

Petition No. 2014-098  
Petitioner: Charlotte-Mecklenburg Planning Department

NOV 17 2014

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

**ORDINANCE NO. 5531**

**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 4: URBAN RESIDENTIAL DISTRICTS**

- a. Amend Section 9.406, "Urban Residential Districts; area, yard and height requirements" subsection (4), "UR-C" by 1) adding a new footnote reference for maximum height, and 2) adding a new footnote #5, that reads as follows:

- (4) UR-C: Dimensional requirements for the UR-C district are as follows:

|                                       |  |
|---------------------------------------|--|
| Minimum lot area (square feet)        | 3,000  |
| Minimum side yard (feet) <sup>4</sup> | 5  |
| Minimum setback (feet) <sup>3,4</sup> | 14 from back of existing or<br>proposed curb, whichever is greater |
| Minimum rear yard (feet) <sup>4</sup> | 20   |
| Maximum floor area ratio <sup>2</sup> | 3.0  |
| Maximum height (feet) <sup>1-5</sup>  | 60   |
| Minimum lot width (feet)              | 20   |

<sup>1</sup> Maximum height may be increased above 60 feet provided all required side and rear yards are increased 1 foot for every 10 feet of building height over 40 feet.

<sup>2</sup> No more than 1.5 floor area ratio may be devoted to nonresidential and/or institutional purposes in mixed use structures.

<sup>3</sup> Minimum setback: 14 feet minimum from back of existing or proposed curb, whichever is greater, or as specified in a City Council adopted streetscape plan for the streets that the project abuts. 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 the Charlotte Department of Transportation in conjunction with the Planning Department staff. However, if new construction incorporates an existing structure located within the

required setback, the setback for the addition may be reduced to the established setback but in no event be less than 10 feet from the back of the existing curb.

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. All new transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, including such facilities when located below grade, must be behind the setback. No new doors shall be allowed to swing into the setback except emergency exit doors.

<sup>4</sup> Reduction of any required yard by up to 25 percent is permitted, provided that the reduction will result in more efficient use of the site, preserve natural features or will not unduly diminish the provision of light, air and privacy to abutting properties.

<sup>5</sup> Height requirements for other permitted structures are set forth in Section 12.108.

2. PART 8: BUSINESS DISTRICTS

a. Amend Section 9.805, "Development standards for business districts", footnote #7, by deleting the last sentence in the footnote. All other footnotes remain unchanged. The revised footnote shall read as follows:

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).~~

3. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

a. Amend Section 9.8505, "Mixed Use Development District; area, yard and height regulations", subsection (5) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(5) Maximum height: 120'

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.905, "Uptown Mixed Use District; area, yard and height regulations", subsection (4) by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(4) **Maximum height:** With the exception of the Brevard Street area (see Section 9.906(2)(d)(2)(c)) and other permitted structures identified in Section 12.108, there is no maximum height, however, no structure, fixture or other objects over 60 feet in height on a lot abutting residentially zoned land which has residential structure of 40 feet or less in height may be situated so that it casts a shadow at a distance greater than 20 feet across any property line on either time of solstice between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time.

Height requirements for other permitted structures are set forth in Section 12.108.

- b. Amend Section 9.906, "Uptown Mixed Use District; urban design and development standards" subsection (2)(d)(2)(c), "Building Height" by adding additional text referencing Section 12.108. The revised subsection shall read as follows:

(a) Building Height. Building heights shall be a maximum of 60 feet along Brevard Street and Caldwell Street. Building heights can exceed 60 feet if the upper portion of the building is stepped back 20 feet from the minimum setback, as illustrated below. See also Section 9.905(4).

Height requirements for other permitted structures are set forth in Section 12.108.

5. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1005, "Urban Industrial District; area, yard and height requirements", by adding three new footnotes for maximum height that clarify the references. The revised section shall read as follows:

**Section 9.1005. Urban Industrial District; area, yard and height requirements.**

|                                |  |
|--------------------------------|--|
| Minimum lot area (square feet) | 5,000  |
| Minimum lot width (feet)       | 50   |
| Minimum setback (feet)         | 5  |
| Minimum side yard (feet)*      | 0; except 20 feet when abutting any residential or office district |
| Minimum rear yard*             | 0; except 50 feet when abutting any residential                    |

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|  | or office district  |
| Maximum floor area ratio               | 2.0   |
| Maximum height (feet) <sup>1,2,3</sup> | 40 <u>within 100 feet of any residential district</u> ; <u>except higher as specified under Section 12.108.</u> |

\* Subject to all applicable building and fire codes for separation.

