

Petition No. 2005-047

Petitioner: Charlotte-Mecklenburg Planning Commission

Revision, 10-4-05, 10-13-05, 11-28-05, 12-1-05, 12-21-05, 1-9-06

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

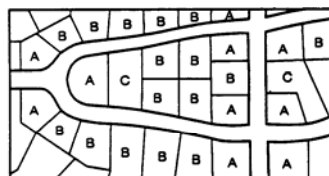
a. Section 2.201, "Definitions"

- (1) Amend the definition of "Lots, types" to include a reserve frontage lot definition. The diagram would remain unchanged. The current definition reads as follows:

Lot, types.

The diagram below illustrates terminology used in these regulations with reference to corner lots, interior lots and through lots. In the diagram a corner lot (A) is defined as a lot located at the intersection of two (2) or more streets. A lot shall also be considered a corner lot, if it occupies the interior angle at the intersection of two streets, and such angle is less than 135 degrees. See lot marked A in the diagram. An interior lot (B) is defined as a lot other than a corner lot with only one frontage on a street. A through lot (C) is defined as a lot other than a corner lot with a frontage on more than one street. Through lots may be referred to as double frontage lots.

LOT TYPES

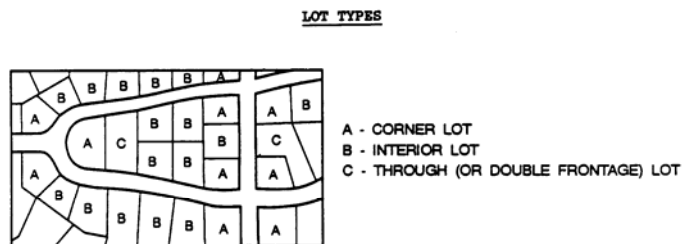


A - CORNER LOT
B - INTERIOR LOT
C - THROUGH (OR DOUBLE FRONTAGE) LOT

The revised definition reads as follows:

Lot, types.

The diagram below illustrates terminology used in these regulations with reference to corner lots, interior lots, through lots, **and reverse frontage lots**. In the diagram, a corner lot (A) is defined as a lot located at the intersection of two (2) or more streets. A lot shall also be considered a corner lot, if it occupies the interior angle at the intersection of two streets, and such angle is less than 135 degrees. See lot marked A in the diagram. An interior lot (B) is defined as a lot other than a corner lot with only one frontage on a street. A through lot (C) is defined as a lot other than a corner lot with a frontage on more than one street. Through lots may be referred to as double frontage lots, **or reverse frontage lots**. **A double frontage lot is a lot which runs through a block from street to street and which has two non-intersecting sides abutting on two or more streets, as lot (C).** **A reverse frontage lot is a through lot or double frontage lot, other than a corner lot, where the lots have direct vehicular access provided by an interior public or private street, and where direct vehicular access to the abutting federal or state highway, major or minor thoroughfare, or commercial arterial is prohibited.** **A block containing reverse frontage lots is composed of one tier of lots rather than the standards two tiers. Reverse frontage does not relate to the structure's orientation to the street.**



- (2) Amend the definition of “Non-conforming vacant lots” by clarifying which lots fall under the category for non-conforming vacant lots. The current definition reads as follows:

Nonconforming vacant lot.

Any lot which does not meet the minimum area or width requirements established in these regulations or any amendment thereto.

The revised definition shall read as follows:

Nonconforming vacant lot.

Any lot, **existing on the effective date of these regulations (January, 1992)** which does not meet the minimum area or width requirements established in these regulations or any amendment thereto.

- (3) Amend the definition of “common open space” by clarifying that “the area” may be a lot or a parcel of land. The current definition reads as follows:

Common open space. (Also, see Open space.)

An area of open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking area.

The revised definition shall read as follows:

Common open space. (Also, see Open space.)

A lot or parcel of open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking area.

