

Revision 11-7-06, 11-18-06, 12-4-06 , 12-12-06, 12-14-06

**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 revising the definition of "outdoor recreation" to include structures and uses that are used for maintenance and servicing of the outdoor recreational use. The revised definition shall read as follows:

Outdoor recreation.

Outdoor recreation uses include public or private golf courses, swimming pools, tennis courts, ball fields, ball courts, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. However, the use of temporary enclosures for swimming pools shall be permitted for periods not exceeding six (6) months in any calendar year, provided such temporary enclosures do not exceed thirty feet (30') in height and the lot on which such temporary enclosure is located shall have frontage on a thoroughfare. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, clubhouses, country clubs or similar uses, which are designed and intended primarily for the use of patrons of the principal recreational use, as well as those structures and uses that are not designed and intended for the use of patrons, but are used for the maintenance and servicing of such facilities. Outdoor recreation shall not include commercial outdoor amusement or open space recreational uses, such as greenways and other passive parks .

- b. Add a new definition for "planned development", in Section 2.201, "Definitions" in alphabetical order. The new definition shall read as follows:

Planned development.

Land under unified control which is to be planned and developed as a whole as a single development project, or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purposes of the planned development. In general, a planned development will be outlined in a conditional district plan, a zoning site plan, or a subdivision plan.

- c. Add a new definition for “passive park” in Section 2.201, “Definitions” in alphabetical order, which reads as follows:

Passive park.

A passive park is any outdoor facility, or portion of an outdoor facility that is used for passive recreational activities, such as pedestrian activities, hiking, and jogging, or serves as, or features, an historical, cultural, ecological, or archeological attraction. A passive park does not include organized competitive activities, except events for uses allowable within a passive park. Generally a passive park is maintained in a natural state, except for minimal clearing for paths, trails, sitting areas, walkways or auxiliary structures. In urban settings, passive parks may have more hardscape, open lawn, and landscaped areas which may be used for informal group activities. Examples of passive park features may include trails or walkways for hiking, walking, horseback riding, bicycling; informal areas used for concerts, areas for photography, nature studies, educational studies, or fishing; ecological areas and nature interpretive programs, nature centers, and picnic areas which may include shelters, scenic overlooks, and restrooms.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE-FAMILY DISTRICTS

- a. Amend Section 9.203(13) by deleting the conditions and moving them into Section 12.540. The revised section shall read as follows:

(13) Outdoor recreation, subject to the provisions of Section 12.540 ~~provided that:~~

- (a) ~~—The use will be located on a lot that is at least two times the minimum lot area required in the district;~~
- (b) ~~—Off street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any adjacent property located in a residential zoning district or used for residential purposes (See Section 12.302). However, outdoor~~

recreational facilities and associated parking located on a lot within a planned development shall provide a Class C buffer only along the portion of the lot which forms part of the external boundary of the planned development;

- (e) ~~No outdoor recreation facilities such as swimming pools, tennis courts, picnic shelters, etc. shall be located within 100 feet of any lot located in a residential district or adjoining residential use. However, outdoor recreational facilities located on a lot within the interior portion of a planned development may be located a minimum of 20 feet from an adjacent lot within the planned development, but must maintain a 100-foot separation from the external project boundaries of the planned development when abutting a residential zoning district or residential use; and for all outdoor recreational facilities not in a planned development, all outdoor lighting will be screened in such a way that the source can not be seen from any adjacent property as described in Section 12.402. All outdoor sound systems shall not exceed the City Noise Ordinance.~~
- (e) ~~Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.~~
- (f) ~~Designated on-street parking spaces located along the portion of a public street(s), other than a thoroughfare(s), abutting outdoor recreation facilities and accessory uses may be counted toward the minimum number of parking spaces as required by this ordinance when both sides of the street are within or runs through the boundaries of a planned development. Those on-street parking spaces must be located within 400 feet of the outdoor recreation facility, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). If the site requires 15 or fewer spaces, they may all be on-street. If the site requires 16 or more spaces, up to 50% of them, not to exceed 15, may be on-street. 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. These on-street parking spaces may not be used to satisfy any other parking requirements of this ordinance.~~

2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303(18) by deleting the conditions and moving them into Section 12.540. The revised section shall read as follows:

(18) Outdoor recreation, subject to the provisions of Section 12.540.
~~provided that:~~

- ~~(a) The use will be located on a lot that is at least two times the minimum lot area required in the district;~~
- ~~(b) Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential district or used for residential purposes (See Section 12.302). However, outdoor recreational facilities and associated parking located on a lot within a planned development shall provide a Class C buffer only along the portion of the lot which forms part of the external boundary of the planned development;~~
- ~~(c) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelters, etc. shall be located within 100 feet of any lot located in a residential district or abutting single-family residential use. However, outdoor recreational facilities located on a lot within the interior portion of a planned development may be located a minimum of 20 feet from an adjacent lot within the planned development, but must maintain a 100-foot separation from the external project boundaries of the planned development when abutting a residential zoning district or residential use; and~~
- ~~(d) Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.~~
- ~~(e) Designated on-street parking spaces located along the portion of a public street(s), other than a thoroughfare(s), abutting outdoor recreation facilities and accessory uses may be counted toward the minimum number of parking spaces as required by this ordinance when both sides of the street are within or runs through the boundaries of a planned development. Those on-street parking spaces must be located within 400 feet of the outdoor recreation facility, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). If the site requires 15 or fewer spaces, they may all be on-street. If the site requires 16 or~~

