking demand on the street. | Local Office/Commercial Narrow |

| | |
|---|---|
| ~~Freeway or Expressway (Class I) other than U.S. 74 from Briar Creek southeast to the City limits~~ | ~~350 feet~~ |
| ~~U.S. 74 between Briar Creek and W.T. Harris Boulevard~~ | ~~250 feet~~ |
| ~~U.S. 74 from W.T. Harris Boulevard southeast to the City limits~~ | ~~280 feet~~ |
| ~~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~~ |

1. ~~Along existing streets less than 60 feet wide, there is no requirement that a 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.~~

~~2. 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 must be 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.~~

(g) ~~Arterial street right-of-way.~~

~~Whenever a tract of land to be subdivided includes any part of an arterial street shown on the thoroughfare plan approved by the planning commission and adopted by the city council and board of county commissioners and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan.~~

2. ~~The subdivider is responsible for the dedication of the right-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with section 20-52. The remainder of the minimum required right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat. All measurements involving minimum lot standards under this chapter and under the zoning ordinance will be made at the edge of the full right-of-way. All of the area of the dedicated right-of-way, for any public street except class V or class VI streets, may be used in the computation of development rights, but may not be used for the computation of lot area, open space, required parking, stormwater retention, or to fulfill any other mandatory requirements. The procedure for calculating the allowable number of lots or unit density is contained in the zoning ordinance. In addition, a developer may choose to dedicate the full right-of-way and thereby use the entire dedicated area for the density calculation.~~ 3. ~~Freeways. Whenever a tract of~~

~~land to be subdivided includes any part of the proposed right-of-way of a freeway, as shown on a thoroughfare plan approved by the planning commission and adopted by the city council or the board of county commissioners or adopted by the state board of transportation, and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit. The subdivider must reserve the proposed right-of-way in accordance with the requirements in subsection (c) of this section.~~

~~(i) Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines may not be less than 125 feet.~~

~~() Block lengths. Block widths must be sufficient to allow two tiers of lots except where single tiers of lots will facilitate nonresidential development and the separation of residential and nonresidential developments or the separation of residential development from thoroughfares.~~

~~Block lengths shall not be more than 1,000 feet, except as hereinafter provided. The planning staff may authorize block lengths in excess of 1,000 feet where one or more of the following conditions exist:~~

~~(1) Topographical conditions.~~

~~(2) Environmental conditions.~~

~~(3) Property shape.~~

~~(4) Property accessibility.~~

~~(5) Land use relationships.~~

~~() Cul-de-sacs. cul-de-sacs or other permanently dead-end streets shall not be longer than 500 feet or ten times the minimum lot width of the zoning classification, whichever is greater. The planning staff may authorize longer cul-de-sac lengths where one or more of the conditions specified in section 20-12(c) exist. The distance of a cul-de-sac shall be measured from the centerline intersection to the centerpoint of the cul-de-sac. The cul-de-sac shall be terminated by a circular right-of-way not less than 80 feet in diameter (100 feet with open ditches in the county). Alternate turnaround designs as accepted by the city or county engineer may be considered. Flag lots along the turnaround portion of the cul-de-sac shall not be used to artificially increase the length of the cul-de-sac. If a vehicular connection is impractical, a pedestrian and/or bicycle connection may be required.~~

~~(h) Narrow streets permitted (class VI-L). In certain circumstances, streets may be constructed on a 40-foot right-of-way and with a 22-foot cross section (18-foot pavement plus two-foot roll curb). When a street serves 50 dwelling units or less and is permanently dead ended, this smaller standard may be used. All other appropriate standards of this chapter still apply to the construction of such a street.~~

(Code 1985, § 20-22)

## Sec. 20-23. – Design Standards for Street Network and Blocks

(a) Street Network. A network of interconnected streets providing both external and internal connectivity is required for all types of new development with the following exceptions:

(1) Public Universities
(2) Parks
(3) Hospitals

(b) External Connectivity

(1) Existing Street Stubs

a. Extend any existing adjacent street stubs into the development on its proper projection

b. Extend any existing adjacent paper street stub into the development where the city commits to construct the paper portion of the street

c. Complete any existing adjacent half street located along any property line.

(2) Additional new local streets shall be required as follows:

a. Measure the width of each property boundary and divide by the appropriate preferred spacing from the following table to determine the overall number of blocks required along that boundary. Round down to the nearest whole number here a fractional number results, Where the result is less than 2, the boundary exceeds the maximum block length, one street is required. Where an odd-shaped parcel has a series of boundary segments shorter than the preferred length, but separate blocks would be required if the site is measured across, as opposed to along the boundary segments, then a local street shall be required. Where extension of non-local and adjacent local streets creates a street network that meets the required number of blocks, no additional new streets are required.

| **Street Spacing** | | |
|---|---|---|
| **Location[1] / Land Use** | | **Preferred** |
| Activity Centers | | |
| | Industrial Centers | 600 |
| | Mixed Use Centers | 500 |
| Growth Corridors | | |
| | Transit Station Areas[1] | 400 |
| | Other Corridor Subareas | 600 |
| Wedges (apply uses below) | | |
| | Nonresidential Uses | 500 |
| | Residential ≥ 5 du/acre | 600 |
| | Residential < 5 du/acre | 600 |

[1] Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

EXAMPLE: Where the width of the site at the property boundary is 1,400 feet, and the site is located in a Transit Station Area, then three blocks are required (1,400 / 400 = 3.5, rounded down to the nearest whole number = 3 new blocks must be created).

