

Petition No. 2010-073
Petitioner: Charlotte-Mecklenburg Planning Commission

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

ORDINANCE NO.

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” by modifying the current definition to include a second method of determining the setback. Clarify that for through lots, the setback will apply for both streets. Remove references to how the setback is measured in the UMUD and NS districts. The diagram shall remain unchanged. The revised definitions shall read as follows:

Setback, required.

The minimum distance by which a building, structure, or use must be separated from either 1) the street right-of-way or 2) the back of curb (existing or future) based on the street type a parcel abuts and/or the zoning designation. to the front building line of a principal building or structure. The minimum distance required by this ordinance between the street right-of-way line and the front building line of a principal building or structure as measured parallel from the street right-of-way line, projected to the side lines of the lot. In the case of a through lot, the same minimum separation to the building, structure, or use will be required. a required setback also will be measured from the right-of-way line at the rear of the lot to the rear building line. In the UMUD and Neighborhood Service districts, the setback is measured from the back of the curb to the building line.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: Single Family Districts

- a. Amend Section 9.205, “Development standards for single family districts”, subsection (1), “Density, area, yard and bulk regulations”, subsection (e) by creating two subsections, (e1) and (e2) to modify the language about where the setback is measured, based on the street type, aligning the text with the USDG guidelines. All other subsections shall remain unchanged. Also add a new footnote #8 to refine where the setback shall be measured from on local streets. The revised subsections shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e1) <u>Minimum setback from the right-of-way along a designated thoroughfare (feet)</u> ³	30	30	20	20	20
(e2) <u>Minimum setback from existing or future back of curb along local and collector streets (feet)</u> ^{3,8}	42	42	32	32	32

⁸ Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Narrow shall be measured 10' from the existing centerline, Local Residential-Medium shall be measured 13.5' from the existing centerline, and Local Residential-Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.

b. Amend Section 9.205, “Development standards for single family districts”, subsection (4), “Special subdivision lot and yard requirements” by modifying subsection (b) to align with the USDG guidelines. All other subsections shall remain unchanged. The revised subsection shall read as follows:

(b) Development on each lot need not meet the minimum setback requirement for the district in which such lot is located, if the average setback of all lots along a street within a subdivision meet the minimum setback required for the district. In no event, shall a structure be located any closer than 20 feet to the right-of-way along a designated thoroughfare or 32 feet from the existing or future back of curb along local and collector streets. The setback for each lot shall be shown on the final plat;

C. CHAPTER 9: GENERAL DISTRICTS

1. PART 3: Multi-Family Districts

a. Modify Section 9.303, “Multi-Family Districts: uses permitted under prescribed conditions”, item (19), subsection (f), subsection (v) by deleting the last three paragraphs, related to on-street parking in the public right-of-way to align the regulations with USDG guidelines. All other subsections shall remain unchanged.

(v) No parking or maneuvering space is permitted in the 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

~~On-street parallel parking or recessed parallel parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward~~

~~meeting the minimum number of parking spaces as required by this ordinance.~~

~~In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.~~

~~All parallel parking shall have a minimum width of 8 feet and be at least 22 feet in length.~~

- b. Modify Section 9.305, “Development standards for multi-family districts”, subsection (1), “Area, yard and bulk regulations”, subsection (e) by updating the setback requirements to match USDG standards. Also add a new footnote #10. All other sections and footnotes shall remain unchanged. The revised text shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(e1) <u>Minimum setback from the right-of-way along a designated thoroughfare (feet)³</u>					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(f))	30	30	30	30	30
(e2) <u>Minimum setback from existing or future back of curb along local and collector streets (feet)^{3,10}</u>					
- <u>Detached, duplex, triplex and quadraplex dwellings</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>	<u>32</u>
- <u>All other buildings, including planned multi-family developments (except as provided for in Section 9.303(f))</u>	<u>42</u>	<u>42</u>	<u>42</u>	<u>42</u>	<u>42</u>

¹⁰ Along a local street where no curb exists, the default street type shall be a Local Residential-Medium. The future back of curb for a Local Residential-Narrow shall be measured 10’ from the existing centerline, Local Residential-Medium shall be measured 13.5’ from the existing centerline, and Local Residential-Wide shall be measured 17.5’ from the existing centerline. The future back of curb for a collector street shall be measured 18’ from the existing centerline.

