

Petition # 2018-063
Petitioner: LandDesign, Inc.

Revised 10-23-18

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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

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

Useable Open Space

Usable and accessible on-site open space for residential developments which provide either private open space for the individual dwelling unit(s), or common open space for the use of residents of the overall development.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend the double asterisk in Section 9.205(1)(c) to read as follows, with new text:

~~**If land is sold with an attached dwelling, the minimum sub lot subplot size must be sufficient to accommodate the dwelling unit and 400 square feet of private open space~~ Useable Open Space that meets the following requirements:

- a. Is accessible and visible to residents, tenants, and/or users of the development; and
b. 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, rooftop decks, and playgrounds; and

- c. Improved with seating, plantings, and/or other amenities; and
- d. Has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks or stoops where one dimension shall be at least seven feet.
- e. The following shall be explicitly excluded from the Useable Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

2. PART 3: MULTI FAMILY DISTRICTS

- a. Amend the asterisk text below Table 9.305(l)(j)(C) and above “Footnotes to Section 9.305(1) to reads as follows:

*If land is sold with an attached unit, the minimum subplot size must be sufficient to accommodate the dwelling unit and 400 feet of ~~private open space.~~ Useable Open Space that meets the following requirements:

- a. Is accessible and visible to residents, tenants, and/or users of the development; and
- b. 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, rooftop decks, and playgrounds; and
- c. Improved with seating, plantings, and/or other amenities; and
- d. Has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks or stoops where one dimension shall be at least seven feet.
- e. The following shall be explicitly excluded from the Useable Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

- b. Amend Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (h), “Minimum open space” by adding text under the entry, with five new subsections that shall read as follows:

(h)	Minimum open space (%) excluding detached dwellings ⁶	50	50	45	40	30
	- <u>A minimum of 25% of the open space must be Useable Open Space that meets the following requirements:</u>					
	1. <u>Accessible and visible to residents, tenants, and/or users of the development; and</u>					

2. 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, rooftop decks, and playgrounds; and
3. Improved with seating, plantings, and/or other amenities; and
4. Has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks or stoops where one dimension shall be at least seven feet.
5. The following shall be explicitly excluded from the Useable Open space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

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 revising the sentence “Sublots must include a minimum of 400 square feet of private open space” and adding five new subsections (a), (b), (c), (d), and (e). 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. Single family attached developments with sublots must include a minimum of 400 square feet of private open space. Useable Open Space per unit that meets the following requirements:

- a. Is accessible and visible to residents, tenants, and/or users of the development; and
- b. 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, rooftop decks, and playgrounds; and
- c. Improved with seating, plantings, and/or other amenities; and

- d. Has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks or stoops where one dimension shall be at least seven feet.
- e. The following shall be explicitly excluded from the Useable Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

Sublots do not have to meet the minimum lot width requirement.

- b. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations, subsection (2), “UR-2”, footnote 2 by revising the sentence “Sublots must include a minimum of 400 square feet of private open space”, and adding five new subsections (a), (b), (c), (d), and (e). 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. Single family attached developments with sublots must include a minimum of 400 square feet of ~~private open space~~ Useable Open Space per unit that meets the following requirements:

- a. Is accessible and visible to residents, tenants, and/or users of the development; and
- b. 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, rooftop decks, and playgrounds; and
- c. Improved with seating, plantings, and/or other amenities; and
- d. Has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks or stoops where one dimension shall be at least seven feet.
- e. The following shall be explicitly excluded from the Useable Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

Sublots do not have to meet the minimum lot width requirement.

- c. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations, subsection (2), “UR-3”, footnote 2 by revising the sentence “Sublots must include a minimum of 400 square feet of private open space”, and adding five

new subsections (a), (b), (c), (d), and (e). 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. Single family attached developments with sublots must include a minimum of 400 square feet of ~~private open space~~ Useable Open Space per unit that meets the following requirements:

- a. Is accessible and visible to residents, tenants, and/or users of the development; and
- b. 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, rooftop decks, and playgrounds; and
- c. Improved with seating, plantings, and/or other amenities; and
- d. Has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks or stoops where one dimension shall be at least seven feet.
- e. The following shall be explicitly excluded from the Useable Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

Sublots do not have to meet the minimum lot width requirement.

4. PART 7: OFFICE DISTRICTS

- a. Amend the asterisk located below Table 9.705(1)(i) and above "Footnotes to Chart 9.705(1)" to read as follows:

* 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~~, Useable Open Space per unit that meets the following requirements:

- a. Is accessible and visible to residents, tenants, and/or users of the development; and
- b. 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, rooftop decks, and playgrounds; and
- c. Improved with seating, plantings, and/or other amenities; and

- d. Has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks or stoops where one dimension shall be at least seven feet.
- e. The following shall be explicitly excluded from the Useable Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

5. PART 8: BUSINESS DISTRICTS

- a. Amend the single asterisk located below Table 9.805(1)(l) to read as follows:

* If land is sold with an attached unit, the minimum subplot size must be sufficient to accommodate a dwelling unit and 400 square feet of ~~private open space for each~~ Useable Open Space per unit that meets the following requirements:

- a. Is accessible and visible to residents, tenants, and/or users of the development; and
- b. 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, rooftop decks, and playgrounds; and
- c. Improved with seating, plantings, and/or other amenities; and
- d. Has a minimum dimension of at least ten feet in each direction, except on balconies, porches, decks or stoops where one dimension shall be at least seven feet.
- e. The following shall be explicitly excluded from the Useable Open Space calculations: driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, required zoning buffers, required landscaped areas, and required tree save areas.

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

Approved as to form:

City Attorney

CERTIFICATION

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 __, 20_____, 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 _____, 20 ____.