<sup>1</sup> A building that is not adjacent to and located greater than 100 feet from a residential 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 of building height in excess of the 40 feet.

<sup>2</sup> A building which abuts a residential zoning district that is greater than 100 feet from such building or abuts a residential use shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.

<sup>3</sup> Height requirements for other permitted structures are set forth in Section 12.108.

6. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

a. Amend Section 9.1208, "Development standards", subsection (3), "Maximum height" by adding a new subsection (b) that shall read as follows:

(b) Height requirements for other permitted structures are set forth in Section 12.108(4), (5), and (6).

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

a. Amend Section 10.812, "Development standards" by modifying footnote #7 by adding a reference to Section 12.108.

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| <sup>7</sup> Base Height | <p>The base height for this district is 40 feet.</p> <p>For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the minimum setback line.</p> <p>For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet,</p> |
|--------------------------|---|

|  |  |
|--|--|
|  | <p>for every 10 feet in distance the portion of the building is from the required yard.</p> <p>For all other parcels, the permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single family residential district (R-3, R-4, R-5, R-6, and R-8). The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from single family zoning district(s).</p> <p><u>Height requirements for other permitted structures are set forth in Section 12.108.</u></p> |
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2. PART 9: TRANSIT SUPPORTIVE OVERLAY DISTRICT

- a. Amend Section 10.907, "Development Standards", subsection (3), "Maximum height", by adding a new subsection (b) that shall read as follows:

(b) Height requirements for other permitted structures are set forth in Section 12.108.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS (MX-1, MX-2, and MX-3)

- a. Amend Section 11.205, "Development standards for MX-1, MX-2 and MX-3 districts" by adding "height" in subsection (3). The revised subsection shall read as follows:

(3) Nonresidential development within the MX districts shall meet the minimum lot area, lot width, height, and yard requirements established in Section 9.805 for the B-1 district. In no event shall nonresidential development in an MX district exceed a floor-area-ratio of 0.60.

2. PART 3: MANUFACTURED HOUSING DISTRICT

- a. Amend Section 11.304, "Development standards; density; common area requirements", by adding "height" in subsection (3). The revised subsection shall read as follows:

(3) Each lot or space within the park shall be at least 5,000 square feet in area and at least 40 feet wide. No more than one home may be erected on one space. In a subdivision, the lot, and yards, and height shall be developed to the standards of the R-5 district.

3. PART 5: NEIGHBORHOOD SERVICES DISTRICT

- a. Amend Section 11.505, "Development standards", subsection (8) by adding an additional sentence referencing Section 12.108. The revised subsection shall read as follows:

Maximum height is 60 feet in the district. However, the maximum height in the district abutting property used or zoned for single family residential is 40 feet, except the height may exceed 40 feet if there is an increase in side and rear yards of one foot for every foot of building height over 40 feet up to the 60 feet maximum.

Height requirements for other permitted structures are set forth in Section 12.108.

4. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.705, "Development standards", subsection (8), by adding a new subsection (c). The revised section shall read as follows:

(1) Maximum height: 90'.

(a) If a building abuts a residential zoning district or residential use that is not zoned RE-3, it shall not be erected to a height in excess of 40 feet unless the side and/or rear yard which adjoins the residential zoning district or use is increased one (1) foot for every foot of building height in excess of 40 feet.

(b) If a building abuts a non-residential zoning district or residential use that is zoned RE-3, no increase in side/and or rear yard is required.

(c) Height requirements for other permitted structures are set forth in Section 12.108.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.108, "Height limitations" by deleting subsections (1), (2) and (9) and replacing them with "Reserved". In subsection (4), delete the phrase "subsection (1) above" and replace it with "in each zoning district". All remaining subsections shall remain unchanged. The revisions shall read as follows:

Section 12.108. Height limitations.

Height limitations are established to allow maximum development potential without adversely impacting the character of established single family neighborhoods and ensuring the development respects and complements the surrounding development.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

- (1) ~~A building that is not in or adjacent to a residential 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 of building height in excess of the 40 feet. Reserved.~~
- (2) ~~A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Reserved.~~
- (4) The height limitations established in subsection (1) ~~above~~ in each zoning district shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.
- (9) ~~The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD, or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10. Reserved.~~

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

Approved as to form:

*James H. [Signature]*  
City Attorney

**CERTIFICATION**



I, Stephanie C. Kelly, 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 17th day of November, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 142-148.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 17th day of November, 2014.

*Stephanie C. Kelly*  
Stephanie C. Kelly, MMC NCCMC, City Clerk 7