

## **§ 92.111 CITY LAKE SPECIAL ENVIRONS OVERLAY DISTRICT.**

(A) Purpose and intent. The City Lake Special Environs (CLSE) Overlay District (defined as a set of zoning requirements, described in the text, mapped, and imposed in addition to those of the underlying district) provides additional requirements in the areas immediately adjacent to City Lake which are designed to preserve and protect the environment of a special resource within the City, while promoting, preserving, and protecting the health, safety, and welfare of residents and property owners of the surrounding area and enhancing the aesthetics of subsequent development in this area of the City. These provisions are based, in part, on the following findings:

(1) The standards will encourage new development which will not be detrimental to the health or safety of existing residents or properties in the district, including the reduction of flood risks and minimization of new vehicular traffic impacts from new development.

(2) The standards will help to ensure that development within the sensitive environmental and aquatic and riparian habitats of City Lake are maintained as an important environmental resource for residents of Albemarle.

(3) The standards will help to maintain the visual aesthetics of City Lake and City Lake Park for visitors and residents who use enjoy the recreational and natural resources of the park and lake alike.

(B) Defined Boundaries of City Lake and City Lake Environs Overlay District. Unless otherwise specified by City ordinance, the requirements of this section shall apply to all properties as provided herein

(1) The boundary of "City Lake" shall be defined approximately as all aquatic areas within the shoreline of the waterbody commonly known as "City" or "Long" Lake and all immediately adjacent areas under ownership of the City of Albemarle as well as the headwaters and riparian areas to its north under ownership of the City of Albemarle. These are more precisely defined as Stanly County tax parcel 22381 at the time of the adoption of this ordinance.

(2) This ordinance is applicable to all portions of any property incorporated into the City of Albemarle at the time of this ordinance when any part of said property is located within 1,000 feet of City Lake as herein defined. These are further defined by the following Stanly County tax parcels at the time of this ordinance:

23160, 141144, 36468, 36469, 36470, 36471, 36474, 36475, 36476, 36477, 36478, 36479, 36231, 36232, 36233, 36234, 36235, 36236, 139277, 27341, 29441, 13118, 30068, 147, 14416, 32605, 32113, 137654, 5295, 20326, 37108, 13524, 18279, 2075, 10382, 13526, 13522, 19828, 19859, 13532, 7679, 27061, 26524, 14084, 14975

(3) All portions of any property which is incorporated into the City of Albemarle after adoption of this ordinance when any part of said property is located within 1,000 feet of City Lake as herein defined.

(4) All utility and infrastructure installations and improvements in City or state rights of way, within public or private easements or otherwise deemed to be a functional necessity shall be exempt from the provisions of this section.

(C) Applicability. Applicability of this section shall be as follows.

(1) Existing development, which shall include all permanent or semi-permanent structures and paved or graveled areas outside of said structures, within the defined area shall be exempt from the requirements of this chapter. Reconstruction of such structures or areas after demolition or destruction shall be exempt from the requirements of this chapter. Additionally, all development approved but not constructed prior to adoption of this chapter shall be exempt from the standards herein. Expansions of any structures or developed areas that exceeds existing developed area, either before or after demolition or destruction, shall be considered new development and must comply with the standards of this section with the remaining undeveloped portions of their respective properties used in calculating permitted development intensity and standards.

(2) Exemption of utilities and other infrastructure. All utility and infrastructure installations and improvements in City or state rights of way, within public or private easements or otherwise deemed to be a functional necessity shall be exempt from the provisions of this section.

