

Petition # 2006-018  
Petitioner: Charlotte Mecklenburg  
Planning Commission

Accepted by City Council  
March 20, 2006

**AN ORDINANCE AMENDING APPENDIX A OF THE  
CITY CODE – ZONING ORDINANCE**

**ORDINANCE NO. \_\_\_\_\_**

**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. CHAPTER 9: GENERAL DISTRICTS

A. PART 3: MULTI-FAMILY DISTRICTS

1. Amend Section 9.303, “Uses permitted under prescribed conditions”, subsection (19)(e) to add regulations to provide a minimum of 20’ distance between the face of a garage and the back of curb or sidewalk. Also add language to allow stoops to overhang into the 15’ area. The current section reads as follows:

- (e) Private streets and surface parking areas on the site will be no closer than 15 feet to any side of a residential building used for entry into the building and will be no closer than 5 feet to any other face of a building. Architectural features such as stairs, chimneys, bay windows, and roof overhangs may extend into this 15-foot area, but in no case may they be closer than 5 feet to the private street and surface parking area.

The revised section shall read as follows:

- (e) Private streets and surface parking areas on the site will be no closer than 15 feet to any side of a residential building used for entry into the building and will be no closer than 5 feet to any other face of a building. Parking pads and driveways shall have a minimum length of 20 feet, measured from the back of the sidewalk, or edge of pavement, whichever is greater.

Architectural features such as stoops, stairs, chimneys, bay windows, and roof overhangs may extend into this 15-foot area, but in no case may they be closer than 5 feet to the private street and surface parking area.

2. Amend Section 9.303, “Uses permitted under prescribed conditions”, item number (19), “Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building”, subsection (f) to add the same standards for a project that abuts a public street, other than a thoroughfare . The current section reads as follows:

- (f) The following standards shall apply when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:
  - (i) All buildings may have a minimum 15-foot separation from the public street right-of-way provided the conditions listed below are met.
  - (ii) Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project up to 3 feet into this 15-foot separation area.
  - (iii) All garages must have a minimum separation of 22 feet from the public street right of way while the remainder of the structure may be located at the minimum 15-foot separation from the public street right-of-way.
  - (iv) All dwelling units with the 15-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
  - (v) No parking or maneuvering space is permitted in the 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

On-street parallel parking or recessed parallel parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance.

The revised section shall read as follows:

- (f) The following standards shall apply when a public street, other than a thoroughfare abuts the site, **or** when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:
- (i) All buildings may have a minimum 15-foot separation from the public street right-of-way provided the conditions listed below are met.
  - (ii) Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project up to 3 feet into this 15-foot separation area.
  - (iii) All garages must have a minimum separation of 22 feet from the public street right of way while the remainder of the structure may be located at the minimum 15-foot separation from the public street right-of-way.
  - (vi) All dwelling units with the 15-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
  - (vii) No parking or maneuvering space is permitted in the 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

On-street parallel parking or recessed parallel parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

All parallel parking shall have a minimum width of 8 feet and be at least 22 feet in length.  
*(Petition No. 2001-129, § 9.303(19)(f), 11-19-01)*

3. Amend Section 9.305, Development Standards for Multi-family districts”, subsection (1)(g) by adding an additional footnote that permits a reduction in the rear yard requirement when dedication of land is made for incorporation into an abutting park or greenway. The current text reads as follows:

**Section 9.305. Development standards for multi-family districts.**

All uses and structures permitted in the R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (1) Area, yard and bulk regulations shall be as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(a) Maximum Residential Density (Dwelling units per acre) <sup>1</sup>	8.0	12.0	17.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) <sup>2</sup>					
- Detached dwellings	3,500	3,500	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500	11,500	11,500
- Multi-family dwellings*	11,500	11,500	11,500	11,500	11,500
- All Other buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Detached dwellings	40	40	40	40	40
- Duplex, triplex and quadraplex dwellings	55	55	55	55	55
- Multi-family dwellings	55	55	55	55	55
- All other buildings	80	80	80	80	80
(e) Minimum setback (feet) <sup>3</sup>					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(f)) <i>(Petition No. 2001-129, § 9.305(1)(e), 11-19-01)</i>	30	30	30	30	30
(f) Minimum side yard (feet) <sup>4</sup>					
- Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- All other buildings, including planned multi-family developments (except as required below)	10	10	10	5	5
- Planned multi-family developments adjoining single family					

