

**SUBDIVISION ORDINANCE
TEXT AMENDMENT APPLICATION**

CITY OF CHARLOTTE

FY2009 Petition #: <u>2009-038</u>
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Office Use Only

Section #: Section 7.100 - Design Standards for Streets
(Title)

Purpose of Change:

To provide for adjustments to required right of way consistent with transitional setback requirements in the Zoning Ordinance.

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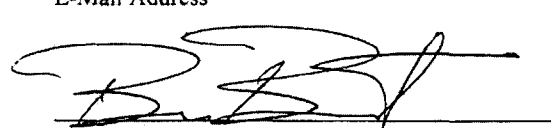
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Signature

Petition #:

Petitioner:

ORDINANCE NO. _____

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

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

Section 1. Chapter 20 "Subdivision" of the Code of the City of Charlotte is hereby amended as follows:

Amend Section 7.100, Design Standards for Streets, by adding new language, along with related adjustments to existing text language to accommodate the new language and for grammatical consistency, as shown on the attached text that includes tracked changes.

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 _____, 20____, 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 _____, 20__.

7.100. Design Standards for Streets

Except as provided for in Section 7.180 below, the following sections contain specifications for streets which must be followed in the subdivision process. Detailed construction standards and specifications are contained in the Charlotte-Mecklenburg Land Development Standards Manual.

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7.110. Right-of-Way. A proposed street right-of-way must be of sufficient width to accommodate the required cross section. However, in no case will the dedicated and reserved right-of-way be proposed to be less than the standards below unless the City Manager certifies that special circumstances exist which make the dedication or reservation of the full right-of-way unnecessary or impractical.

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Minimum R.O.W.

Street Type	Feet
Freeway or Expressway (Class I)	350
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
Local (Class VI).....	50
Local Limited (Class VI-L)	40

*The right-of-way widths for urban Class III and IV thoroughfares located within the area bounded by Route 4 and I-85 shall be a minimum of 80 feet for Class III streets and 60 feet for Class IV streets and as provided for in Section 12.103 of the City of Charlotte Zoning Ordinance.

Along existing streets less than 60 feet wide, there is no requirement that right-of-way greater than 30 feet on each side of the centerline be dedicated. Along all other existing streets, there is no requirement that any right-of-way be dedicated or reserved. (amendment effective May 1, 1989)

The Charlotte-Mecklenburg Planning Department, after consulting applicable plans and programs, and after consulting with appropriate city,

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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 by the City Manager. The City Manager may also determine that the proposed right-of-way listed above exceeds that needed for street improvements and if so, may waive the need for any additional right-of-way for street improvements. 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 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.

7.120. 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 except as provided for in Section 7.180 below. 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 the provisions of Section 8.110. 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 ordinance 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, storm water detention, or to fulfill any other mandatory requirement. The procedure for calculating the allowable number of lots or unit density is contained in Section 12.105 of 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.

7.130. 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 except as provided for in Section 7.180 below. The subdivider must reserve the proposed right-of-way in accordance with the requirements in Section 7.120.

7.140. Street off-sets. Where there is an off-set in the alignment of a street across an intersection the off-set of the center lines may not be less than 125 feet.

7.150. Block lengths. 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

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.

(Petition No. 2001-115SUB, § 7.150, 10-17-01)

7.160. Cul-de-sac. Cul-de-sacs or other permanently dead end streets shall not be longer than 500 feet or 10 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 6.200.2 exist. 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 Mecklenburg 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. In the event a vehicular connection is impractical, a pedestrian and/or bicycle connection may be required.

(Petition No. 2001-115SUB, § 7.160, 10-17-01)

7.170. When narrow streets permitted (Class VI-L). In certain circumstances, streets may be constructed on a forty-foot right-of-way and with a twenty-two foot cross section (eighteen 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 ordinance still apply to the construction of such a street.

7.180. Collector street designation. The designation of a collector street, or the determination of the need for a collector street will be based on the criteria below. If the street in question meets at least 2 of the criteria, then the street will be designated as a collector street and must be built to the appropriate collector street standard.

1. The street intersects directly with an arterial street and provides access to an area with an overall density of more than 1.0 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 extends into an undeveloped area in such a manner as to serve a future collector function.
4. The street serves as a primary access to a significant nonresidential, institutional, or recreational land use, as well as an access to a residential area.

7.180. Exceptions to Required Right-of-Way. In as much as the intent of Section 7.100 et seq. is to provide for the creation of standards for right-of-way for streets based on either the edge of or the centerline of public street right-of-way as classified by the City, it shall be applicable only to rights-of-way used for the construction of streets so classified, defined, and listed by street type in this Ordinance. In those circumstances where widening projects or other street improvements have been constructed along a street as classified and defined by this Ordinance and there are no published plans for any further widening or other street improvements that have been designed and funded for construction on either the City or NCDOT Transportation Improvement Program at the time that such construction is completed, then the additional right-of-way requirements will no longer apply even if the total right-of-way used for such construction is less than the standard listed in paragraph 7.100 above. In those circumstances where widening projects or other street improvements have been constructed along a street as classified and defined by this Ordinance but additional widening projects or other street improvements have been published and are designed and funded for construction in either the City or NCDOT Transportation Improvement Program, then the additional right-of-way standards of Section 7.100 will apply. The appropriate transportation authority shall acquire the right-of-way needed for the additional road improvements within eighteen (18) months of the date that the specific project or improvements are included in the applicable Transportation Improvement Program. If the acquisition of the additional right-of-way is not completed within eighteen (18) months, then the additional right-of-way shall be free of any further restriction or reservation. Notwithstanding the provisions above, the City Manager may determine that the proposed right-of-way listed above exceeds that needed for street improvements and if so, may waive the need for any additional right-of-way.

02-20-09

Revised 02-23-09