b. Construct new local streets where additional streets are required to create the blocks calculated above, including any required stub streets or half streets. When the property abuts a local street, begin by aligning, where possible, with streets or driveways across the local street to create four-way intersections. Street spacing shall not exceed the maximum spacing from centerline to centerline shown in the table below.

| **Street Spacing** | | |
|---|---|---|
| **Location[1] / Land Use** | | **Maximum** |
| Activity Centers | | |
| | Industrial Centers | 1000 |
| | Mixed Use Centers | 650 |
| Growth Corridors | | |
| | Transit Station Areas[1] | 600 |
| | Other Corridor Subareas | 650 |
| Wedges (apply uses below) | | |
| | Nonresidential Uses | 650 |
| | Residential ≥ 5 du/acre | 650 |
| | Residential < 5 du/acre | 800 |

[1] Boundaries for Activity Centers, Growth Corridors, Transit Station Areas and Wedges defined by the official map maintained by the Charlotte-Mecklenburg Planning Department.

(3) New Street Stubs

a. New street stubs to adjacent properties are required using the prescribed methodology for creating blocks

b. New street stubs are not required to existing single family developments, with the following two exceptions:

1. A street stub may be required to an abutting single family lot that may be further subdivided based on the size and shape of the single family lot making a stub street extension feasible.

2. A paper street may be required to single family lots located adjacent to thoroughfares

(4) Ingress and Egress

a. All new development should provide for more than one access for ingress and egress at the time of development, if feasible.

b. New streets and driveways should align with existing streets across intersections to create four-way intersections.

(c) Internal Connectivity

(1) Once the external streets are created, connect them, and ensure no blocks exceed the maximum shown in Table (a)(1)a.2.

(2) Cul-de-sacs and other permanently dead-end streets are allowed only where no feasible alternative has been documented. Cul-de-sacs shall not be longer than the preferred local street spacing in Table (a)(1)a1.

(d) A new half street located along a property line may be constructed in lieu of a full-width street where such a half street is feasible for future completion. This determination shall be made by city staff based on the configuration of parcel boundaries and the anticipated impact of future extension and completion of the half street on the viability of the adjacent parcels. No new half streets shall be allowed in single family detached developments.

(e) The city staff may modify the maximum local street spacing, eliminate the need for a stub or paper street where:

(1) A physical impedance to a connection exists, such as a freeway, railroad line, rapid transit line, or gas pipeline.

(2) A natural impedance exists, such as areas of steep slopes, wetlands, or floodplain.

(3) A high intensity non-residential use, such as an industrial use, is located adjacent to a proposed residential property, allowing future traffic to the non-residential use to traverse the residential property to reach a non-local street.

(4) The shape of the property does not allow the requirements to be met.

(5) There are right-of-way, sight distance, or access constraints to providing the recommended spacing.

(6) Accessibility to the subject property or an adjacent property requires modification of the requirements.

(f) Block widths. Block widths must be sufficient to allow two tiers of lots except where single tiers of lots will facilitate nonresidential development, the separation of nonresidential and residential developments, or the separation of residential development from thoroughfares.

(g) Street offsets. Where there is an offset in the alignment of a street across an intersection, the offset of the centerlines may not be less than 125 feet. Staff may reduce this requirement based on analysis of safety and operational conditions.

(h) Cul-de-sac. No cul-de-sacs are permitted in transit station areas. Where no other feasible alternative exists, cul-de-sacs or other permanently dead-end streets shall not be longer than the preferred ll street spacing in Section 20-22 paragraph (b)(1) above. The distance of a cul-de-sac shall be measured from the centerline intersection to the center point of the cul-de-sac. The cul-de-sac shall be terminated by a circular right-of-way not less than 80 feet in diameter (100 feet with open ditches in the county). Alternate turnaround designs as accepted by the

city engineer may be considered. Flag lots along the turnaround portion of the cul-de-sac shall not be used to artificially increase the length of the cul-de-sac. Where a vehicular connection is impractical and limited additional connections exist, or when environmental conditions make a vehicular connection impractical, a pedestrian and bicycle connection through the cul-de-sac may be required.

(i) Half streets. New half streets are allowed only where the dual objectives of achieving a network of streets and ensuring the burden of creating streets is reasonably shared among property owners are achieved. No new half streets are allowed for single-family residential development. Where a half street (partially improved) exists, adjacent development shall complete the street. A half street must be constructed to a minimum of one half the width of the appropriate local street. Where more than one half of the width is constructed, sufficient right-of-way must be dedicated to contain the constructed portion of the street.

(j) Traffic calming. One slow point per block is required for new local streets. This requirement is considered met if based on any of the following conditions:

(1) Any residential or office/commercial wide local streets provide at least one pair of curb extensions along a block exceeding 800 feet in length as described in the Charlotte land Development Standards Manual and the preferred block length requirements have been met.

(2) Where the above conditions have not been met, the developer must consult with City staff about the possible use of other traffic calming devices as available in the Charlotte Land Development Standards Manual or as approved by the City Engineer.

(k) Parking, pedestrian, green zone design. While a common design for parking, pedestrian, and green zones on both sides of a street is preferred, there may be instances where opposite sides of a street contain significantly different land uses. Where such instances are located parallel to a thoroughfare, city staff may approve the design of each side of the roadway separately with regard to the parking, pedestrian, and green zones. Streets that extend perpendicular to a thoroughfare shall be designed for the most intense adjacent land use.

(l) Collector street designation. If a street is designated on the adopted Collector Street Map dated November 27, 2000, or meets at least two of the criteria, the street will be designated as a collector street and must be built to the appropriate standard.

(1) The street intersects directly with a thoroughfare and provides access to an area with an overall density of one dwelling unit per acre, or provides access to more than 125 dwelling units.

(2) The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function.

