

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 9: GENERAL DISTRICTS.

- 1. Amend Section 9.1105, “Development standards for industrial districts”, subsection (1) by adding references to Section 12.102, where other regulations apply if the lot is fronted by three or more streets, or if the lot is irregularly shaped. Also, delete the “Cross-reference” text at the end of subsection (1). The revised section shall read as follows:

Section 9.1105. Development standards for industrial districts.

All uses and structures permitted in the I-1 and I-2 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:

	I-1	I-2
(a) Maximum Floor Area Ratio ¹	80	1.00
(b) Minimum lot area (square feet)	8,000	8,000
(c) Minimum lot width (feet)	50	50
(d) Minimum setback (feet) (See Section 12.102 if the lot abuts a residential zoning district; if the lot is fronted on three or more sides by streets; or if the lot is irregularly shaped)	20	20
(e) Minimum side yard (feet) (See Section 12.102 if the lot is adjacent to a railroad rights-of-way or alley; abuts two or more streets; or is a corner lot; or is an irregularly shaped lot)	0 or 5*	0 or 5*
(f) Minimum rear yard (feet)	10	10

(See Section 12.102 if the lot is adjacent to a railroad rights-of-way or alley; abuts two or more streets, or is an irregularly shaped lot.)

(g) Maximum height (feet)² 40 40

*In I-1 and I-2 districts, no side yard is required, but if one is provided, it must be a minimum of five (5) feet.

NOTES TO CHART:

¹ If a parking deck is constructed as part of a building, the allowable floor area ratio may be increased by 50 percent.

² 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.

2. Amend Section 9.1105, “Development Standards for industrial districts”, subsection (3) “Buffers and Screening” by noting that buffer requirements may require a larger side or rear yard than the minimum requires, and that a new industrial use located across the public right-of-way from a residentially zoned or used property shall provide one-half of a Class A buffer, based on lot size.

- (3) Buffers and Screening. Development of any use in the I-1 and I-2 districts shall comply with applicable buffer and screening requirements in Chapter 12, Part 3. Applicable buffer requirements may require a larger side or rear yard than the minimum required. In addition, the use shall comply with the following requirements:

Development of any industrial use in the I-1 or I-2 zoning districts that is directly across the public right-of-way from a residentially zoned or used property, shall provide a buffer along the frontage that is directly across the public right-of-way from the residential property (i.e. a full buffer along the entire street frontage is not necessarily required). This buffer shall be one-half the width of a Class A buffer, based on the size of the industrial lot. The required buffer shall not be reduced with the use of a fence or wall; however berms may be used as per Section 12.302(8A) Required landscaping for street trees can be counted toward meeting the landscaping requirements of Section 12.302. The buffer may be located in the required front setback, but not in the public right-of-way.

3. Amend Section 9.1105, “Development standards for industrial districts”, subsection (6) by adding a requirement for industrial development to screen outdoor storage areas from property used or zoned for residential uses. The revised section shall read as follows:

- (6) Outdoor Storage. Development of any use in the I-1 and I-2 districts shall conform to the following requirements:
 - (a) Outdoor storage of goods and materials used in ~~the~~ assembly, fabrication or processing is permitted in the I-1 and I-2 districts, but shall not exceed 25% of the floor area of all buildings on a lot in the I-1 district.
 - (b) Outdoor storage shall be screened from the public right-of-way and from property used or zoned for residential purposes in accordance with Section 12.303.

4. Amend Section 9.1105, “Development standards for industrial districts”, subsection (7) by reorganizing the requirements into the same format as the previous subsections. The revised section shall read as follows:

Setbacks and Yards

- (7)
 - (a) Development of any industrial use in the I-1 or I-2 zoning districts may require larger setback and yard requirements in the following situations:
 - 1. Along certain streets subject to the regulations of Section 12.103.
 - 2. When a nonresidential use abuts a residential zoning district. See subsection 12.102(1).
 - 3. For properties bordering Lake Norman, Lake Wylie, Mountain Island Lake and the Catawba River, see Section 12.515 for piers and other water-related facilities development are applicable.

