

Petition #: 2002-121
Petitioner: City Attorney's Office

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. Amend CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY, PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS, Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards, (2), as follows:

Section 12.106. Uses and structures prohibited and allowed in required setbacks and yards.

- (2) (a) No accessory structures, including architectural features, as cited in (5) below, shall be located within any setback or sideyard required of these regulations or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. If the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard and be at least 15 feet from the required rear yard and shall not exceed the total square footage of heated area located on the first floor of the principal structure.

This section notwithstanding, no elderly or disabled housing, guest houses, or employee quarters shall be located within 15 feet of a rear property line or along any side property line within the required side yard dimension. In the RE-1, RE-2 and BP districts, a security gate or guard station may be located within the required setback. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots, which abut a body of water. A fence, wall, mailbox, utility pole, light-pole, or patio at grade, paths, walkways, or berm may be located in any required setback or yard. Signs may be located in a required setback or yard provided that they are in accordance with Chapter 13 of these regulations. Bus stop shelters may be located in any setback or yard, which abuts a street in accordance with Section 12.513.

- (b) Notwithstanding the provisions of subsection (a), above-ground structures (other than a back-flow preventer) connected to and associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits may be located in the setback subject to the following:

- i. A structure of a dimension that does not exceed four (4) feet in width, four (4) feet in length, or three (3) feet in height may be located no closer than two (2) feet to the existing or proposed road right-of-way based on the street classification and no closer than ten (10) feet to the back of curb or edge of pavement.
- ii. A structure of a dimension that does not exceed four (4) feet in width, eight (8) feet in length, or six (6) feet in height may be located no closer than ten (10) feet to the existing or proposed road right-of-way based on the street classification.

The dimension restrictions contained in subsections (b)(i) and (ii) shall not apply to structures located in the setback prior to April 1, 2003.

This subsection shall not apply in the UR-1, UR-2, UR-3, UR-C, MUDD, UMUD, or PED zoning districts and shall not constitute a regulation of utilities in the right-of-way.

- (c) Above-ground structures located in a setback, side yard, or rear yard pursuant to this section are subject to the sight requirements of Section 14-16 of the City Code.

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 21st day of April, 2003, 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 _____, 2003.