B. CHAPTER 7: NONCONFORMITIES

1. Section 7.105, “Nonconforming vacant lots”

- a. Amend Section 7.105(1) to define which non-conforming vacant lots may be used for any of the uses permitted in the Zoning Ordinance. The current section reads as follows:

- (1) Except as provided below in subsection (2), a nonconforming vacant lot may be used for any of the uses

permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for setback and yards, height, open space, buffers, screening parking, and floor area required in these regulations for the zoning district in which the lot is located.

The revised section shall read as follows:

- (1) Except as provided below in subsection (2), a nonconforming vacant lot (**as of the effective date of these regulations**) may be used for any of the uses permitted by these regulations in the zoning district in which it is located, provided that the use meets all limitations and minimum requirements for setback and yards, height, open space, buffers, screening parking, and floor area required in these regulations for the zoning district in which the lot is located.
- b. Amend Section 7.105(2) to allow combinations with more than one adjoining lot and remove the last sentence. Replace the word “after” with “before”, which was the original intent. The current section reads as follows:
 - (2) A nonconforming vacant lot shall not be used if it could be combined with an adjoining lot owned by the same person on or after the effective date of these regulations in order to create a single lot. If the combination results in the creation of a single lot that is more than one-and-one-half times the width and area required in the zoning district, then the single lot may be divided into two lots of equal width and area without being further classified as nonconforming.

The revised section shall read as follows:

- (2) A nonconforming vacant lot shall not be used if it could be combined with **adjoining lot(s)** owned by the same person on or **before** the effective date of these regulations in order to create **one or more conforming lots. When a single property owner owns two, and only two, existing adjoining non-conforming lots, and** the combination **would result** in the creation of a single lot that is more than one-and-one-half times the width and area required in the zoning district, then the single lot may be divided into two lots of equal width and area without being further classified as nonconforming.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE-FAMILY DISTRICTS

- a. Amend Section 9.201, by adding a sentence to clarify that any division of property into two or more new lots shall meet the density requirements of the underlying zoning district. The current section reads as follows:

Section 9.201. Single Family Districts established; purposes.

The R-3, R-4, R-5, R-6 and R-8 districts are hereby established to protect and promote the development of single family housing and a limited number of public and institutional uses. The standards for these districts are designed to maintain a suitable environment for family living at various densities to accommodate preferences for different housing types. The R-3 and R-4 districts are directed toward suburban single family living. The R-5, R-6 and R-8 districts address urban single family living. Densities of development are controlled by maximum number of units per acre requirements, which are different for each district and indicated by the numerical identification attached to each district.

The revised section shall read as follows:

Section 9.201. Single Family Districts established; purposes.

The R-3, R-4, R-5, R-6 and R-8 districts are hereby established to protect and promote the development of single family housing and a limited number of public and institutional uses. The standards for these districts are designed to maintain a suitable environment for family living at various densities to accommodate preferences for different housing types. The R-3 and R-4 districts are directed toward suburban single family living. The R-5, R-6 and R-8 districts address urban single family living. Densities of development are controlled by maximum number of units per acre requirements, which are different for each district and indicated by the numerical identification attached to each district. **Any division of property into two or more lots must meet the density requirements of the underlying zoning district.**

- b. Amend Section 9.205, “Development standards for single family districts”, subsection (1) by clarifying footnote #1 by inserting it into subsection (1) and re-titling subsection (1). The current section reads as follows:

Section 9.205. Development standards for single family districts.

