

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> <sup>3</sup>	30	30	20	20	20
(e2) <u>Minimum setback from existing or future back of curb along local and collector streets (feet)</u> <sup>3,8</sup>	42	42	32	32	32

<sup>8</sup> 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), to align the regulations with USDG guidelines. The revised text shall read as follows:

(f) The following standards shall apply when a public street, other than a thoroughfare abuts the site, or when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:

(i) All buildings may have a minimum 27~~45~~-foot separation from the existing or future back of curb ~~public street right-of-way~~ provided the conditions listed below are met.

(ii) Architectural features such as cornices, eaves, steps, gutter, and fire

escapes may project up to 3 feet into this ~~1527~~-foot separation area.

- (iii) All garages must have a minimum separation of ~~2233~~ feet from the ~~existing or future back of curb public street right of way~~ while the remainder of the structure may be located at the minimum ~~2715~~-foot separation from the ~~existing or future back of curb. public street right of way.~~
- (iv) All dwelling units with the ~~1527~~-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
- (v) No parking or maneuvering space is permitted in the ~~1527~~-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) Minimum setback from the <u>right-of-way along a designated thoroughfare</u> (feet) <sup>3</sup>					
- 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(19)(f))	30	30	30	30	30

(e2) <u>Minimum setback from existing or future back of curb along local and collector streets (feet)</u> <sup>3,10</sup>					
- <u>Detached, duplex, triplex and quadrplex 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(19)(f))</u>	<u>42</u>	<u>42</u>	<u>42</u>	<u>42</u>	<u>42</u>

<sup>10</sup> 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 12.202, "Required number of off-street parking and bicycle spaces", subsection (1) by adding a new reference to Section 12.206(4). The revised subsection shall read as follows:

- (1) Except as otherwise provided in subsection (2), (4), and (5) below, and in Sections 12.205 and 12.206(4), each use in a parcel shall be provided with at least the number of off-street motor vehicular parking spaces indicated for that use in

Table 12.202, and the greater number of bicycle parking spaces indicated for that use in Table 12.202. Parking requirements listed are for the principal use. If more than one principal use is on a site, the bicycle parking spaces required shall be a sum of the spaces required for each individual use.

(Petition No. 2005-013, § 12.202(1),3/21/05)

- b. Amend Table 12.206, “Location of required parking”, subsection (3) “Development Standards for Off-street Parking, Driveways, and Garages” by deleting the word “parallel” in the row titled, “Parking in Setback, Side Yards, and Right-of-Way”. The remainder of the table shall remain unchanged, including the footnote. The revised table shall read as follows:

**Table 12.206(3) Development Standards for Off-Street Parking, Driveways, and Garages**

<b>Development Standard</b>	<b>Single-family &amp; duplexes on individual lots</b>	<b>Triplex, Quadraplex, Multi-Family &amp; Planned Multi-Family</b>	<b>All Other Uses</b>
<b>Parking in Setback, Side Yards, and Right-of-Way</b>	Parking is allowed in the setback, but vehicles shall not block the sidewalk and shall be parked only on improved surfaces*. No parking is permitted in the right-of-way, except for <del>parallel</del> parking as approved by CDOT.	Parking of vehicles is not permitted within the required setback or required side yard that abuts a street on any lot, nor within 5’ of any exterior lot line. No parking is permitted in the right-of-way, except for <del>parallel</del> parking as approved by CDOT.	Parking of vehicles is not permitted within required setback or required side yard that abuts a street on any lot, nor within 5’ of any exterior lot line. No parking is permitted in the right-of-way, except for <del>parallel</del> parking as approved by CDOT.
<b>Maneuvering space</b>	N/A	The space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles.	The space between the required setback, side, or rear yard abutting a street may not be used as maneuvering space for parking/unparking of vehicles.
<b>Driveways and Parking Pads</b>	Driveways and parking pads shall have a minimum length of 20’, measured from the back of the sidewalk, or back of the right-of-way, whichever is greater. Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible. Driveways and parking pads shall be improved*. Individual driveways or shared driveways shall have a maximum width at any one point of 20’. <i>Driveways for individual garages may be used to meet a portion of the required parking if they are a maximum of 20’ wide and at least 20’ in length.</i>	Driveways and parking pads shall have a minimum length of 20’, measured from the back of the sidewalk, or back of the right-of-way, whichever is greater. Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible. Driveways and parking pads shall be improved*. Individual driveways or shared driveways shall have a maximum width at any one point of 20’. <i>Driveways for individual garages may be used to meet a portion of the required parking if they are a maximum of 20’ wide and at least 20’ in length.</i>	Driveways can be installed across the required setback and yard areas, and shall be as nearly perpendicular to the street right-of-way as possible.
<b>Garages</b>	Minimum setback of 20’, or the district setback, whichever is greater. Setbacks are measured from the back of sidewalk or back of right-of-way, whichever is greater.	Minimum setback of 20’, or the district setback, whichever is greater. Setbacks are measured from the back of sidewalk or back of right-of-way, whichever is greater.	N/A

\* For the purposes of this section, “improved” means surfaced with concrete, asphalt, gravel, or any other material commonly used for the parking of vehicles, but not including grass or dirt.

(Petition No. 2007-102, § 12.206(3), 09/17/07)

- c. 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.

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.

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.

\_\_\_\_\_