	developed or zoned land <sup>5</sup>	20	20	10	10	10
(g)	Minimum rear yard (feet)					
	- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
	- All other buildings, including planned multi-family developments (except as required below)	40	40	40	40	40
	- Planned multi-family developments adjoining single family developed or zoned land <sup>5</sup>	50	50	50	40	40
(h)	Minimum open space (%) <sup>6</sup>	50	50	45	40	30
(i)	Maximum height (feet) <sup>7</sup>	40	40	40	40	40

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\*If land is sold with an attached unit, the minimum subplot size must be sufficient to accommodate the dwelling unit and 400 feet of private open space.

FOOTNOTES TO CHART 9.305(1):

- <sup>1</sup> The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.  
(*Petition No. 2001-128, § 9.305(1.1), 11-19-01*)
- <sup>2</sup> For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
- <sup>3</sup> For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection 9.205(4).
- <sup>4</sup> For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection 9.205(4).
- <sup>5</sup> Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

- <sup>6</sup> Religious institutions may have a minimum open space of 25%.
- <sup>7</sup> A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a single family residential use or zoning district, it may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the single family use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. However, any building over 60 feet in height and abutting a single family residential use or zoning district must increase any side and/or rear yard upon which a building shadow is cast 1½ feet for each foot above 60 feet. Height requirements for other permitted structures are set forth in Section 12.108.

The revised text shall read as follows:

**Section 9.305. Development standards for multi-family districts.**

All uses and structures permitted in the R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) Area, yard and bulk regulations shall be as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(a) Maximum Residential Density (Dwelling units per acre) <sup>1</sup>	8.0	12.0	17.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) <sup>2</sup>					
- Detached dwellings	3,500	3,500	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500	11,500	11,500
- Multi-family dwellings*	11,500	11,500	11,500	11,500	11,500
- All Other buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Detached dwellings	40	40	40	40	40
- Duplex, triplex and quadraplex dwellings	55	55	55	55	55
- Multi-family dwellings	55	55	55	55	55
- All other buildings	80	80	80	80	80
(e) Minimum setback (feet) <sup>3</sup>					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(f))	30	30	30	30	30
<i>(Petition No. 2001-129, § 9.305(1)(e), 11-19-01)</i>					
(f) Minimum side yard (feet) <sup>4</sup>					
- Detached, duplex, triplex					

and quadraplex dwellings	5	5	5	5	5
- All other buildings, including planned multi-family developments (except as required below)	10	10	10	5	5
- Planned multi-family developments adjoining single family developed or zoned land <sup>5</sup>	20	20	10	10	10
(g) Minimum rear yard (feet)					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as required below)	40	40	40	40	40
- Planned multi-family developments adjoining single family developed or zoned land <sup>5, 8</sup>	50	50	50	40	40
(h) Minimum open space (%) <sup>6</sup>	50	50	45	40	30
(i) Maximum height (feet) <sup>7</sup>	40	40	40	40	40

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\*If land is sold with an attached unit, the minimum subplot size must be sufficient to accommodate the dwelling unit and 400 feet of private open space.

FOOTNOTES TO CHART 9.305(1):

- <sup>1</sup> The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.  
(*Petition No. 2001-128, § 9.305(1.1), 11-19-01*)
- <sup>2</sup> For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
- <sup>3</sup> For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection 9.205(4).
- <sup>4</sup> For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection 9.205(4).
- <sup>5</sup> Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family

development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

- 6 Religious institutions may have a minimum open space of 25%.
- 7 A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a single family residential use or zoning district, it may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the single family use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. However, any building over 60 feet in height and abutting a single family residential use or zoning district must increase any side and/or rear yard upon which a building shadow is cast 1½ feet for each foot above 60 feet. Height requirements for other permitted structures are set forth in Section 12.108.
- 8 If the property owner of a planned multi-family development dedicates land, having a minimum width of thirty (30) feet, to the city or county for incorporation into an abutting park or greenway, the rear yard requirement along that newly created property line shall be reduced to twenty (20) feet. Such land dedication must be acceptable to the Parks and Recreation Department.