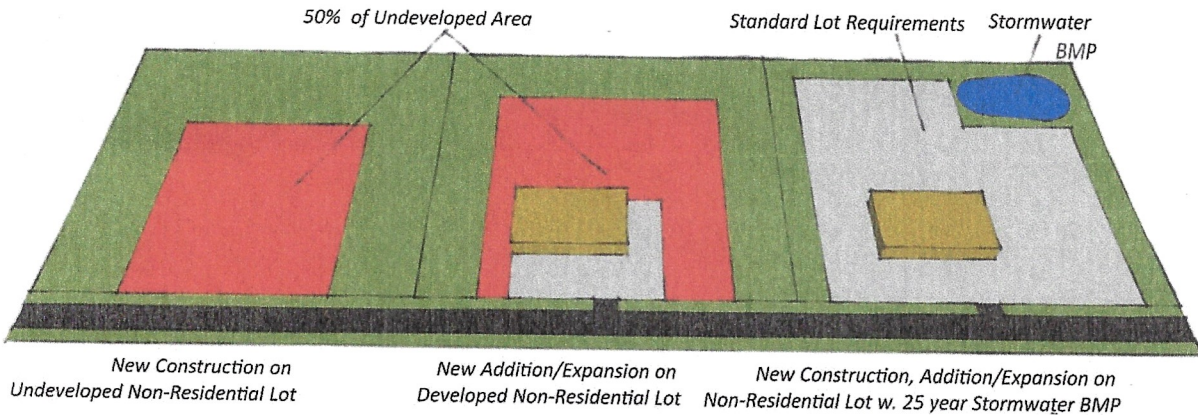
(3) New development. All new development on any property designated to be within the City Lake Special Environs shall comply with the provisions of this section. New subdivisions shall submit detailed site plans showing compliance with these provisions and be approved in conjunction with all formal subdivision approval processes. All other development, including construction on individual lots within new subdivisions, shall submit site plans, landscaping plans, and building plans as required for review and approval by City Staff.

(D) Permitted uses. There shall be no additional restrictions to land use as provided by the existing underlying base zoning districts other than that which is herein prescribed. However, zoning map amendments to rezone additional properties within the City Lake Special Environs to allow industrial uses of any type should be discouraged.

(E) Density and Intensity Development. In order to protect property and lives by mitigating flooding from future storm events, density and intensity of all new developments shall be limited within the City Lake Special Environs. Regardless of the permitted uses of the underlying base zoning district, development of any property shall not exceed the thresholds defined herein.



## *City Lake Special Environs Overlay: Permitted Non-Residential Development*



(3) In the event that mixed, residential and non-residential uses are permitted on any single property City Staff shall apply the aforementioned requirements in a manner that best addresses the standards and intent of this section.

(4) Unless otherwise stated these exemptions shall apply only to density and intensity of development and do not exclude other requirements of this section or other applicable sections of City code.

(F) Buffering. In order to maintain water quality, protect aquatic and riparian habitats and preserve viewsheds in an around City Lake, vegetative buffering shall be required as prescribed herein:

(1) All developments immediately adjacent to City Lake shall maintain a minimum vegetative buffer of 100 feet in width along the shoreline of the lake consisting of existing woodlands. When permissible under state law, large single home lots of 5 acres or more or common open spaces within subdivisions may create or maintain small clearings of up to 50' in length along on the property owner's side of the shoreline for the purpose of viewing or accessing the lake. When allowed, all openings shall be separated by a minimum of 150 feet in length section of vegetative buffer and in no case shall more than a total of 25% of shoreline of any new development be permitted to be cleared or maintained as a clearing. All other sections of shoreline not meeting these requirements shall be planted with a minimum 50-foot wide Type III buffer as defined in section 92.121.

(2) Any development of 5 acres or more shall include a preserved wooded buffer of 50 feet in width or a of Type III vegetative buffer of a minimum of 50' in width along all adjoining property lines. Preservation of existing woodlands is preferable, but where they do not exist or have been removed they shall be replanted to the levels prescribed for Type III buffers in section 92.121.

(3) Where any stormwater retention or detention ponds are used along the exterior of any development they shall be screened from view of any public rights-of-way and adjoining residential homes by a minimum 50-foot wide preserved wooded buffer or Type III buffer of a minimum 50 feet in width.

