

JAN 22 2019

Petition #2018-063
Petitioner: LandDesign, Inc.

Revised 12-12-18

ORDINANCE NO. 9492

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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201 "Definitions" to add the following definitions in alphabetical order:

Private Open Space

Useable open space that is 1) located outdoors [unheated] or in the open air [may be under a roof, canopy or screened], and designed for outdoor living or landscaping, including areas located on the ground and areas on decks, patios, balconies, porches, and roof-top decks, and 2) has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks, where one dimension shall be at least seven feet. The following shall be explicitly excluded from Private Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, BMP's, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

Sublot

A platted parcel of land which is a divided unit of a lot for the development of a single family attached structure with the intention of sale of individual units and associated land.

Useable common open space 1) is accessible and visible to residents, tenants, and/or users of the development; 2) is located outdoors [unheated] or in the open air [may be under a roof, canopy or screened], and designed for outdoor living, recreation or landscaping, including areas located on the ground and areas on decks, patios, balconies, porches, and roof-top decks; 3) is improved with seating, plantings, and/or other amenities; 4) has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks, where one dimension shall be at least seven feet. The following shall be explicitly excluded from Useable Common Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, BMP's, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE FAMILY DISTRICTS

- a. Delete the double asterisk (**) located below Section 9.205 in its entirety.

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

- b. Add a new Footnote #12 to the entry labeled "Footnotes to Section 9.205(1)" that reads as follows:

¹² If land is sold with an attached dwelling unit, the development shall accommodate 400 square feet of Private Open Space per dwelling unit on each Sublot.

- c. Delete the double asterisks (**) in Section 9.205, "Development standards for single family districts", subsection (1), "Area, yard and bulk regulations", subsection (c) after the lot area square footage numbers under R-3, R-4, R-5, R-6 and R-8. The single asterisk (*) remains unchanged. Add a new Footnote #12 reference after "Duplex dwellings", "Triplex dwellings", "Quadraplex dwellings". The square footage numbers for the various districts remain unchanged. The revised subsection (c) shall read as follows:

(c) Minimum lot area (square feet) ²	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
- Detached dwellings	10,000*	8,000*	6,000	4,500	3,500
- Duplex dwellings ¹²	16,000	13,000	10,000	8,000	6,500
- Triplex dwellings ¹²					9,500
- Quadraplex dwellings ¹²					11,500
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000

*Also see Section 9.205(2)

2. PART 3: MULTI FAMILY DISTRICTS

- a. Delete the asterisk (*) and the text located below Table 9.305(l)(j)(C) and above “Footnotes to Section 9.305(1)” in its entirety.

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

- b. Add a new Footnote #15 and #16 to the entry labeled “Footnotes to Section 9.305(1)” that reads as follows:

¹⁵ If land is sold with an attached dwelling unit, the development shall accommodate 400 square feet of Private Open Space per dwelling unit on each Sublot.

¹⁶ If land is sold with an attached dwelling unit, the development shall accommodate either 400 square feet of Private Open Space per dwelling unit on each Sublot or ten percent of the site shall be provided as Useable Common Open Space.

- c. Delete the asterisk (*) and add a new Footnote #15 reference in Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (c) after “Duplex dwellings”, Triplex dwellings”, and “Quadraplex dwellings” and a new Footnote #16 after “Multi-family dwellings”. The square footage numbers for the various multi-family districts remain unchanged and are not shown below. The revised subsection (c) shall read as follows:

- (c) Minimum lot area (square feet) ²
- Detached dwellings
 - Duplex dwellings ¹⁵
 - Triplex dwellings ¹⁵
 - Quadraplex dwellings ¹⁵
 - Multi-family dwellings ¹⁶
 - All Other buildings

3. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (1), “UR-1”, Footnote #5, by deleting the text in its entirety and replacing it with a new sentence. The revised footnote shall read as follows:

⁵ ~~Where the sale of individual dwelling units within a single family attached~~

~~structure is to include a certain amount of land directly associated with the unit, a subplot having less than 3,000 square feet may be created. In such cases, all land associated with the overall development must be either divided into the individual sublots or held in common ownership by an association of homeowners. For purposes of this Section a "subplot" is a platted parcel of land which is a divided unit of a lot for which zoning approval has been granted for the development of a single family attached structure with the intention of sale of individual units and associated land. Sublots must include a minimum of 400 square feet of private open space. Sublots do not have to meet the minimum lot width requirement. If land is sold with an attached dwelling unit, the development shall accommodate 400 square feet of Private Open Space per dwelling unit on each Sublot.~~

- b. Add a missing Footnote #5 reference in Section 9.406, "Urban Residential Districts; area, yard and height regulations", subsection (1), "UR-1", subsection "Minimum lot area (square feet)" to read as follows:

(1) UR-1: Dimensional requirements for the UR-1 district are listed below:
Minimum lot area (square feet)⁵ 3,000

- c. Amend Section 9.406, "Urban Residential Districts; area, yard and height regulations", subsection (2), "UR-2", Footnote #2 by deleting the text in its entirety and replacing it with a new sentence. The revised footnote shall read as follows:

² ~~Where the sale of individual dwelling units within a single family attached structure is to include a certain amount of land directly associated with the unit, a subplot having less than 3,000 square feet may be created. In such cases, all land associated with the overall development must be either divided into the individual sublots or held in common ownership by an association of homeowners. For purposes of this Section a "subplot" is a platted parcel of land which is a divided unit of a lot for which zoning approval has been granted for the development of a single family attached structure with the intention of sale of individual units and associated land. Sublots must include a minimum of 400 square feet of private open space. Sublots do not have to meet the minimum lot width requirement. If land is sold with an attached duplex, triplex or quadraplex dwelling unit, the development shall accommodate 400 square feet of Private Open Space per dwelling unit on each Sublot. For all other attached dwelling units, if land is sold with the dwelling unit, the development shall accommodate either 400 square feet of Private Open Space per dwelling unit on each Sublot or ten percent of the site shall be provided as Useable Common Open Space.~~

- d. Amend Section 9.406, "Urban Residential Districts; area, yard and height regulations, subsection (2), "UR-3", Footnote #2 by deleting the text in its entirety and replacing it with a new sentence. The revised footnote shall read as follows:

² ~~Where the sale of individual dwelling units within a single family attached structure is to include a certain amount of land directly associated with the~~

~~unit, a subplot having less than 3,000 square feet may be created. In such cases, all land associated with the overall development must be either divided into the individual sublots or held in common ownership by an association of homeowners. For purposes of this Section a "subplot" is a platted parcel of land which is a divided unit of a lot for which zoning approval has been granted for the development of a single family attached structure with the intention of sale of individual units and associated land. Sublots must include a minimum of 400 square feet of private open space. Sublots do not have to meet the minimum lot width requirement. If land is sold with an attached duplex, triplex or quadraplex dwelling unit, the development shall accommodate 400 square feet of Private Open Space per dwelling unit on each Sublot. For all other attached dwelling units, if land is sold with the dwelling unit, the development shall accommodate either 400 square feet of Private Open Space per dwelling unit on each Sublot or ten percent of the site shall be provided as Useable Common Open Space.~~

4. PART 7: OFFICE DISTRICTS

- a. Delete the asterisk (*) located below Table 9.705(1)(i) and above "Footnotes to Chart 9.705(1)" in its entirety.

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

- b. Add a new Footnote #8 and #9 to the entry labeled "Footnotes to Chart 9.705(1)"

⁸ If land is sold with an attached dwelling unit, the development shall accommodate 400 square feet of Private Open Space per dwelling unit on each Sublot.

⁹ If land is sold with an attached dwelling unit, the development shall accommodate either 400 square feet of Private Open Space per dwelling unit on each Sublot or ten percent of the site shall be provided as Useable Common Open Space.

- c. Delete the asterisk (*) and add a new Footnote #8 reference in Section 9.705, "Development standards for multi-family districts", subsection (1), "Areas, yard and bulk regulations", subsection (c) after "Duplex dwellings", "Triplex dwellings", "Quadraplex dwellings" and a new Footnote #9 after "Multi-family dwellings and all other residential buildings". The square footage numbers for the various office districts remain unchanged and are not shown below. The revised subsection (c) shall read as follows:

- (c) Minimum lot area (square feet) ³
- Detached dwellings
 - Duplex dwellings ⁸
 - Triplex dwellings ⁸

- Quadraplex dwellings⁸
- Multi-family dwellings and all other residential buildings²
- Nonresidential buildings

5. PART 8: BUSINESS DISTRICTS

- a. Delete the single asterisk located below Table 9.805(1)(I) in its entirety:

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

- b. Add a new Footnote #9 and #10 under Table 9.805(1)(I) and under Footnote #8 to read as follows:

² If land is sold with an attached dwelling unit, the development shall accommodate 400 square feet of Private Open Space per dwelling unit on each Sublot.

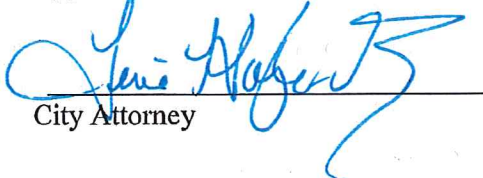
¹⁰ If land is sold with an attached dwelling unit, the development shall accommodate either 400 square feet of Private Open Space per dwelling unit on each Sublot or ten percent of the site shall be provided as Useable Common Open Space.

- c. Delete the asterisk (*) and add a Footnote #9 reference to Section 9.805, "Development standards for business districts", subsection (1), "Areas, yard and bulk regulations", subsection (d) after "Duplex dwellings", Triplex dwellings" and "Quadraplex dwellings" and a new Footnote #10 after "Multi-family dwellings and all other residential buildings". The square footage numbers for the various office districts remain unchanged and are not shown below. The revised subsection (c) shall read as follows:

- (d) Minimum lot area (square feet)³
- Detached dwellings
 - Duplex dwellings²
 - Triplex dwellings²
 - Quadraplex dwellings²
 - Multi-family dwellings and all other residential buildings¹⁰
 - Nonresidential buildings

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

Approved as to form:

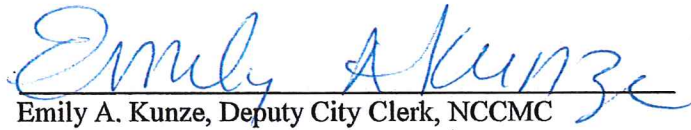

City Attorney

January 22, 2019
Ordinance Book 62, Page 42

CERTIFICATION

I, Emily A. Kunze, Deputy 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 22nd day of January, 2019, the reference having been made in Minute Book 147, and recorded in full in Ordinance Book 62, Page(s) 36-42.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 22nd day of January, 2019.


Emily A. Kunze, Deputy City Clerk, NCCMC