B. PART 4: URBAN RESIDENTIAL DISTRICTS

- 1. Amend Section 9.408, “Urban Residential Districts: off-street parking and loading standards”, subsection (3) to modify the number of loading spaces needed. The current section reads as follows:
  - (3) Off-street service/delivery spaces . Buildings and structures within UR-C districts must provide the minimum number of off-street service/delivery parking spaces specified below:

<u>Use or building</u>	<u>Off-street service/delivery parking spaces</u>
Multi-family and attached dwellings, 1-24 units	0
Multi-family and attached dwellings, 25-74 units	2
Multi-family and attached dwellings, 75 units or more	1
Nonresidential uses	1



The revised section shall read as follows:

- (3) Off-street service/delivery spaces . Buildings and structures within UR-C districts must provide the minimum number of off-street service/delivery parking spaces specified below:

<u>Use or building</u>	<u>Off-street service/delivery parking spaces</u>
Multi-family and attached dwellings, 1-24 units	0
Multi-family and attached dwellings, <b>25+ units</b>	<b>1</b>
<b>Nonresidential uses with more than 50,000 sq. ft.</b>	<b>1</b>

C. PART 7: OFFICE DISTRICTS

1. Amend Section 9.705, Development standards for office districts”, subsection (1)(g) by adding a new footnote #7 that permits a reduction in the rear yard requirement for planned multi-family development when dedication of land is made for incorporation into an abutting park or greenway. The current text reads as follows:

**Section 9.705. Development standards for office districts.**

All uses and structures permitted in the O-1, O-2 and O-3 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (1) Areas, yard and bulk regulations shall be as follows:

	<u>O-1</u>	<u>O-2</u>	<u>O-3</u>
(a) Maximum Residential Density (Dwelling Units Per Acre) <sup>1</sup>	12.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential uses <sup>2</sup>	.60	1.0	3.0
(c) Minimum lot area (square feet) <sup>3</sup>			
- Detached dwellings	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500
- Multi-family dwellings and all other residential buildings*	11,500	11,500	11,500
- Nonresidential buildings	15,000	6,000	6,000
(d) Minimum lot width (feet)			

	- Detached dwellings	40	40	40
	- Duplex, triplex & quadraplex dwellings	55	55	55
	- Multi-family dwellings and all other residential buildings	55	55	55
	- Nonresidential buildings	80	50	50
(e)	Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district.)	20	20	20
(f)	Minimum side yard (feet) <sup>4</sup>			
	- Detached dwellings	5	5	5
	- Other residential dwelling(s) or buildings (except as provided below)	10	5	5
	- Planned multi-family development adjoining single family developed or zoned land <sup>5</sup>	20	10	10
	- Nonresidential development	10	5	5
(g)	Minimum rear yard (feet)			
	- Detached dwellings	20	20	20
	- Other residential dwelling(s) or buildings (except as provided below)	30	20	20
	- Planned multi-family development adjoining single family developed or zoned land <sup>5</sup>	50	40	40
	- Nonresidential development	20	20	20
(h)	Minimum open space for residential development (%)	50	40	30
(i)	Maximum height (feet) <sup>6</sup>	40	40	40

\* If land is sold with an attached unit, the minimum subplot size can be sufficient to accommodate dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.705(1):

<sup>1</sup> The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.

