ZONING ORDINANCE
TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

FY2003
Petition #: 2003-106
Date Filed: 06-27-03
Received By: SSS
Office Use Only

Section #: 12.803.1(c) Applicability Section of the SWIM Stream Buffer Ordinance
(Title)

Purpose of Change:
Section 12.803.1(c) states that "All properties shall be subject to the buffer requirements of this PART 8 except those properties which, as of the effective date of November 15, 1999, fit into one of the following categories: (c) Have been subdivided by a recorded subdivision plat." This language can be interpreted as exempting from applicability all properties that have been subdivided and a plat or map recorded. This applies to the majority of the properties in the City of Charlotte, which was not the intent of the Ordinance when originally drafted. This particular exemption was meant to apply to "Subdivisions" that had been subdivided and mapped for development but had not yet submitted a plan. Since most all "Subdivision" lots are less than one (1) acre and Part (d) of the same Section exempts all lots less than an acre, it is suggested that Section 12.803.1(c) be eliminated. With this change, Section 12.803.1 would read as follows:

All properties shall be subject to the buffer requirements of this PART 8 except those properties which, as of the effective date of November 15, 1999, fit into one of the following categories:

(a) Have been issued a Certificate of Building Code Compliance.
(b) Have a valid building permit.
(c) Have been described by metes and bounds in a recorded deed or shown on a recorded plat, which:
- If to be used for residential purposes:
  Are 1 acre or less in size.
- If to be used for nonresidential purposes:
  Are 4 acres or less in size if located on a non-FEMA regulated floodway, or
  Are 7 acres or less in size if located on a FEMA regulated floodway.

(d) Are included on a valid preliminary subdivision plan.
(e) Have otherwise secured a vested property right under State law or local ordinance.

Name of Agent	Mecklenburg County Water Quality Program **Name of Petitioner(s)**
Agent's Address	700 N. Tryon Street, Suite 205 Address of Petitioner(s)
City, State, Zip	Charlotte, N.C. 28202-2236 City, State, Zip
Telephone Number Fax Number	(704) 336-5449 (704) 336-4391 Telephone Number Fax Number
E-Mail Address	rozzers@co.mecklenburg.nc.us E-Mail Address
Signature of Agent	**Signature**