

Petition #:2005-104
Petitioner: Grubb Properties

Approved by City Council
September 19, 2005

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:

A. CHAPTER 2, DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2, DEFINITIONS

- a. Amend Section 2.201, “Definitions”, by revising the definition for “Mixed-use Development”. The current definition reads as follows:

Mixed-use development.

Any development which includes at least two of the following uses: office, institutional, civic, residential, and retail/service uses in a pedestrian oriented, compact, mixed-use setting. In a mixed-use development, uses are integrated within the same building.

The revised section shall read as follows:

Mixed-use development.

A mixed use development consists of one or more mixed-use buildings or a combination of single and mixed use buildings in a pedestrian oriented environment.

B. CHAPTER 12, DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.101, “Every lot must abut a street”, subsection (5) to add reference to a mixed-use building. The current section reads as follows:

Section 12.101. Every lot must abut a street.

No building, structure or use of land for any purpose may be placed on a lot, which does not abut a street, except for agricultural purposes, and as, provided for in Section 11.208 and the following exceptions:

- (1) A single family detached dwelling may be constructed on a lot that does not abut a street, provided that the lot is at least 2 acres in size, is provided with access to a public street by an easement at least 15 feet in width for the exclusive use of the detached dwelling, and the easement is maintained in a condition passable for emergency and service vehicles. All lots must be created in accordance with the subdivision ordinance, if they were not recorded prior to May 1, 1989.
- (2) Attached and multi-family dwellings need not abut a street, provided that all portions of every dwelling unit are within 400 feet of a public or private street that furnishes direct access to the property and that access to each dwelling unit will be made available via either a public right-of-way or a private street or vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership.
- (3) Driveways in a research, institutional, office, business or industrial district may be used to provide access to uses in any of these districts which are located on lots which do not abut a street. Any such lot, which existed prior to May 20, 1985, may be used as if it abutted a street, provided that it is served with a driveway built to appropriate standards located on a permanent, recorded easement.
- (4) Nothing in this Section exempts any property from the provisions of the subdivision ordinance, which regulate the division of land. In any case, when there appears to be contradicting or overlapping standards or requirements, the more restrictive standard or requirement will control.
- (5) Lots or building sites which are part of a larger nonresidential development, such as a shopping center, need not abut a street so long as the overall site abuts a street and is designed in such a manner and way that access is furnished to all interior lots or building sites.
- (6) Previously developed sites that are a “unified development”, such as an office, business, or industrial park or project, that have not been subdivided previously, and that were created prior to January 1, 1988 need not abut

a street so long as the overall site abuts a street and is designed in such a manner and way that recorded access or an easement is furnished to all interior lots or building sites, or the lots/sites abut a street. All newly created lots shall meet the requirements and standards of the Zoning Ordinance with the following exceptions:

- (a) Lots that abut property outside of the unified development, shall be required to meet the minimum yard and screening requirements and standards of the Zoning Ordinance, including minimum yard and screening requirements along common property lines.
- (b) Interior lots that do not abut property outside of the unified development, shall be required to meet the minimum yard and screening requirements of the Zoning Ordinance, unless that location or configuration of the existing development on the site (such as buildings, parking areas, loading docks, etc.) would be in conflict with these requirements. If the required minimum yard and minimum screening can not be met, the Planning Director may waive the requirements, after consulting with the Zoning Administrator.
(Petition No. 2004-77, §12.101,(6)(a)(b), 9/20/04)

The revised section shall read as follows:

Section 12.101. Every lot must abut a street.

No building, structure or use of land for any purpose may be placed on a lot, which does not abut a street, except for agricultural purposes, and as, provided for in Section 11.208 and the following exceptions:

- (1) A single family detached dwelling may be constructed on a lot that does not abut a street, provided that the lot is at least 2 acres in size, is provided with access to a public street by an easement at least 15 feet in width for the exclusive use of the detached dwelling, and the easement is maintained in a condition passable for emergency and service vehicles. All lots must be created in accordance with the subdivision ordinance, if they were not recorded prior to May 1, 1989.

- (2) Attached and multi-family dwellings need not abut a street, provided that all portions of every dwelling unit are within 400 feet of a public or private street that furnishes direct access to the property and that access to each dwelling unit will be made available via either a public right-of-way or a private street or vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership.
- (3) Driveways in a research, institutional, office, business or industrial district may be used to provide access to uses in any of these districts which are located on lots which do not abut a street. Any such lot, which existed prior to May 20, 1985, may be used as if it abutted a street, provided that it is served with a driveway built to appropriate standards located on a permanent, recorded easement.
- (4) Nothing in this Section exempts any property from the provisions of the subdivision ordinance, which regulate the division of land. In any case, when there appears to be contradicting or overlapping standards or requirements, the more restrictive standard or requirement will control.
- (5) Lots or building sites which are 1) part of a larger nonresidential development, such as a shopping center, or 2) part of a larger mixed-use development, such as a mixed-use building, need not abut a street so long as the overall site abuts a street and is designed in such a manner and way that access is furnished to all interior lots or building sites.
- (6) Previously developed sites that are a “unified development”, such as an office, business, or industrial park or project, that have not been subdivided previously, and that were created prior to January 1, 1988 need not abut a street so long as the overall site abuts a street and is designed in such a manner and way that recorded access or an easement is furnished to all interior lots or building sites, or the lots/sites abut a street. All newly created lots shall meet the requirements and standards of the Zoning Ordinance with the following exceptions:
 - (b) Lots that abut property outside of the unified development, shall be required to meet the minimum yard and screening requirements and standards of the Zoning Ordinance, including minimum yard and screening requirements along

common property lines.

- (b) Interior lots that do not abut property outside of the unified development, shall be required to meet the minimum yard and screening requirements of the Zoning Ordinance, unless that location or configuration of the existing development on the site (such as buildings, parking areas, loading docks, etc.) would be in conflict with these requirements. If the required minimum yard and minimum screening can not be met, the Planning Director may waive the requirements, after consulting with the Zoning Administrator.
(Petition No. 2004-77, §12.101,(6)(a)(b), 9/20/04)

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 19th day of September, 2005, 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 _____, 2005.