(Petition No. 2001-128, § 9.705(1.1), 11-19-01)

- <sup>2</sup> If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
- <sup>3</sup> For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
- <sup>4</sup> For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used subject to subsection 9.205(4).
- <sup>5</sup> Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.
- <sup>6</sup> A building in a designated district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

The revised text and the added footnote shall read as follows:

**Section 9.705. Development standards for office districts.**

All uses and structures permitted in the O-1, O-2 and O-3 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) Areas, yard and bulk regulations shall be as follows:

	<u>O-1</u>	<u>O-2</u>	<u>O-3</u>
(a) Maximum Residential Density (Dwelling Units Per Acre) <sup>1</sup>	12.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential uses <sup>2</sup>	.60	1.0	3.0
(c) Minimum lot area (square feet) <sup>3</sup>			
- Detached dwellings	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500

	- Quadraplex dwellings*	11,500	11,500	11,500
	- Multi-family dwellings and all other residential buildings*	11,500	11,500	11,500
	- Nonresidential buildings	15,000	6,000	6,000
(d)	Minimum lot width (feet)			
	- Detached dwellings	40	40	40
	- Duplex, triplex & quadraplex dwellings	55	55	55
	- Multi-family dwellings and all other residential buildings	55	55	55
	- Nonresidential buildings	80	50	50
(e)	Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district.)	20	20	20
(f)	Minimum side yard (feet) <sup>4</sup>			
	- Detached dwellings	5	5	5
	- Other residential dwelling(s) or buildings (except as provided below)	10	5	5
	- Planned multi-family development adjoining single family developed or zoned land <sup>5</sup>	20	10	10
	- Nonresidential development	10	5	5
(g)	Minimum rear yard (feet)			
	- Detached dwellings	20	20	20
	- Other residential dwelling(s) or buildings (except as provided below)	30	20	20
	- Planned multi-family development adjoining single family developed or zoned land <sup>5,7</sup>	50	40	40
	- Nonresidential development	20	20	20
(h)	Minimum open space for residential development (%)	50	40	30
(i)	Maximum height (feet) <sup>6</sup>	40	40	40

\* If land is sold with an attached unit, the minimum subplot size can be sufficient to accommodate dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.705(1):

<sup>1</sup> The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the

maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.

*(Petition No. 2001-128, § 9.705(1.1), 11-19-01)*

- <sup>2</sup> If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
- <sup>3</sup> For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
- <sup>4</sup> For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used subject to subsection 9.205(4).
- <sup>5</sup> Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.
- <sup>6</sup> A building in a designated district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.
- <sup>7</sup> If the property owner of a planned multi-family development dedicates land, having a minimum width of thirty (30) feet, to the city or county for incorporation into an abutting park or greenway, the rear yard requirement along that newly created property line shall be reduced to twenty (20) feet. Such land dedication must be acceptable to the Parks and Recreation Department.

#### D. PART 8: BUSINESS DISTRICTS

1. Amend Section 9.805, “Development standards for business districts” by adding a new footnote to subsection (1)(i) that permits a reduction in the rear yard requirement when dedication of land is made for incorporation into an abutting park or greenway. The current text reads as follows:

**Section 9.805. Development standards for business districts.**

All uses and structures permitted in the B-1, B-2, B-D, and BP districts shall meet the applicable development standards established in this Section and all other requirements of these regulations.

(1) Areas, yard and bulk regulations shall be as follows:

	<u>B-1</u>	<u>B-2</u>	<u>B-D</u>	<u>BP</u>
(a) Minimum project area (acres)	--	--	--	20
(b) Maximum Residential Density (Dwelling Units Per Acre) <sup>1</sup>	22.0	22.0	--	--
(c) Maximum floor area ratio for nonresidential development <sup>2</sup>	.50	1.0	.70	.80
(d) Minimum lot area (square feet) <sup>3</sup>				
- Detached dwelling	3,500	3,500	--	--
- Duplex dwelling*	6,500	6,500	--	--
- Triplex dwelling*	9,500	9,500	--	--
- Quadraplex dwelling*	11,500	11,500	--	--
- Multi-family dwellings and all other residential buildings*	11,500	11,500	--	--
- Nonresidential buildings	8,000	8,000	8,000	43,560
(e) Minimum lot width (feet)				
- Detached dwellings	40	40	--	--
- Duplex, triplex & quadraplex	50	50	--	--
- Multi-family dwellings and all other residential buildings	50	50	--	--
- Nonresidential buildings	50	50	50	--
(f) Minimum project street frontage	--	--	--	100
(g) Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district)	20	20	20	40
(h) Minimum side yard (feet) <sup>4</sup>				
- Residential buildings (except as provided below)	5	5	--	--
- Planned multi-family developments adjoining single family developed or zoned land <sup>5</sup>	10	10	--	--
- Nonresidential building	None**	None**	10	20