(3) The street serves as a primary access to a significant nonresidential, institutional or recreational land use, as well as access to a residential area.

## Sec. 20-24~~1~~. - Design standards for lots.

(a) Frontage on street.

(1) Each lot in a subdivision must have frontage on a public or private street, except that all single-family detached lots shall front on a public street. Private streets may be allowed in place of public streets with approval by staff.

(2) Where lots or building sites that are part of a multifamily development exceed the preferred local street spacing in Sec. 20-22.(d)4.a. above, at least one street extending through the development in either direction shall be a public street. The location of the required public street shall be determined based on the location with the greatest value for connectivity to the existing roadway network. Where no extension of a multifamily public street into adjacent sites is possible, the applicant may construct such a street as a private street.

(3) ~~However,~~ Lots designed for certain planned multifamily dwellings need not front on a street, provided that all portions of the dwelling unit proposed for such lots are located within 400 feet of a public street or private street that furnishes direct access to the property, and that access to each such lot be made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership.

(4) Lots designed for certain one-family, semidetached dwellings need not front on a street, provided that at least one unit of each dwelling group has frontage on a street and that access to each dwelling unit is made available via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership.

(5) Lots or building sites which are part of a larger nonresidential development, such as a shopping center, need not abut a street so long as the overall site abuts a street in such a way that access is furnished to all interior lots or building sites.

(b) Sidelines. Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.

(c) 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.

(d) Building lines. Building lines shall be established on all lots in accordance with the appropriate zoning classification. For residential subdivisions on ~~arterial streets~~ thoroughfares, the building line may not be less than the required setback for the zoning district and shall regulate the placement of any structure relative to the ~~arterial~~ thoroughfare ~~street~~ right-of-way including all front, side and rear yards.

(e) Driveway connections. Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured in accordance with the zoning ordinance and other applicable codes and ordinances.

(f) Lots subject to flooding. The city engineer shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the stream is enclosed with pipes or culverts, and may also include areas

where it can reasonably be expected that significant overland flow of stormwater or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the flood expected to be equaled or exceeded, on the average, of one time in one hundred years (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to the city or county engineer. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. Upon request and subject to available staff and any applicable fees, the city engineer will make the necessary determination of the 100-year flood crest if the necessary existing and proposed conditions are provided by the subdivider. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "stormwater elevation line." in addition, a "stormwater protection elevation" for each lot subject to flooding shall be noted on the lot plan as determined by the county engineer based on the stormwater elevation line, or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater. All habitable buildings or structures shall be located outside the stormwater elevation line or the lowest usable and functional part of the structure shall not be below the stormwater protection elevation. "Usable and functional part of the structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the stormwater protection elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1,200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the stormwater elevation line. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove from the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized stormwater drains, culverts, bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the county that are covered by the provisions of the floodway regulations, the floodway regulations will supersede the provisions of this chapter regarding land within the regulatory floodplain.

(g) Water access lots. The water access lots must equal at least ten percent of the area, exclusive of streets, of all the interior property which lies within 450 feet of the water's edge. However, where the ten percent would equal less than 20,000 square feet, the subdivider will not be required to provide any water access lots. All water access lots shall have a minimum frontage at the water's edge of 100 feet. The water access lots must either be dedicated to the county parks department, but only if the board of county commissioners agrees to accept such dedication, or be transferred in fee simple title to a homeowners'

association of the interior lot owners of the subdivision. Before approval of the final plat can be given, the subdivider must submit to the planning staff a covenant stating either that:

(1) He will dedicate the required amount of water access lots to the county; or

(2) He will convey title of the water access lots to a homeowners' association of the purchasers of each interior lot.

If the subdivider chooses to dedicate the water access lots to the county, the board of county commissioners must have agreed to accept the final responsibility of maintaining the lots, and the preliminary plan and final plat must show the dedication. If the title is transferred to a homeowners' association of the interior lot owners, the preliminary plan and final plat must designate the lots covered by the homeowners' association for each water access lot.

(h) New subdivisions within watershed protection overlay zoning district. New subdivisions within a watershed protection overlay zoning district must submit a buffer plan in accordance with appendix B of Ordinance No. 1963. The buffer plan will be submitted with the subdivision preliminary plan application to the planning commission.

(i) Building envelope. All residential lots shall have a building envelope sufficient to meet the minimum requirements of the Minimum Housing Code.

(Code 1985, § 20-23; Ord. No. 2961, § 6, 5-16-05; Ord. No. 3141, § 1, 11-21-2005; Ord. No. 3401, § 1, 10-18-2006)

Editor's note—Ord. No. 3401, § 1, adopted October 18, 2006, added provisions intended for use as subsection (5). To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as subsection (i).

## Sec. 20-25~~2~~. - Enforcement.

(a) After the effective date of the ordinance from which this chapter derives, a plat of a subdivision filed or recorded in the office of the register of deeds of the county, without the approval of the planning staff or the Charlotte-Mecklenburg Planning Commission as required by this chapter, will be null and void for the purposes of this chapter.

(b) Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this chapter, subdivides land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this chapter and recorded in the office of the register of deeds of the county shall, upon conviction, be guilty of a misdemeanor and punished in accordance with section 2-21. The county, through the county attorney, or the city, through the city attorney, may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance of any grading, construction, building or occupancy permit, will be suspended. This chapter will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this chapter (January 1, 1966, for Mecklenburg County; February 29, 1956, for the City of Charlotte).

(c) In order to properly enforce the provisions of the subdivision regulations as stated in this section prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permits must be obtained from the Mecklenburg County Land Use and Environmental Services Agency (LUESA), engineering and property

management, and neighborhood development. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this section.

