

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 12. DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 3: BUFFERS AND SCREENING

- a. Add a new section 12.308, titled, "Screening requirements when a development does not propose two tiers of buildable lots" that adds requirements for landscaped easements. [Note: underlined text represents new additions to the Zoning Ordinance]

Section 12.308. Screening requirements when a development does not propose two tiers of buildable lots.

The purpose of this section is to establish requirements for landscape screening on residential reverse frontage lots to provide a visual screen between the use and the street which will not provide direct vehicular access. Any existing residential building, which exists prior to the effective date of this section, will not be subject to these requirements when undergoing any addition, expansion, renovation, razing, or rebuilding. These requirements will not be applicable in the UR and NS zoning districts. Nor will be these requirements be applicable if the North Carolina Department of Transportation (NCDOT) provides a noise abatement or screening wall, or if the Charlotte Department of Transportation (CDOT) provides a wall as part of a major thoroughfare widening. These requirements are applicable along major and minor thoroughfares, as well as along major collectors that function as a minor arterial, whether or not if they are on the thoroughfare maps. The requirements are as follows:

1. A deed restricted, recorded, common open space strip that is a minimum of 30' in width, shall be provided for reverse frontage lots, and noted as "Common Open Space". The open space shall be located adjacent to the public street right-of-way, on the lot frontage side that will not have direct vehicular access to the abutting street. The rear yard shall be measured from the inside edge of the 30' common open space strip. The following requirements shall be met:
 - a. The common open space shall contain a berm of a minimum of 4' in height, with a maximum slope of 2.5:1 and berms over 6' in height shall have a maximum slope of 3.5:1 as measured from the exterior property line. In addition, trees and shrubs

shall be provided on the berm with a minimum of 6 trees (2" minimum caliper, of which 25% must be evergreen) and 20 shrubs (with a minimum height of 2', of which 75% must be evergreen) per 100 linear feet. Trees and shrubs shall be evenly distributed along the length of the berm.

- b. In lieu of the berm, a minimum 4' wall or fence may be provided within the 30' common open space strip and planted with a minimum of 6 trees (2" minimum caliper, of which 25% must be evergreen) and 20 shrubs (with a minimum height of 2', of which 75% must be evergreen) evenly distributed per 100 linear feet. The width of the common open space strip may be reduced by 25% if a fence or wall is provided. The wall or fence shall not include chain link or wood materials, must be a minimum of 50% opaque, and the finished side of the fence shall face the abutting right-of-way. Walls and fences shall be located within the inner half of the common open space strip. Variations in the placement may be allowed to avoid existing vegetation (vegetation that does not qualify as tree save area under subsection c), existing above ground or below ground utilities, or where the topography would make the wall or fence ineffective if placed within the inner half of the common open space strip. In any case, the wall or fence must be a minimum of 5' from the right-of-way line and out of any sight triangles.
- c. A tree save area of existing canopy as defined in Chapter 21 of the Charlotte Tree Ordinance, may be provided in lieu of a berm, fence, or wall if the species within the 30' common open space strip meets this definition. The required 20 shrubs shall be planted and evenly distributed, per 100 linear feet within the required tree save area. If the tree save area of existing canopy does not contain 6 trees per 100 linear feet, then supplemental tree plantings will be required to equal 6 trees per 100 linear feet, in addition to the required shrubs. If there is an area(s) along the project frontage where an area(s) of tree save does not exist, compliance with Section 12.108.1(a) or 1(b) will be required.
- d. If the proposed planting or berm can not fit within 30' then the common open space strip must be increased accordingly. Trees and shrubs will not increase with greater common open space width. The rear yard will still be measured from the edge of the common open space strip.

- e. Maintenance of the common open space strip shall be the responsibility of the homeowner's association.
 - f. Principal and accessory structures shall not be located within the common open space strip.
 - g. A minimum rear yard of 20' is required measured from the interior edge of the common open space strip.
2. In lieu of common open space, or where there is no homeowner association, then the lots must provide a minimum 30' area to be recorded as a landscape easement. The following requirements shall be met:
- a. The easement shall be a minimum of 30' in width, and shall contain a berm of a minimum of 4' in height, with a maximum slope of 2.5:1 and berms over 6' in height shall have a maximum slope of 3.5:1 as measured from the exterior property line. In addition, trees and shrubs shall be provided on the berm with a minimum of 6 trees (2" minimum caliper, of which 25% must be evergreen) and 20 shrubs (with a minimum height of 2', of which 75% must be evergreen) per 100 linear feet. Trees and shrubs shall be evenly distributed.
 - b. In lieu of the berm, a minimum 4' wall or fence may be provided within the 30' easement and planted with a minimum of 6 trees (2" minimum caliper, of which 25% must be evergreen) and 20 shrubs (with a minimum height of 2', of which 75% must be evergreen) per 100 linear feet. The width of the common open space strip may be reduced by 25% if a fence or wall is provided. The wall or fence shall not include chain link or wood materials, must be a minimum of 50% opaque, and the finished side of the fence shall face the abutting right-of-way. Walls and fences shall be located within the inner half of the easement. Variations in the placement may be allowed to avoid existing vegetation (vegetation that does not qualify as tree save area under subsection c), existing above ground or below ground utilities, or where the topography would make the wall or fence ineffective if placed within the inner half of the common open space strip. In any case, the wall or fence must be a minimum of 5' from the right-of-way line and out of any sight triangles.
 - c. A tree save area of existing canopy as defined in Chapter 21 of the Charlotte Tree Ordinance, may be provided in lieu of a berm, fence, or wall if the

species within the 30' landscape easement meets this definition. The required 20 shrubs shall be planted and evenly distributed, per 100 linear feet within the required tree save area. If the tree save area of existing canopy does not contain 6 trees per 100 linear feet, then supplemental tree plantings will be required to equal 6 trees per 100 linear feet, in addition to the required shrubs. If there is an area(s) along the project frontage where an area(s) of tree save does not exist, compliance with Section 12.108.2(a) or 2(b) will be required.

- d. If the proposed planting or berm can not fit within 30' then the easement must be increased accordingly. Trees and shrubs will not increase with greater easement width. The rear yard will still be measured from the edge of the easement.
- e. Maintenance of the landscaped easement shall be the responsibility of the property owner.
- f. Principal and accessory structures shall not be located within the easement area.
- g. A minimum rear yard of 20' is required measured from the interior edge of the easement.

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 _____, 2006, 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 _____, 2006.