(4) In extreme cases, when replanting of required buffers is not feasible existing stands of wooded areas on adjoining properties may be preserved as an alternative. In such cases a permanent vegetative easement preserving the necessary wooded areas permanently shall be required from the adjacent property owner(s) with their consent.

(G) Encroachment Into Sensitive Areas. In order to preserve the quality of protected habitats and sensitive areas within the City Lake Special Environs such areas shall be preserved and protected from development.

(1) Unless approved by City Council and all applicable state and federal agencies no permanent structures shall be installed on City Lake or within 100 feet of its shoreline.

(2) All blue line streams and other areas determined by state or federal agencies to be protected habitats and/or wetlands shall meet the requirements of those agencies. When separation standards do not exist at the state or federal level the developer(s), builder(s) or owner(s) shall maintain non-encroachment areas from development, site improvements and/or new lot location by a minimum of 25 feet from the edge of the protected area, or in the case of streams 25 feet from either side of the centerline of the stream. With the exception of roads, trails, bridges, culverts and other infrastructure necessary for the functionality of the property or for meeting City ordinance there shall be no grading within this encroachment area or disturbance to existing vegetation located within it. Whether utilized as open space or not, all plans and subsequent documents for the development shall indicate this area is to be left undisturbed, except as provided herein, both during and after development. If disturbed, all vegetative areas shall be restored to their natural state and replanted with native species to the highest extent possible.

(3) With the exception of roads, trails, bridges, culverts and other infrastructure necessary for the functionality of the property or for meeting City ordinance there shall be no development within any areas federally or state designated as 100-year floodplain or floodway. Creation of small new residential lots containing portions of floodplain or floodway shall be avoided to the greatest extent possible.

(G) Tree Preservation In order to preserve the tree line around the lake and the forest canopy within the City Lake Special Environs preservation of stands of trees not necessary for building sites or infrastructure shall be required to the greatest extent possible during construction.

(1) Mass grading of properties, including developable areas outside of minimum required buffer areas and sensitive habitats, is prohibited. Plans shall include grading



plans which minimize impacts on the tree canopy and distribute forested areas throughout the site to the greatest extent possible.

(2) Post construction removal of vegetation from open, common areas of any development shall be prohibited without approval from City Staff and/or City Planning and Zoning Board in cases where there is no alternative.

(3) Mass clearing and grading of multiple acres of land without an approved plan for development or as an approved agricultural or forestry practice is prohibited. Replanting of land prior to development may be required to the greatest extent authorized by the City in accordance with general statutes. In all cases a sedimentation and erosion control plan shall be required to be implemented and maintained until the site has been re-vegetated.

(G) Street and Vehicular Access Additional vehicular traffic is expected with new development in the City Lake Special Environs. In order ensure safety for drivers and to minimize the impacts of additional traffic on both the sensitive environmental areas and the existing infrastructure new development and streets should be well planned and adequately designed.

(1) New development and required streets should meet or exceed all requirements of existing City code.