(Code 1985, § 20-24; Ord. No. 3018, § 1A, 6-20-2005)

## Sec. 20-26~~3~~. - Application and processing fees.

Fees for the processing of applications for subdivision approval are established by ordinance by the city council and will be collected at the time of initial application.

(Code 1985, § 20-25)

## Secs. 20-27~~4~~—20-50. - Reserved.

## ARTICLE II. REQUIRED IMPROVEMENTS

### Sec. 20-51. - Standards and specifications.

(a) Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by the city or the state department of transportation, minimum improvements, including drainage and soil erosion, must have been completed by the developer and approved by the city or county engineer in accordance with the standards and specifications of the land development standards manual or bonded in accordance with section 20-58(c).

(b) The intent of the specifications set out in this chapter is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the city or county engineering department, will qualify streets in the city to be accepted for maintenance by the city and streets in the county to be considered for maintenance by the state.

(Code 1985, § 20-36)

### Sec. 20-52. - Improvement responsibility.

(a) In order to facilitate the provision of street rights-of-way and necessary improvements, the following establish responsibilities for the installation of streets and related improvements for each class of street. Any area of right-of-way which must be reserved for future acquisition may be dedicated at the option of the developer or property owner for development rights transfer purposes as provided for in section 20-20(c) of this chapter and related provisions in the zoning ordinance in appendix A to this Code:

(1) Class I (Freeway-expressway): right-of-way: entire width reserved for future acquisition.

(2) Class II (limited-access arterial):

a. Right-of-way: entire width reserved for future acquisition.

b. Improvements: installed by the public.

(3) Class III-C (commercial arterial):

a. Right-of-way: Up to 100 feet or required width dedicated, whichever is less, and the remainder reserved for future acquisition (~~50 feet~~ half of right-of-way located on each side of the centerline). Any development along a class III-C street which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.

b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his project frontage on existing thoroughfares at the time of his development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of

development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs of the improvements for which he would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new class III-C or extensions of class III-C streets must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.

(4) Local Streets:

a. Right-of-way: Entire right-of-way width dedicated (half of right-of-way located on each side of the centerline), except where a half street has been approved by city staff.

b. All streets must be constructed to comply with the minimum standards of the Charlotte Land Development Standards Manual and all appropriate applicable city or county requirements. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs.

(5) Class III (major arterial):

a. Right-of-way: The developer is responsible for the dedication of up to 100 feet (50 feet each side of the centerline) as provided for in section 20-20(b). Any development along a class III street which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.

b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his project frontage on existing thoroughfares at the time of his development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new class III streets or extensions of class III streets must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.

(6) Class IV (minor arterial):

a. Right-of-way: The developer is responsible for the dedication of up to 70 feet (35 feet each side of the centerline) as provided for in section 20-20(b). Additional right-of-way which may be required for improvements to meet specific traffic demands of the development must be dedicated by the developer.

b. Improvements: installed by the public in accordance with a schedule of public street improvements, except that the developer is responsible for sidewalk construction along his project frontage on existing thoroughfares at the time of his development. Other specific improvements may be required to the thoroughfare to meet traffic demands of the particular development, in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he would otherwise be liable. The developer has the option, after consultation with the city or county engineer and the planning staff, to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new class IV streets or extensions of class IV streets must utilize reverse frontage with the only access points being public streets or specifically approved street-type entrances.

(7) Class V (collector):

a. Right-of-way: dedicated by the developer.

b. Improvements: constructed by the developer.

(8) Class VI (local):

a. Right-of-way: dedicated by the developer.

b. Improvements: constructed by the developer.

(b) All streets must be constructed to comply with the minimum standards of the Charlotte-Mecklenburg Land Development Standards Manual and all appropriate applicable city or county requirements. Public improvements will be made in accordance with adopted plans, programs and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector, unless those improvements are scheduled and funded in accordance with public policies and programs. The standards in this chapter for the reservation and dedication of rights-of-way will not apply to any development meeting one or more of the following circumstances:

(1) Any multibuilding site or multisite project that had at least one building built or under construction or had a valid, unexpired building permit issued for at least one building prior to May 1, 1989.

(2) Any project which had a site plan not requiring any additional right-of-way approved prior to May 1, 1989 either:

a. By the planning commission and/or planning staff; or

b. Unconditional zoning district and/or special use permit zoning processes of the zoning ordinance in appendix A to this Code. However, any change in the site

plan requiring a public hearing or the creation of a new parcel of land may subject the project for which the site plan was revised or the newly created parcel of land to this chapter.

(c) No dedication or reservation of right-of-way for a street or highway within a corridor for a street or highway on a plan established and adopted pursuant to G.S. 136-66.2 for a street or highway that is included in the department of transportation's Transportation Improvement Program will be required by this chapter, unless and until the planning staff has determined and certified in writing (i) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (ii) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land, or the impact of the dedication or reservation is mitigated by measures provided in this chapter. For these purposes, the term "original tract" will mean all contiguous land owned by the applicant. The ability of the applicant to transfer density credits attributable to the dedicated right-of-way to contiguous land owned by the applicant is deemed to be a measure which mitigates the impact of the dedication or reservation.

(Code 1985, § 20-37)

## Sec. 20-53. - Drainage.

(a) Storm drainage adequate to accommodate a ten-year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with city or county standards, and has been dedicated and accepted or otherwise conveyed to the city or county, the city or county will assume the responsibility for maintenance of the drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and the deed for the affected lots.