(i)	Minimum rear yard (feet)				
	- Residential buildings (except as provided below)	20	20	--	--
	- Planned multi-family developments adjoining single family developed or zoned land <sup>5</sup>	40	40	--	--
	- Nonresidential building	10	10	10	20
(j)	Minimum project edge <sup>6</sup>	--	--	--	100
(k)	Minimum open space for residential development (%)	40	40	--	--
(l)	Maximum height (feet) <sup>7</sup>	40	40	40	None***

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\* If land is sold with an attached unit, the minimum subplot size must be sufficient to accommodate a dwelling unit and 400 square feet of private open space for each unit.

\*\* In B-1 and B-2 districts, no side yard is required, but if they are provided, the first one must be a minimum of 8 feet and if a second one is provided, it must be a minimum of 4 feet. However, in any combination, there shall be a minimum of 8 feet building separation at the side yards.

\*\*\*Except no structure may exceed 40 feet in height if located within 200 feet of a residential zoning district.

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.
2. If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
3. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
4. For residential subdivisions, minimum building separations and zero lot lines may be used subject to subsection 9.205(5).

5. Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.
6. Except as provided for in subsection 9.805(6).
7. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. Special height requirements for the Business Park District are set forth in subsection 9.805(6).

The revised text shall read as follows:

**Section 9.805. Development standards for business districts.**

All uses and structures permitted in the B-1, B-2, B-D, and BP districts shall meet the applicable development standards established in this Section and all other requirements of these regulations.

- (1) Areas, yard and bulk regulations shall be as follows:

	<u>B-1</u>	<u>B-2</u>	<u>B-D</u>	<u>BP</u>
(a) Minimum project area (acres)	--	--	--	20
(b) Maximum Residential Density (Dwelling Units Per Acre) <sup>1</sup>	22.0	22.0	--	--
(c) Maximum floor area ratio for nonresidential development <sup>2</sup>	.50	1.0	.70	.80
(d) Minimum lot area (square feet) <sup>3</sup>				
- Detached dwelling	3,500	3,500	--	--
- Duplex dwelling*	6,500	6,500	--	--
- Triplex dwelling*	9,500	9,500	--	--
- Quadraplex dwelling*	11,500	11,500	--	--
- Multi-family dwellings and all other residential buildings*	11,500	11,500	--	--
- Nonresidential buildings	8,000	8,000	8,000	43,560



(e)	Minimum lot width (feet)				
	- Detached dwellings	40	40	--	--
	- Duplex, triplex & quadraplex	50	50	--	--
	- Multi-family dwellings and all other residential buildings	50	50	--	--
	- Nonresidential buildings	50	50	50	--
(f)	Minimum project street frontage	--	--	--	100
(g)	Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district)	20	20	20	40
(h)	Minimum side yard (feet) <sup>4</sup>				
	- Residential buildings (except as provided below)	5	5	--	--
	- Planned multi-family developments adjoining single family developed or zoned land <sup>5</sup>	10	10	--	--
	- Nonresidential building	None**	None**	10	20
(i)	Minimum rear yard (feet)				
	- Residential buildings (except as provided below)	20	20	--	--
	- Planned multi-family developments adjoining single family developed or zoned land <sup>5,8</sup>	40	40	--	--
	- Nonresidential building	10	10	10	20
(j)	Minimum project edge <sup>6</sup>	--	--	--	100
(k)	Minimum open space for residential development (%)	40	40	--	--
(l)	Maximum height (feet) <sup>7</sup>	40	40	40	None***

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\* If land is sold with an attached unit, the minimum subplot size must be sufficient to accommodate a dwelling unit and 400 square feet of private open space for each unit.