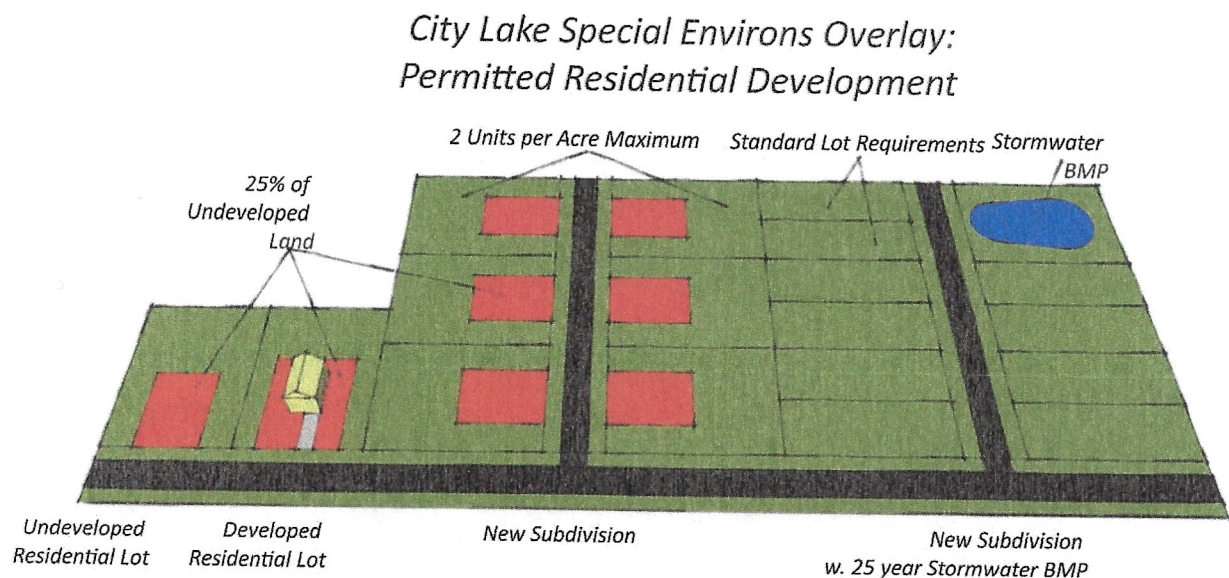
(2) Interior street networks on all new developments should be designed with the intent of connecting with existing and future streets in all directions and at semi-regular intervals in order to disperse traffic and prevent congestion. Existing stub streets shall be connected to the new street network.

(3) Where connections to nearby streets would necessitate less than a 20% increase in total street length of a proposed development and/or where adjacent properties are of a minimal size that would make street construction with future development impractical or unlikely, rights-of-way shall be secured through said properties and the additional section of street constructed at the time of development. Where longer sections of street exceed 20% of the total street length of the proposed development and larger, developable tracts of land are located adjacent the street may be stubbed out to the property line for future connection.

(4) While connections to existing streets within the City Lake Special Environs are both required and encouraged, street networks within new developments in the overlay shall be designed with an emphasis and priority on traffic utilizing alternative ingress and egress points outside of the overlay district. Straight or curvilinear through streets channeling traffic to ingress and egress points outside of the City Lake Special Environs area shall be installed. Unnecessary turns and circuitous routes that encourage traffic access through street sections within the overlay district shall be avoided.

(1) Residential densities shall not exceed 2 units per acre and no more than 25% of any residential property in total may be developed, excluding roads and infrastructure. This includes when cluster subdivisions are utilized. This requirement may be exempt and standard zoning and subdivision requirements applied instead when new residential development includes stormwater best management practices designed for 25-year storm standards. In such cases retention, detention ponds and other BMPs shall be designed by a licensed engineer, which are capable of retaining and discharging stormwater runoff for the entirety of the developed area for which the exemption is requested. These shall be shown on plans prior to approval of the development. All such plans must also include an inspection and maintenance plan and agreement by the property owner(s) or other private parties to ensure the BMPs function as required in perpetuity without maintenance or expense from the City.

**DIAGRAM 92.111(1): Residential Development Density & Intensity**



(2) Non-residential development shall not exceed 50% of any non-residential property. This requirement may be exempt and standard zoning and subdivision requirements applied instead when new development includes stormwater best management practices designed for 25-year storm standards. In such cases retention, detention ponds and other BMPs shall be designed by a licensed engineer, which are capable of retaining and discharging stormwater runoff for the entirety of the developed area for which the exemption is requested. These shall be shown on plans prior to approval of the development. All such plans must also include an inspection and maintenance plan and agreement by the property owner(s) or other private parties to ensure the BMPs function as required in perpetuity without maintenance or expense from the City.

**DIAGRAM 91.111(2): Non-Residential Development Density & Intensity**