(b) In addition to the drainage improvements as required by this section, the subdivider may provide for stormwater retention, at a minimum standard as provided in the applicable zoning ordinance, to serve the entire subdivision as part of the drainage plan to be approved by the city or county engineer. For the purposes of the subsection, the subdivision shall include the streets, sidewalks, driveways, rooftops and other impervious covers as proposed by the subdivider.

(c) Reserved~~Street construction involving the crossing of a stream or other drainageway within the city will be reviewed and approved in accordance with the following standards:~~

~~(1) On major or minor arterial streets, the subdivider is responsible for the cost of up to a 48-inch drainage structure and normal street improvements. If a drainage structure larger than 48 inches is required, the additional cost will be the responsibility of the city. On streets other than arterials, the subdivider is responsible for the full cost of the drainage structure and normal street improvements.~~

~~(2) Where adjacent properties are separated by a drainageway, the property owner subdividing first must deposit with the city an amount equal to 50 percent of the estimated cost of the drainage structure and street improvements as determined by subsection (c)(1) of this section to be the subdivider's responsibility. The second subdivider must also deposit 50 percent of the estimated cost at the time the adjacent property is developed. If significant time has elapsed between the two subdivision activities, an updated cost estimate will be made at the time the second property is subdivided.~~

~~(3) If subdivision of property had occurred on one side of a drainageway as of October 15, 1973, and a determination has been made as stipulated in subsection (c)(10) of this section that a stream crossing is necessary, the owner of the remaining unsubdivided property will deposit his share of the cost at the time that the property is developed in accordance with subsections (c)(1) and (2) of this section.~~

~~(4) The city will assume the responsibility of providing the funds to complete a drainage structure when a deficiency has resulted from applying subsections (c)(1), (2) and (3) of this section. The city will not be committed to build a structure according to the time schedule of the subdivider but will build it according to the approved capital improvement budget schedule. An earlier schedule will be at the option of the subdivider by assuming the full cost of the facility.~~

~~(5) Whenever a deposit of funds is required by the application of this section, such deposit must be in the form of cash, which will be placed in escrow for the specific use for which the deposit has been required. Any interest which accrues to the account will be used to defray any cost increases which occur between the time of the original estimate and the construction of the facility. If the amount of the accrued interest exceeds the proportion of the cost to be borne by each subdivider, the excess will be refunded to the subdivider when the facility is built. If the second subdivider, as referred to in subsection (c)(2) of this section, wishes to build a structure before the city is prepared to participate, the city will make available to the subdivider any funds on deposit for the purpose of building the structure, provided the amount of money made available does not exceed 50 percent of the total cost of the facility. If, however, the city has not committed budget funds to building within five years, or if a construction contract has not been let within six years of the date of the final deposit of private development funds, all deposits and any accrued interest will be returned to the subdivider. All refunds will be made on the basis of an audited claim filed by the subdivider seeking reimbursement.~~

~~(6) Where street improvements are being installed to a drainageway but not crossing it, the street profile must be prepared in anticipation of the future crossing. Improvements will normally be installed in such instances to the edge of a 2:1 slope area extending back from the bank of the drainageway. The exact location for stopping the improvements will be determined by the city engineer.~~

~~(7) In all instances, the city engineer will determine the size of the drainage area, determine the size and design of the drainage structure, prepare the necessary detailed cost estimates and, when necessary, let and administer the construction contract. When the total cost of a stream crossing is the responsibility of a single subdivider, the city engineer will not let nor administer the construction contract. Detailed cost estimates must include accurate quantities and unit prices. If the developer contests the detailed cost estimate and can~~

~~produce statements, from two contractors acceptable to the city engineer and licensed to perform the type of construction involved, which clearly indicate why specific quantities and/or unit prices contained in the detailed cost estimate are excessive and what the quantities and/or unit prices should be, he may elect to deposit the required amount based on the average of the two reduced estimates.~~

~~(8) The final subdivision plat will not be approved until the appropriate deposit of funds has been made or improvements completed. If the city engineer cannot prepare a design and a detailed cost estimate by the time the developer desires final subdivision plat approval, the engineer will prepare a preliminary cost estimate. In lieu of the required deposit, the developer may post a bond based on the preliminary cost estimate and guaranteeing that the required deposit will be made within 30 days after the completion of the detailed cost estimate or the taking of construction bids. The city engineer will then be obligated to provide a detailed cost estimate or actual construction bids within a 12-month period following the posting of the bond.~~

~~(9) Whenever final approval is sought for any area within 200 feet of a proposed drainageway crossing, construction of or the required deposit for that crossing must be provided for. In addition, construction of or the required deposit for all drainageway crossings within a subdivision must be provided for prior to final approval of any of the last 25 percent of the total number of lots within that subdivision. In all cases, the final subdivision plat will show easements necessary for the construction of the drainage structure and appurtenances.~~

~~(10) Streets will be required to cross drainageways only where it has been determined by the planning staff, after recommendation from the city engineer, that a street is needed to provide an adequate circulation system. The intent of this statement is to indicate that unnecessary crossings, particularly those involving the crossing of a major stream with a minor street, will be discouraged and the total number will be kept to a minimum. Alternative street patterns, such as the use of cul-de-sacs, will be encouraged in order to decrease the number of crossings.~~

(Code 1985, § 20-38)

## Sec. 20-54. - Curb and gutter.

(a) Curb and gutter shall be installed in accordance with the Charlotte Land Development Standards Manual for the specific street type. Standard curbs and gutters must be constructed on all arterial and commercial streets and streets within or abutting multifamily or other planned developments. Rolled curbs and gutters or standard curbs and gutters must be constructed on all local and collector streets.

(b) Nonconforming streetscape elements. No development shall be required to move a curb line in order to accommodate required streetscape improvements in their conforming location where less than one complete block face is affected.