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

(1) Area, yard and bulk regulations shall be as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(a) Maximum Residential Density (Dwelling (units per acre) ¹	3.0	4.0	5.0	6.0	8.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) ²					
- Detached dwellings	10,000*	8,000*	6,000	4,500	3,500
- Duplex dwellings	16,000**	13,000**	10,000**	8,000**	6,500**
- Triplex dwellings					9,500**
- Quadraplex dwellings					11,500**
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Residential dwellings	70	60	50	40	40
- Nonresidential buildings	70	70	70	70	70
(e) Minimum setback (feet) ³	30	30	20	20	20
(f) Minimum side yard (feet) ⁴	6	5	5	5	5
(g) Minimum rear yard (feet)	45	40	35	30	20
(h) Minimum open space (%) ⁵	65	65	65	60	50
(i) Maximum height (feet) ⁶	40	40	40	40	40

* Also, see Section 9.205(2)

** If land is sold with an attached dwelling, the minimum sub lot size must be sufficient to accommodate the dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.205(1):

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.
(Petition No. 2001-128, § 9.205(1.1), 11-19-01)
2. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection (4) of this Section. For subdivisions of 5 acres or less, the requirements in subsection (2) of this Section shall apply.
3. For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection (4) of this Section.
4. For subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection (4) of this Section.
5. Religious institutions may have a minimum open space of 25%.
6. A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which abuts a residential use or zoning district may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

The revised text shall read as follows:

Section 9.205. Development standards for single family districts.

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (1) **Density, area, yard and bulk regulations** shall be as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(a) Maximum Residential Density (Dwelling (units per acre)	3.0	4.0	5.0	6.0	8.0

- (i) **Density is the first standard. Density controls the total number of dwelling units allowed. Once density is determined, lots must meet the requirements of subsection (1)(b) through (1)(i), except as provided in subsection (iii), below.**
- (ii) **Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way or established public street(s), incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.**
- (iii) **Existing lots of record as of the effective date of these regulations do not have to meet the density requirements if they are 1) a corner lot in the R-3, R-4, R-5, or R-6 zoning districts and are to be used for a duplex dwelling; or 2) an existing lot in the R-8 zoning district to be used for duplex, triplex, or quadraplex dwellings**
- (iv) **Legal, previously recorded single family lot(s) may be reestablished or reconfigured if the total number of lots or units is not increased and if the lots can meet all the development standards of the district in which they are located, with the exception of density. If the lots were legally combined, they may not be subdivided unless the density requirements are met.**

(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
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(c) Minimum lot area (square feet) ²					
- Detached dwellings	10,000*	8,000*	6,000	4,500	3,500
- Duplex dwellings	16,000**	13,000**	10,000**	8,000**	6,500**
- Triplex dwellings					9,500**
- Quadraplex dwellings					11,500**
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000

(d) Minimum lot width (feet)					
- Residential dwellings	70	60	50	40	40
- Nonresidential buildings	70	70	70	70	70
(e) Minimum setback (feet) ³	30	30	20	20	20
(f) Minimum side yard (feet) ⁴	6	5	5	5	5
(g) Minimum rear yard (feet)	45	40	35	30	20
(h) Minimum open space (%) ⁵	65	65	65	60	50
(i) Maximum height (feet) ⁶	40	40	40	40	40

* Also, see Section 9.205(2)

** If land is sold with an attached dwelling, the minimum sub lot size must be sufficient to accommodate the dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.205(1):

1. **Reserved.**
2. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection (4) of this Section. For subdivisions of 5 acres or less, the requirements in subsection (2) of this Section shall apply.
3. For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection (4) of this Section.
4. For subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection (4) of this Section.
5. Religious institutions may have a minimum open space of 25%.
6. A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which abuts a

residential use or zoning district may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

PART 2: OFF-STREET PARKING AND LOADING

- a) Amend Table 12.202, "Minimum Required Off-Street Parking Spaces by Use" adding a new subcategory under "Retail establishments". The current parking requirements are:

Retail establishments

- | | |
|-----------------------------------|-----------------------------|
| - Motion Picture Theatres | 1 space per 5 seats |
| - All Other retail establishments | 1 space per 250 square feet |

The revised parking requirements shall read as follows:

Retail establishments

- | | |
|--|-----------------------------|
| - Motion Picture Theatres | 1 space per 5 seats |
| - Retail establishments over 100,000 square feet | 1 space per 330 square feet |
| - All Other retail establishments | 1 space per 250 square feet |

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.