2. PART 4: Urban Residential Districts

- a. Modify Section 9.408, “Urban Residential Districts: off-street parking and loading”,

subsection (1) by creating a new subsection (a) and (b) to add a provision that will allow on-street parking to count towards the minimum parking requirements. Also modify the spacing in the table for clarity. All other subsections shall remain unchanged. The revised subsection shall read as follows:

(1) Number of off-street parking spaces per dwelling unit or gross square feet.

<u>Type of structure</u>	<u>Minimum</u>	<u>Maximum</u>
Detached	1	2
Bed and Breakfast (B & B)	2	4
Boarding house	2	4
Attached	1	2
Multi-family	1	2
Multi-family (elderly)	.25	.50
Nonresidential use in UR-C	1/1000 gross square feet	1/400 gross square feet
Nonresidential use in UR-2 and UR-3	0	1/400 gross square feet

(a) For residential uses outside of the Route 4 thoroughfare, the maximum number of parking spaces is 3 spaces/dwelling unit.

(b) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

3. PART 8.5: Mixed Use Development District

a. Amend Section 9.8507, “Mixed Use District, parking and loading standards” subsection (5) by modifying the text to be consistent with USDG guidelines regarding on-street parking. All other subsections shall remain unchanged. The revised subsection shall read as follows:

(5) ~~On-street parking spaces located along the portion of a public street (s) abutting the use may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side(s) of the street as the use and dimension at least 22 feet in length. In the event that any on-street parking that was allowed to count toward the minimum requirement is removed by the City, the existing use will not be required to make up the difference.~~

On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

4. PART 9: Uptown Mixed Use District

- a. Add a new subsection in Section 9.907 “Uptown Mixed Use District, parking and loading standards”, subsection (1) by adding a new subsection (k) to modifying the text to be consistent with USDG guidelines and allow on-street parking to count towards the minimum parking requirements. All other subsections shall remain unchanged. The new subsection shall read as follows:

(k) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

5. PART 10: Urban Industrial District

- a. Amend Section 9.1007, “Urban Industrial District: off-street parking”, by inserting a new subsection (4) that will modify the text to be consistent with USDG guidelines and allow on-street parking to count towards the minimum parking requirements. All other subsections shall remain unchanged. The new subsection shall read as follows:

(4) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

D. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: Pedestrian Overlay District

- a. Amend Sections 10.803, “Development Standards”, subsection (6), “Parking standards”, subsection (f) by modifying the text to be consistent with USDG guidelines and allow on-street parking to count towards the minimum parking. Also delete the text in subsection (g), and replace it as “Reserved”. All other subsections shall remain unchanged. The revised subsections shall read as follows:

~~(f) On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side(s) of the street as the use, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). However, on-street parking directly across the street from the use may be counted if that parking abuts property, which is undevelopable because of physical constraints. In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use will not be required to make up the difference and will not be made non-conforming.~~

~~(g) All recessed on-street parking shall have a minimum width of 8 feet measured from face of curb.~~

(f) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

(g) Reserved

E. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 5: Neighborhood Services District

- a. Modify Section 11.506, “Parking requirements”, by adding a new subsection (6) to be consistent with USDG guidelines and allow on-street parking to count towards the

minimum parking requirements. All other subsections shall remain unchanged. The revised subsection shall read as follows:

(6) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

F. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: Off Street Parking and Loading

- a. Amend Section 12.206, “Location of required parking”, subsection (4), by changing the subsection number from (4) to (5), and creating a new subsection (4) to add provisions that will allow on-street parking to count towards the minimum parking requirements. All other subsections shall remain unchanged. The revised subsection shall read as follows:

(4) On-street parking or recessed parking entirely within the public right-of-way is permitted and encouraged in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street as the use and meet the minimum dimensional requirements as prescribed by the Charlotte-Mecklenburg Land Development Standards Manual.

In the event that the City or State removes any such on-street parking that was allowed to count toward the minimum required, the existing use will not be required to make up the difference and the use will not be made non-conforming.

~~(4)~~(5) This Section shall not apply to the MUDD, PED, TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, TOD-MO, TS, UI, UMUD, and UR districts established in these regulations.

2. PART 8: S.W.I.M. (Surface Water Improvement and Management) Stream Buffers

- a. Amend Section 12.805, “Incentives”, subsection (3), “Relax lot setback requirements”, subsection (a) by modifying the setbacks to align with the USDG guidelines. All other subsections shall remain unchanged. The revised subsection shall read as follows:

(a) Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots along a designated thoroughfare or 27 feet from the existing or future back of curb for all lots along local and collector streets.

However, except front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater.

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 _____, 2010, 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 _____, 2010.