(Code 1985, § 20-39)

## Sec. 20-55. - Sidewalks.

(a) Sidewalks are required in all subdivisions as follows:

1. Sidewalks are required on both sides of all new or existing class III and IV streets in accordance with other improvement requirements of this section.
2. Sidewalks are required on both sides of all new or existing class V (collector) streets in accordance with other improvement requirements of this section.
3. Sidewalks are required on both sides of all new or existing class VI (local residential) streets in accordance with other improvement requirements of this section.
4. ~~Sidewalks are required on both sides of all new or existing class VI-L (local limited residential) streets in accordance with other improvement requirements of this section, except that, for streets accessing less than ten lots or less than 250 feet in length, sidewalks will only be required on one side of the street and not along the cul-de-sac "bulb."~~

(b) Location. Approval of sidewalk construction plans must be obtained as part of the subdivision review process. Except in unusual circumstances, sidewalks must be located ~~a minimum of four feet from the back of the curb or at the back of the right-of-way when no curb and gutter is required~~ where specified by the Charlotte Land Development Standards Manual and the Zoning Ordinance (where applicable), or any adopted streetscape plans. Sidewalks must match or transition to any existing sidewalks previously installed. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement.

1. Sidewalks may be located on private property, thereby reducing the width of the required right-of-way, where an easement for access, utilities, and other required functions acceptable to the city is proposed and accepted.

2. Location of sidewalks. Where nonresidential or multifamily development occurs, sidewalks shall be placed in their conforming locations, and a transition to any adjacent existing sidewalks shall be made. All other residential development shall place sidewalks in their conforming location to the maximum extent determined feasible by city staff. In cases where the sidewalk is not located in its conforming location, an easement shall be granted for future location of the sidewalk, and all street tree and other landscape planting shall respect the location of the future sidewalk.

(Code 1985, § 20-40)

## Sec. 20-56. - Street markers and barricades.

(a) Standard street markers must be installed at one corner of all street intersections in a subdivision, including private streets, before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location and

installation of the signs must be in accordance with standards specified by the land development standards manual.

(b) Barricades must be installed at the end of all dead-end streets, except cul-de-sac streets which have been improved with a permanent turnaround as required by this chapter. Design, material and installation of the barricades must be in accordance with the land development standards manual.

(Code 1985, § 20-41)

## Sec. 20-57. - No service unless street accepted or tentatively approved.

(a) No department, officer or employee of the city or county will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the city or county unless:

(1) Such street has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the effective date of the ordinance from which this chapter derives;

(2) For any new street, such street corresponds in its location and lines with a street shown on a preliminary subdivision plat, tentatively approved by the planning staff or Charlotte-Mecklenburg Planning Commission;

(3) Such street has been accepted as a public street by a vote of a majority of all the members of the city council or by the state; or

(4) Such street is an approved private street built in conformance with the provisions of all applicable ordinances.

(b) The state department of transportation will accept subdivision streets for state maintenance purposes which meet all the requirements of this chapter and meet the uniform statewide standards adopted by the state department of transportation.

(Code 1985, § 20-42)

## Sec. 20-58. - Modification of requirements; bond.

(a) In subdivisions adjoining already established streets that have been accepted for maintenance by the city or the state department of transportation, the requirements of this article will apply as follows:

(1) Those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable;

(2) Where the adjoining established street is a part of the city's or the state department of transportation's street system, the adjoining street must be improved in accordance with either the requirements of this article and the requirements of the city or the state department of transportation, whichever establishes the higher standard.

(b) Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the city council or the state department of transportation, or which have been accepted for maintenance by the state department of transportation but have not been improved with a paved roadway, will be eligible for final approval when the

requirements of this article have been complied with as closely as may reasonably be required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.

(c) Where the improvements required by this chapter have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit with the engineering department, in an amount to be determined by the city engineering department in consultation with other affected agencies, such as the department of environmental health, with sureties satisfactory to the city guaranteeing the installation of the required improvements allowing credit for improvements completed prior to the submission of the final plat. Upon completion of the improvements and the submission of as-built drawings, as required by this chapter, written notice thereof must be given by the subdivider to the appropriate engineering department. The engineering department will arrange for an inspection of the improvements and, if found satisfactory, will, within 30 days of the date of the notice, authorize in writing the release of the security given, subject to the warranty requirement.

(Code 1985, § 20-44)

## Sec. 20-59. - Inspection.

(a) The city or county must be notified two days in advance of the work to be started in a subdivision so that an authorized representative of the city or county engineer or other responsible agency may be assigned to make any and all necessary inspections of the work performed.

(b) The inspector must be allowed access to all parts of the work and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in accordance with the specifications.

(c) No material may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.

(d) If any disputes arises as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his own expense.

(Code 1985, § 20-45)

## Secs. 20-60—20-85. - Reserved.

## ARTICLE III. APPEALS AND VARIANCES

### Sec. 20-86. - Authority of planning commission.

(a) The planning commission will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by any administrative officer pursuant to or regarding these regulations. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(b) The planning commission will have the authority to hear and decide petitions for variances from the requirements of these regulations, which relate to subdivision of land or any development standards and requirements of this chapter not inconsistent with other codes or ordinance. The planning commission may appoint the zoning committee to serve as the hearing committee to hear and decide appeals.

(Code 1985, § 20-56; Ord. No. 2960, § 3, 5-16-2005)

### Sec. 20-87. - Initiation.

(a) An appeal of a decision on a subdivision preliminary plan may be initiated by any person aggrieved or by any officer, department, board or bureau of the city or the county. However, only the applicant has the right to appeal from the disapproval of a final plat as required by section 20-16.