\*\* In B-1 and B-2 districts, no side yard is required, but if they are provided, the first one must be a minimum of 8 feet and if a second one is provided, it must be a minimum of 4 feet. However, in any combination, there shall be a minimum of 8 feet building separation at the side yards.

\*\*\*Except no structure may exceed 40 feet in height if located within 200 feet of a residential zoning district.

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.
2. If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
3. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
4. For residential subdivisions, minimum building separations and zero lot lines may be used subject to subsection 9.205(5).
5. Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.
6. Except as provided for in subsection 9.805(6).
7. A building in a district may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. Special height requirements for the Business Park District are set forth in subsection 9.805(6).
8. If the property owner of a planned multi-family development dedicates land, having a minimum width of thirty (30) feet, to the city or county for incorporation into an abutting park or greenway, the rear yard requirement along that newly created property line shall be reduced to twenty (20) feet. Such land dedication must be acceptable to the Parks and Recreation Department.

E. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

1. Amend Section 9.8507, “Mixed Use Development District: parking and loading standards”, subsection “Loading Standards”, subsections (1) (2), (3), (4) and (5) by modifying the number of loading spaces required, and renumbering the remaining subsections. The current section reads as follows:

Loading Standards.

Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29(14-25) of the City Code. These parking spaces must be provided in accordance with the following list:

- (1) Multi-family dwellings (0-24 units): None required
- (2) Multi-family dwellings (25-74 units): Two (2) spaces
- (3) Multi-family dwellings (75 or more units): Three (3) spaces
- (4) Non-residential uses with gross floor area:

Less than 50,000 square feet:	None Required
50,000 - 150,000 square feet:	One (1) space
Each additional 100,000 square feet:	One (1) space
- (5) If a non-residential use has five (5) or more off-street service/delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

The revised section shall read as follows:

Loading Standards.

Buildings and structures, excluding parking structures, subject to the provisions of this section, must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29(14-25) of the City

Code. These parking spaces must be provided in accordance with the following list:

- (1) Multi-family dwellings (1-24 units): None required
- (2) Multi-family dwellings (25+ units): One (1) space
- (3) Non-residential uses with gross floor area:
  - Less than 50,000 square feet: None Required
  - 50,000 - 150,000 square feet: One (1) space
  - Each additional 100,000 square feet: One (1) space
- (4) If a non-residential use has five (5) or more off-street service/delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

F. PART 9: UPTOWN MIXED USE DISTRICT

1. Amend Section 9.907, “ Uptown Mixed Use District: parking and loading standards”, subsection (2), “Loading standards”, by modifying the number of loading spaces required, and relettering the subsections accordingly. The current language reads as follows:

(2) Loading standards. Buildings and structures, excluding parking structures, subject to the provisions of this section must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These parking spaces must be provided in accordance with the following list:

- (a) Multi-family dwellings (0-24 units): None required
- (b) Multi-family dwellings (25-74 units): 2 spaces
- (c) Multi-family dwellings (75 or more units): 3 spaces
- (d) Nonresidential uses with gross floor area:
  - Less than 50,000 sq. ft.: None required
  - 50,000-150,000 sq. ft.: 1 space
  - Each additional 100,000 sq. ft.: 1 space

- (e) If a nonresidential use has 5 or more off-street service/ delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

The revised section shall read as follows:

- (2) Loading standards. Buildings and structures, excluding parking structures, subject to the provisions of this section must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These parking spaces must be provided in accordance with the following list:
  - (a) Multi-family dwellings (1-24 units): None required
  - (b) Multi-family dwellings (25+ units): 1 space
  - (c) Nonresidential uses with gross floor area:

Less than 50,000 sq. ft.:	None required
50,000-150,000 sq. ft.:	1 space
Each additional 100,000 sq. ft.:	1 space
  - (d) If a nonresidential use has 5 or more off-street service/ delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

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 20<sup>th</sup> day of March, 2006, 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 \_\_\_\_ day of \_\_\_\_\_, 2006.