

**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:

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.202, "Definitions" by adding a definition for "blockface" in alphabetical order. The new definition shall read as follows:

Block face.

One side of a city block between two intersections, or street termination.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e2), by adding a footnote (9) reference. All remaining text remains unchanged. The new text shall read as follows:

(e2) Minimum setback from existing or future back of curb along local and collector streets (feet) <sup>3, 8, 2</sup>	42	42	32	32	32
---	----	----	----	----	----

- b. Add a new footnote (9) to Chart 9.205(1) for alternative setback standards. The remaining footnotes remain unchanged. The new footnote shall read as follows:

<sup>9</sup> Alternative Setback: The following setback standards may be used for an established block face that is at least 25 percent developed, or has at least four existing dwellings.

(a) A single-family detached dwelling in an established block face may be located no closer to the street than the two closest structures on the same block face.

(b) In no case shall the minimum setback be less than 10

feet, or intrude into a required clear sight triangle at an intersection.

(c) The location of parking shall meet the minimum standards in Section 12.206(3).

2. PART 4: URBAN RESIDENTIAL

- a. Amend Section 9.407, “Urban Residential Districts; development standards for various uses”, subsection (4), “Streetscape improvements” by separating the text into subsections (i) through (iv), and adding the Planning Director and designees as individuals who can, with the City Engineer, amend the streetscape improvements to allow context sensitive design options, or when there are unusual physical restraints. The revised subsection shall read as follows:

(4) Streetscape improvements.

- (i) All development in the UR districts must conform to the Charlotte Tree Ordinance unless there is a City Council adopted streetscape plan for streets that the project abuts.
- (ii) Sidewalks are required and must be a minimum of 6 feet wide, except the Planning Director, City Engineer, or their designees may ~~reduce~~ amend this requirement due to unusual physical restraints or to allow context sensitive design options.
- (iii) Improvements relating to sidewalks, tree planting and landscaping as specified by the streetscape plan must be installed during the development process. Setbacks prescribed in the streetscape plan supersede those listed as minimums for the district when the plan specifies a greater setback than the minimum for the district.
- (iv) Developers are strongly encouraged to work with the appropriate utility companies to relocate overhead utilities underground during the development of the site. If the utilities are not relocated at the time the site is developed, the design of the site must provide for the eventual placement of utilities underground, and appropriate easements must be set aside accordingly.

*(Petition No. 2001-050, § 9.407(4), 06-18-01)*

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.106, “Uses and structures prohibited and allowed in required setbacks and yards”, by adding a new subsection (6) to read as follows. The remaining subsections remain unchanged.

(6) A breezeway connection between an accessory use and a principal use is allowed provided the following standards are met:

- (a) The breezeway shall be located to the rear or side of the principal structure.
- (b) The breezeway shall meet the minimum yard standards for accessory structures.
- (c) The width of the breezeway shall not exceed 5 feet.
- (d) The breezeway height shall not exceed 12 feet.
- (e) The sides of the breezeway shall be open except for structural support columns and possible deck railings.
- (f) Walkways are not permitted on the roof of a breezeway.
- (g) The breezeway shall be included in the maximum building coverage calculations (see Table 9.205(1)(i)).

2. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.509, “Public utility transmission and distribution lines” by placing the existing regulations into a new subsection (1), and adding a new subsection (2) that reads as follows:

**Section 12.509. Public utility transmission and distribution lines.**

- (1) All electricity, telephone, CATV, and other utility distribution lines, which deliver service to the end user from a transmission line providing service to an area larger than the individual parcel or project area in developing or redeveloping areas, shall be installed underground in all districts unless terrain, subsurface or surface obstructions inhibit installation. This provision does not apply to the Research, Institutional and BP districts.
- (2) Lots created after December 31, 2011 shall not have major overhead public utility structures supporting transmission lines or otherwise part of the transmission network located in any established front setback. This provision does not apply to neighborhood-serving minor utility structures that provide local distribution.

3. PART 8: S.W.I.M. (SURFACE WATER IMPROVEMENT AND MANAGEMENT) STREAM BUFFERS

- a. Amend Section 12.805, “Incentives”, subsection (3), “Relax lot setback requirements”, subsection (b) by replacing the term “setbacks” with “yards” and deleting subsection (c). The revised text shall read as follows:

- (b) Rear setbacks yards can be located 100 % within a SWIM buffer. Rear setbacks yards can be reduced to 30 feet on all internal lots. Rear yards forming the outer boundary of a project must conform to the minimum of subsection 9.205(1)(g) for the zoning district in which the development is located.
- (c) ~~Side setbacks can be reduced to a minimum of 3 feet provided all fire code requirements are satisfied.~~

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 \_\_\_\_\_, 2011, 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 \_\_\_\_\_, 2011.