(b) A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

(Code 1985, § 20-57)

### Sec. 20-88. - Filing of notice of appeal.

(a) A notice of appeal in the form prescribed by the planning commission must be filed with the planning director within ten days of the day a subdivision preliminary plan approval is issued or denied by the planning staff. The notice filed with the planning director must be accompanied by a nonrefundable filing fee as established by the city council and/or board of commissioners. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section.

(b) The filing of such notice will require the officer whose action is appealed to transmit to the planning commission all administrative papers, records, and other information regarding the subject matter of the appeal.

(c) Except as provided in this article, the filing of such notice shall stay any proceedings in furtherance of the contested action.

(Code 1985, § 20-58)

### Sec. 20-89. - Standards for granting appeal.

(a) The planning commission, or the hearing committee, may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the

application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

(b) In modifying the order, decision, determination, or interpretation, the planning commission, or the hearing committee, will have all the powers of the officer from whom the appeal is taken.

(Code 1985, § 20-59; Ord. No. 2960, § 4, 5-16-2005)

## Sec. 20-90. - Filing of variance petition.

A petition for a variance from this chapter, in the form prescribed by the planning commission, must be filed with the planning director accompanied by a nonrefundable filing fee as established by the city council or board of commissioners.

(Code 1985, § 20-60)

## Sec. 20-91. - Standards for granting variance.

Before granting a variance, the planning commission, or the hearing committee, must determine that:

(1) The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; or

(2) The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes; or

(3) The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question; or

(4) The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the variance than without the variance will not be considered as grounds for granting the variance; or

(5) The granting of a variance would permit the preservation of an historic structure or site.

(Code 1985, § 20-61; Ord. No. 2960, § 5, 5-16-2005)

## Sec. 20-92. - Determination of completeness.

(a) Within ten days of receiving a notice of appeal or a variance petition, the planning director will determine whether the notice or petition is complete. If the planning director determines that the notice or petition is not complete, he or she will notify the appellant or petitioner specifying the notice's or petition's deficiencies. The planning director will take no further action on the petition until the deficiencies are remedied. If the planning director fails to notify the appellant or petitioner, the notice or petition will be deemed complete. If the notice or petition is deemed complete, the planning director will schedule the appeal or variance for consideration at a hearing before the planning commission, or the hearing committee, within 30 days.

(b) A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal of variance to proceed under this section. In the event that the notice or petition is

automatically deemed complete due to the failure of the planning director to notify the appellant or petitioner of any deficiencies in the notice or petition, the deficiency of information may result in rejection of the appeal or variance by the planning commission, or the hearing committee.

(Code 1985, § 20-62; Ord. No. 2960, § 6, 5-16-2005)

## Sec. 20-93. - Staff review.

After receipt of a complete variance petition or notice of appeal from an action taken, the planning director will review the notice or petition and send a written recommendation to the planning commission, or the hearing committee, setting forth whether the appeal or variance should be granted or denied and the reasons for such recommendation. In making such recommendation, the planning director may consult with other city and county agencies and may allow them to review the notice of appeal or variance petition. The recommendation of the planning director will be submitted to the planning commission and mailed to the appellant or petitioner at least five days prior to the scheduled public hearing.

(Code 1985, § 20-63; Ord. No. 2960, § 7, 5-16-2005)

## Sec. 20-94. - Notice and hearing.

(a) The planning commission, or the hearing committee, will hold public hearings on any appeal or variance petition which comes before it in accordance with rules adopted by it for such purpose.

(b) The planning commission will mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least 15 days prior to the hearing.

(Code 1985, § 20-64; Ord. No. 2960, § 8, 5-16-2005)

## Sec. 20-95. - Action by planning commission.

The planning commission, or the hearing committee, will grant or deny the variance or will reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by adopting a resolution and placing the resolution in the minutes of the meeting. The resolution must state the reasons that the planning commission used to reach its decision.

(Code 1985, § 20-65; Ord. No. 2960, § 9, 5-16-2005)

## Sec. 20-96. - Rehearing.

The planning commission, or hearing committee, will refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

(Code 1985, § 20-66; Ord. No. 2960, § 10, 5-16-2005)

## Sec. 20-97. - Appeal from planning commission.

(a) Any appeal of a decision rendered by the planning commission, or the hearing committee under this section must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the clerk of superior court

within 30 days after the decision of the planning commission, or the hearing committee is filed in the office of the planning director or after a written copy thereof is mailed to every aggrieved party who has filed a written request for such copy with the planning director at the time of the hearing, whichever is later.

(b) If there is an appeal from the decision of the planning staff taken to the planning commission, or the hearing committee, then the person filing the appeal may not file a revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal, or any final judicial determination. The planning staff may approve a preliminary plan or final plat for that portion of the property not affected by the action of the appeal.

(Code 1985, § 20-67; Ord. No. 2960, §§ 11, 12, 5-16-2005)

## Sec. 20-98. - Effect of grant of variance.

After the approval of a variance by the planning commission, or the hearing committee, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by administrative officers under those procedures will comply with the variation in these regulations granted to the petitioner by the planning commission, hearing committee, or court.

(Code 1985, § 20-68; Ord. No. 2960, § 13, 5-16-2005)

# USDG Text Amendment

**5-26-10**

Petition No. 2010-
Petitioner: Charlotte-Mecklenburg Planning Commission

**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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: Definitions

a. Modify the current definition for "required setback" to clarify that the minimum required setback for parcels in the single family districts along local and collector streets will be measured from the back of existing or future curb to the building line. The diagram shall remain unchanged. Also modify the current definition for "required setback" to add MUDD, UR, TOD, PED and TS to the list of districts that measure setbacks from the back of existing or future curb. Modify the current definition for "local street" to align with the USDG local street types proposed for incorporation into the Subdivision Ordinance. The revised definitions shall read as follows:

Setback, required.