5. Add a new subsection (8), (9), and (10) to Section 9.1105, “Development standards for industrial districts,” regarding dumpsters, solid waste containers and recycling containers; outdoor lighting; and security. The new subsection (8), (9), and (10) shall read as follows:

- (8) Dumpsters, solid waste containers, and recycling containers. Development of any industrial use in the I-1 or I-2 zoning districts

shall conform to the screening requirements of Section 12.303, with the following additional requirement:

- (a) Uses allowed under prescribed conditions in the I-2 zoning district shall locate dumpsters, solid waste containers, or recycling containers a minimum of 60' from residentially used or zoned property. Distances shall be measured from the closest edge of the dumpster or container to the property line of the residentially used or zoned property.
 - (9) Outdoor Lighting. Development of any use in the industrial district shall meet the requirements of Section 12.402.
 - (10) Security Fencing. If security fencing is desired along property boundaries abutting residentially used or zoned property, such fencing shall meet one of the following requirements:
 - a. Non-decorative security fencing (such as chain link with or without vinyl or wood slats) shall not be located in any required buffer area.
 - b. Vinyl coated security fencing (without any concertina or barbed wire) may be located in the required buffer area, but shall be located no closer than the midpoint of the buffer width.
 - c. Decorative security fencing (such as wrought iron) may be located in the required buffer area but will not reduce the size of the buffer itself.
6. Amend Section 9.1102, "Uses permitted by right" by deleting the following uses (to later be moved into "Uses Allowed with Prescribed Conditions". Renumber the remaining uses in alphabetical order.
7. Amend Section 9.11023, "Uses Allowed with Prescribed Conditions" by adding the following uses, with the following conditions. Renumber all the uses in alphabetical order.

Abattoirs

- (a) All structures and buildings shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the structure to the property line of the residential use or zoning district.
- (b) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

Agricultural industries (I-2 only)

- (a) All structures and buildings shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the structure to the property line of the residential use or zoning district.
- (b) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

Building material sales, retail, and wholesale

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

Contractor offices and accessory storage (I-2 only)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

Equipment rental and leasing

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

Fence and fence materials, retail and wholesale

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

Foundries (I-2 only)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (b) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

Lumber mills and storage yards (I-2 only)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

Manufacturing (light) uses

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (b) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

Manufacturing (heavy) uses (I-2 only)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

All structures and buildings shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the structure to the property line of the residential use or zoning district.

- (c) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

Nursery/greenhouses, retail and wholesale

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.
- (b) Products sold outdoors shall be screened from residentially zoned property and from public streets by a minimum 5' buffer, including a wall, fence, or landscaping that meets the requirements of Section 12.303.

Tire recapping and retreading

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C

(commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

- (b) Outdoor production, processing, or repair of equipment shall be located no closer than 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the outdoor production, processing, or repair area to the property line of the residential use or zoning district.

Waste incinerators, excluding medical waste incinerators (I-2 only)

- (a) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

Junkyards

- (a) The use must be enclosed by a fence which is not easily climbable from six to seven feet in height, and located at least 20 feet from the public street right-of-way.
- (b) The use shall be located a minimum of 300' from any abutting residentially used or zoned property. Distances shall be measured from the closest edge of the property line to any residential use or zoning district
- (c) The use shall provide a Class C buffer along all public streets. in accordance with the standards in Section 12.303.
- (d) Primary vehicular access to the use shall be provided by a Class II (limited access arterial), Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), Class V-C (commercial street), or by a commercial cul-de-sac.

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

- 1. Amend Section 12.302, "Buffer requirements" Section (4) by revising the types of buffers needed for institutional and residential uses. The revised text shall read as follows:

- (4) One hundred (100%) percent of the applicable buffer requirements shall be the responsibility of the developing land use, except as follows:
 - (a) Institutional uses.
 - (1) For institutional uses developing abutting an existing more intensive use prior to the approval of this ordinance and for which no buffer is in place, the institutional use shall be responsible for providing a minimum of 50 percent of the required buffer specified for the more intensive use.

(2) For institutional uses developing directly across the public right-of-way from an industrially used property, without a required buffer in place, the institutional use shall provide a buffer along the frontage that is directly across the public right-of-way from the industrial property (i.e. a full buffer along the entire street frontage is not necessarily required). This buffer shall be one-half the width of a Class A buffer, based on lot size, and contain one-half the landscaping materials required in Table 12.302(b). Required landscaping for street trees can be counted toward meeting the landscaping requirements of this section. The buffer may be located in the required front setback, but not in the public right-of-way.

(b) Residential Uses:

(1) For Residential uses developing abutting industrial uses or zoning districts, the residential use shall be responsible for providing 50 percent of the required buffer specified for the more intensive use.

(2) For residential uses developing abutting an existing, more intensive, non-industrial use developed prior January 1, 1992, that do not have a required-buffer in place, the residential use shall be responsible for providing a minimum of 50 percent of the required buffer specified for the more intensive use.

