

**ZONING ORDINANCE
TEXT AMENDMENT APPLICATION**

CITY OF CHARLOTTE

Petition #:	<u>2000-65</u>
Date Filed:	<u>12-21-99</u>
Received By:	<u>TM</u>
<i>OFFICE USE ONLY</i>	

Section#: CHAPTER 10, Part 6 OVERLAY DISTRICTS
(Title)

Purpose of Change:

To clarify mitigation requirements when mandated undisturbed buffers are disturbed and to cite "The Watershed Buffer Guidelines for Mecklenburg County" as the official reference for establishing and re-establishing watershed buffers.

John M. Barry, Ph.D., Director
Name of agent

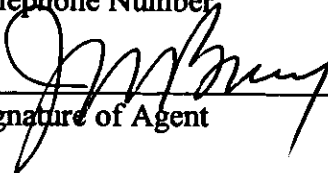
**Mecklenburg County Department of
Environmental Protection**
Name of Petitioner(s)

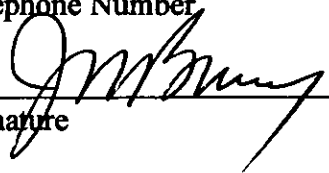
700 N. Tryon St, Charlotte, NC
Agent's Address

700 N. Tryon Street
Address of Petitioner(s)

704- 336-5500
Telephone Number

(704)-336-5500
Telephone Number


Signature of Agent


Signature

Petition No.

Petitioner: Charlotte-Mecklenburg Planning Commission

ORDINANCE NO. _____ AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE - ZONING ORDINANCE

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

1. CHAPTER 10: OVERLAY DISTRICTS, PART 6: CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY,

A. Section 10.606. Development Standards for the CATAWBA RIVER/LAKE WYLIE WATERSHED OVERLAY, 2. PROTECTED AREA, A. Area, Yard, and bulk regulations, 3. Maximum allowable Built Upon Area (%B.U.), Footnote to Chart 10.606.2 (A3), by making the word "Footnote" plural to "Footnotes" and adding footnote (2) as follows:

(2) Percentages apply on an individual lot basis for lots of record established on or before June 21, 1993. Lots of record established thereafter will be subject to these percentages unless otherwise specified on a recorded plot or on a subdivision plan approved by the Planning Commission.

B. The following section is amended by crossing through wording to be deleted and underlining additions in the text;

Section 10.608. Buffer Areas Required.

Vegetative buffers are required along the shoreline of The Catawba River/Lake Wylie measured from the normal pool elevation and along all perennial streams measured from the top of bank on each side of the stream.

1. (No change)
2. (No change)
3. Additional buffer requirements:

No permanent structures, built upon areas, septic tanks systems or any

other disturbance of existing vegetation shall be allowed within the buffer except as follows:

- a. No trees larger than 2 inch caliper are to be removed except for dead or diseased trees. Trees less than 2 inch caliper and undergrowth may be removed to be replaced by an effective stabilization and filtering ground cover based upon the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 and as approved by the County Environmental Protection Department.
- b. Streambank or shoreline stabilization is allowed as approved on a plan submitted to the applicable Engineering Department and the County Environmental Protection Department.
- c. Water dependent structures and public projects such as road crossings and greenway paths are allowed where no practical alternative exists. These activities should minimize built-upon surface area, direct run off away from surface waters and maximize the utilization of nonstructural BMP's and previous materials.
- d. During new development or the expansion of existing development the City can require enhancement of the existing vegetation in the buffer if necessary so that the buffer can effectively perform its filtering and absorption functions based on the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5.
- e. Non-impervious recreational development and non-impervious pedestrian trails may be allowed in the required buffer if located a minimum of 30' from the stream bank.

4. Mitigation of disturbed buffers required.

Should existing vegetation within the buffer be disturbed (except as allowed by this Ordinance) or should vegetation which was added to a buffer pursuant to the requirement that existing vegetation in the buffer be enhanced be disturbed (except as allowed by this Ordinance), the Zoning Administrator shall require that any vegetation remaining in the buffer be enhanced in accordance with the Watershed Buffer Guidelines for Mecklenburg County contained in Appendix 5 so that the buffer can effectively perform its filtering and absorption functions.

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 _____, 19____, the reference having been made in Minute Book _____,
and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the
_____ day of _____, 19__.