The minimum distance required by this ordinance between the street right-of-way line and the front building line of a principal building or structure as measured parallel from the street right-of-way line, projected to the side lines of the lot. In the case of a through lot, a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. In the ~~Single Family,~~ UMUD, MUDD, UR, TOD, NS, PED and TS ~~Neighborhood Service~~ districts, the setback is measured from the back of existing or future ~~the~~ curb to the building line. In single family zoning districts, the setback is measured from the street right-of-way line along designated thoroughfares. In single family zoning districts, the setback is measured from the back of existing or future curb along local and collector street frontages.

Street, local (Class VI).

~~A two-lane roadway which provides access directly to adjoining low/medium density land uses and conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations.~~

~~These unique environments include planned developments and other similar techniques or cul-de-sac streets in conventional subdivisions. A Class VI-L street may not provide vehicular access to elementary, junior or senior high schools, colleges or official sites for such schools or to proposed places of public assembly, including public or private parks, recreation facilities or greenways.~~

Local streets provide access to uses within all zoning districts and are designed for low speeds and low vehicle traffic volumes. The street design provides for a safe and comfortable environment for pedestrians and bicyclists.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: Single Family Districts

a. Amend Section 9.205, "Development standards for single family districts", subsection (e) by modifying the setbacks to align with the USDG guidelines. All other subsections shall remain unchanged. The revised subsection shall read as follows:

| | R-3 | R-4 | R-5 | R-6 | R-8 |
|---|---|---|---|---|---|
| (e) Minimum setback from the right-of-way along a designated thoroughfare (feet) [3] / Minimum setback from existing or future back of curb along local and collector streets (feet)[7] | 30/42 | 30/42 | 20/32 | 20/32 | 20/32 |

[7] Along a local street where no curb exists, the default street type will be a Local Residential-Medium. The future back of curb for a Local Residential-Medium is measured 13' from the existing centerline. The future back of curb for a collector street is measured 18' from the existing centerline.

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 ____, 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.

# USDG Text Amendment

**4-16-10**

Petition No. 2010-
Petitioner: Charlotte Department of Transportation

**AN ORDINANCE AMENDING CHAPTER 21 OF THE CITY CODE – TREE ORDINANCE**

**ORDINANCE NO.**

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

Chapter 21, "Trees" of the Code of the City of Charlotte is hereby amended as follows:

**Sec. 21-94. - Tree planting requirements.**

(c) *Perimeter planting requirements.* Requirements for perimeter planting are as follows:

(2) *Suburban commercial zones.* A continuous perimeter planting strip, located in the public right-of-way between the curb and sidewalk or on private property abutting the public right-of-way, with a minimum width of eight feet, shall be required. If large maturing trees are planted, each tree shall have a minimum two-inch caliper. One such tree shall be planted for every 40 feet of frontage or fraction thereof. If small maturing trees are planted, the same conditions apply, but the increment drops to 30 feet.

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 ____, 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.

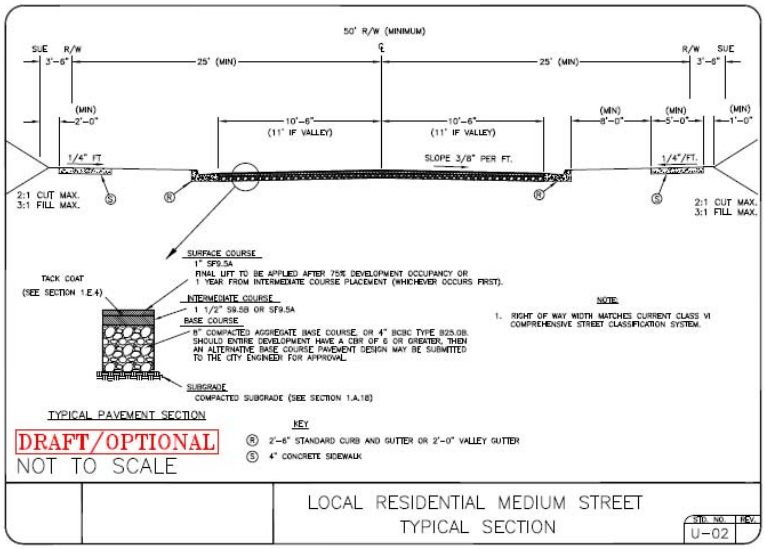
_____

# Urban Street Design Guidelines Ordinance Implementation

Explanation of Charlotte Land Development Standards (CLDSM) Changes

**Purpose**

The purpose of the CLDSM is to provide construction details to expedite the design process and ensure consistency and a minimum level of quality for infrastructure in Charlotte. The manual contains standards and specifications for all kinds of infrastructure, including local streets. The picture to the right is an example of a construction detail for a local street.




**Changes**

The implementation of the USDG into ordinance requires that the associated construction details for streets be updated as well. The City Engineer has the authority to create and modify construction standards contained in the CLDSM. As part of the USDG implementation, the existing details for local streets are proposed to be replaced with new details that are consistent with the ordinance. The changes include the following:

- 12 new typical sections and plan view drawings for public local streets
- Updated collector street section to reflect new planting strip and sidewalk dimensions.
- Updated private street designs to be consistent with land use framework for public streets
- Updates to street design criteria for values governing curvature, maximum grades, etc.

All of the proposed changes are available for review on the City's website at the following location.

http://cldsm.charmeck.org

For questions, please contact: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