(3) For residential uses developing directly across the public right-of-way from an industrially used property, that do not have a required buffer in place, the residential use shall provide a buffer along the frontage that is directly across the public right-of-way from the industrial property (i.e. a full buffer along the entire street frontage is not necessarily required). This buffer shall be one-half the width of a Class A buffer, based on lot size, and contain one-half the landscaping materials required in Table 12.302(b). Required landscaping for street trees can be counted toward meeting the landscaping requirements of this section. The buffer may be located in the required front setback, but not in the public right-of-way.

2. Amend Section 12.302, "Buffer requirements", subsection (5), and (6) to cross-reference the fact that all residential development that abuts industrially zoned property shall provide a full Class A buffer on the residential property. The revised section shall read as follows:

- (5) If an abutting parcel contains a required buffer or screen, it shall count towards the buffer requirements of the developing property, subject to the regulations in Section 12.304 with the exception that a buffer provided by a residential property abutting a developed industrial zoned property, shall not count toward the buffer required by the industrial property.
 - (6) If the land use relationships between two abutting lots change so that a lesser buffer would be required under these regulations, the width of the buffer may be reduced accordingly, with the exception that a buffer provided by a residential property abutting a developed industrial zoned property, shall not count toward the buffer required by any more intensive use.
3. Amend Section 12.302, "Buffer requirements" subsection (8) to cross-reference the fact that all residential development that abuts industrially zoned property shall provide a full Class A buffer on the residential property. Add a new subsection (8A) to allow the reduction in the buffer width for industrial uses in certain circumstances. The revised section shall read as follows:
 - (8) The width of any required buffer may be reduced by 25% if a wall, fence, or berm is provided that meets the following standards, with the exception that buffers required for residential uses abutting industrial property, or for industrial uses abutting residential property shall meet the standards of Section 12.202(8A).
 - (a) Any fence or wall shall be constructed in a durable fashion of brick, stone, other masonry materials or wood posts and planks or metal or other materials specifically designed as fencing materials, or any combination thereof as may be approved by the Zoning Administrator. Other materials may also be considered through the alternate buffer and screening process as detailed in Section 12.304. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this section when abutting residential uses and districts;
 - (b) Walls and fences shall be a minimum height of 6 feet;
 - (c) Berms shall be a minimum height of 4 feet with a maximum slope of 3:1. Berms in excess of 6 feet height shall have a maximum slope of 4:1 as measured from the exterior property line;
 - (d) Berms shall be stabilized to prevent erosion and landscaped; and
 - (e) Shrubs are not required if a fence or wall is built. If a berm is constructed, shrubs are required but the number may be reduced by

25%. However, the number of trees is not modified by the reduction of buffer width.

(f) Walls and fences must be located within the inner half of the buffer. However, the location of the fence or wall may be varied on sites that feature unusual topography as per Section 12.304.

(8A) The width of any required buffer for residential uses abutting industrial property, or for industrial uses abutting residential property may be reduced by 25% if a berm is provided that meets the following standards.

(a) Berms shall be a minimum height of 4 feet with a maximum slope of 3:1. Berms in excess of 6 feet height shall have a maximum slope of 4:1 as measured from the exterior property line;

(b) Berms shall be stabilized to prevent erosion and landscaped; and

(c) If a berm is constructed, shrubs are required but the number may be reduced by 25%. However, the number of trees shall not be modified by the reduction of buffer width.

4. Amend Table 12.303(a) “Minimum Buffer Requirements, By Use and District Categories” by adding a new row titled, “Single-Family” to the column titled, “Developing Uses”. Also, add a new column at the end of the table titled, “Industrial” under “Existing Abutting Uses and Districts”. Add a requirement for single-family and multi-family development that develop after industrial uses have developed on abutting property:

TABLE 12.303(a) Minimum Buffer Requirements, By Use and District Categories

	EXISTING ABUTTING USES AND DISTRICTS						
	Single Family Use or Zoning	Multi-Family Use or Zoning	Institutional Use Intensity or Zoning	Office Use or Zoning	Business Use or Zoning	Parks and Greenways	Industrial Use
DEVELOPING USES							
1. SINGLE-FAMILY Attached, detached, duplex, triplex, and quadraplex							A
2. MULTI-FAMILY Attached, multi-family with 5-11 units Attached, multi-family in one building with more than twelve units; Planned multi-family developments and manufactured home parks	C						A A

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 _____ day of ____ 2007, 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 _____, 2007.