

Petition #: 2013-29
Petitioner: Design Resource Group

APR 15 2013

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 9: GENERAL DISTRICTS

1. Part 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8506, "Mixed Use Development District; urban design and development standards" subsection (2) Streetscape design standards, to add a new subsection (2)(j) permitting balconies to project up to 2' into the minimum setback. All other subsections remain unchanged. The revised subsection shall read as follows:

(j) Balconies. Balconies may project up to 2' into the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of 10' from grade.

2. Part 9: UPTOWN MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.906, "Uptown Mixed Use Development District; urban design and development standards" subsection (2) Streetscape design standards, to add a new subsection (2)(m) permitting balconies to project up to 2' into the minimum setback. All other subsections remain unchanged. The revised subsection shall read as follows:

(m) Balconies. Balconies may project up to 2' into the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of 10' from grade.

B. CHAPTER 10: GENERAL DISTRICTS

3. Part 8: PEDESTRIAN OVERLAY DISTRICT

- b. Amend Section 10.812, "Development standards" Table 10.812(1) to add an additional footnote (footnote #6A) to the Minimum Setback in Table 10.812(1), and to add a new row in Table 10.812(2) Setback Footnotes to allow balconies to project up to 2' into the minimum setback. All other subsections remain unchanged. The revised subsection shall read as follows:

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

Table 10.812(1)

Minimum Lot Area	None
Maximum Floor Area Ratio (FAR)	None
Minimum Setback (feet) 1-6A	Varies
Minimum Side yard (feet)	
-Abutting residential use or zoning	5 feet
-All other conditions	None
Minimum Rear Yard (feet)	
-Abutting residential use or zoning	20 feet
-All other conditions	5 feet
Base Height	40 feet
Maximum Height (feet) 7-9	100 feet

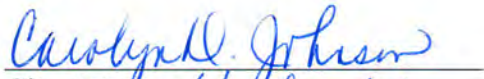
Table 10.812(2) Footnotes

Setback Footnotes	
¹ Minimum Building Setback	<p>For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. The minimum building setback will be specified in a streetscape plan approved by the City Council. The minimum setback will be measured from the back of all existing or future curbs, whichever is greater.</p> <p>If new construction incorporates an existing structure located within the required setback, the Charlotte Department of Transportation (CDOT) and Planning Department staff may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb.</p> <p>If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by CDOT in conjunction with the Planning Department staff.</p>
² Architectural Features	For new development across a local (public or private) street from, or abutting on the same side of a local street as, existing single family zoning (R-3, R-4, R-5, R-6, and R-8), one story screened or open air porches and stoops may encroach into the setback up to 8 feet, but shall be located behind the required sidewalk. Architectural features such as eaves, steps and cornices may encroach up to 3 feet into the setback.
³ Charlotte Tree Ordinance	The “Charlotte Tree Ordinance” will be applicable in addition to any approved streetscape plan.
⁴ Doorways	No new doors shall be allowed to swing into the minimum setback, except for emergency exit doors.
⁵ Utilities	All above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits shall be located behind the minimum setback, except as allowed by any City right-of-way ordinances.

⁶Fences	Fences and walls may also be located in the setback, behind the required sidewalk, but shall not exceed 3 feet in height above grade. All fences and walls shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof.
^{6A}Balconies	Balconies may project up to 2' into the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of 10' from grade.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:


 City Attorney (Deputy)

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 15th day of April 2013, 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 _____, 2013.