~~more spaces, up to 50% of them, not to exceed 15, may be on street. 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. These on-street parking spaces may not be used to satisfy any other parking requirements of this ordinance.~~

~~(Petition No. 2001-149, §9.303(18)(c), 1/22/012)~~

3. PART 5: INSTITUTIONAL DISTRICTS

- a. Amend Section 9.503(14) by deleting the conditions and moving them into Section 12.540. The revised section shall read as follows:

(14) Outdoor recreation, subject to the provisions of Section 12.540.
~~provided that:~~

- (a) ~~Off-street parking and service areas and outdoor recreational equipment facilities will be separated by a Class C buffer from any abutting property located in a residential district or used for residential purposes (See Section 12.302); and~~
- (b) ~~No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelters, etc. shall be located within 100 feet of any lot located in a residential district or abutting single family residential use.~~
- (c) ~~Designated on-street parking spaces located along the portion of a public street(s), other than a thoroughfare(s), abutting outdoor recreation facilities and accessory uses may be counted toward the minimum number of parking spaces as required by this ordinance when both sides of the street are within or runs through the boundaries of a planned development. Those on-street parking spaces must be located within 400 feet of the outdoor recreation facility, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). If the site requires 15 or fewer spaces, they may all be on-street. If the site requires 16 or more spaces, up to 50% of them, not to exceed 15, may be on-street. 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. These on-street parking spaces may not be used to satisfy any other parking requirements of this ordinance.~~

~~(Petition No. 2001-149, §9.503(13)(c), 1/22/02)~~

4. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603(8) by deleting the conditions and moving them into Section 12.540. The revised section shall read as follows:

(8) Outdoor recreation, subject to the provisions of Section 12.540.
~~provided that:~~

~~(a) Off street parking and service areas and outdoor recreational facilities will be separated by a buffer from any abutting property located in a residential district or abutting single family residential use outside the Research districts (See subsection 9.605(5)); and~~

~~(b) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential district or abutting single family residential use.~~

5. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703(21) by deleting the conditions and moving them into Section 12.540. The revised section shall read as follows:

(21) Outdoor recreation, subject to the provisions of Section 12.540.
~~provided that:~~

~~(a) Off street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential zoning district or abutting single family residential use (See Section 12.302). However, outdoor recreational facilities and associated parking located on a lot within a planned development shall provide a Class C buffer only along the portion of the lot which forms part of the external boundary of the planned development;~~

~~(b) No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential district or abutting single family residential use. However, outdoor recreational facilities located on a lot within the interior portion of a planned development may be located a minimum of 20 feet from an adjacent lot within the planned development, but must maintain a 100 foot separation from the external project boundaries of the planned development when abutting a residential zoning district or residential use.~~

- (c) ~~Designated on-street parking spaces located along the portion of a public street(s), other than a thoroughfare(s), abutting outdoor recreation facilities and accessory uses may be counted toward the minimum number of parking spaces as required by this ordinance when both sides of the street are within or runs through the boundaries of a planned development. Those on-street parking spaces must be located within 400 feet of the outdoor recreation facility, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). If the site requires 15 or fewer spaces, they may all be on-street. If the site requires 16 or more spaces, up to 50% of them, not to exceed 15, may be on-street. 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. These on-street parking spaces may not be used to satisfy any other parking requirements of this ordinance.~~ *(Petition No. 2001-149, §9.703(21)(c), 1/22/012)*

6. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103 by deleting the conditions and moving them into Section 12.540. The revised section shall read as follows:

- (15) Outdoor recreation, provided that: subject to the provisions of Section 12.540.

- (a) ~~Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential zoning district (See Section 12.302); and~~
- (b) ~~No outdoor recreational facilities, such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential zoning district.~~
- (c) ~~Designated on-street parking spaces located along the portion of a public street(s), other than a thoroughfare(s), abutting outdoor recreation facilities and accessory uses may be counted toward the minimum number of parking spaces as required by this ordinance when both sides of the street are within or runs through the boundaries of a planned development. Those on-street parking spaces must be located within 400 feet of the outdoor recreation facility,~~

~~have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of~~

~~Transportation (CDOT). If the site requires 15 or fewer spaces, they may all be on-street. If the site requires 16 or more spaces, up to 50% of them, not to exceed 15, may be on-street. 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. These on-street parking spaces may not be used to satisfy any other parking requirements of this ordinance.~~

~~(Petition No. 2001-149, §9.1103(15)(c), 1/22/012)~~

C. CHAPTER 11: CONDITIONAL DISTRICTS

1. PART 2: MIXED-USE DISTRICTS

- a. Amend Section 11.203(13) by deleting the conditions and moving them into Section 12.540. The revised text shall read as follows:

(13) Outdoor recreation, subject to the provisions of Section 12.540.
~~provided that:~~

- ~~(a) The use will be located on a lot that is at least two times the minimum lot area required in the district;~~
- ~~(b) Off-street parking, service areas and outdoor recreational facilities will be separated by a Class C buffer from any abutting property located in a residential district or an abutting residential use (See Section 12.302). However, outdoor recreational facilities and associated parking located on a lot within a planned development shall provide a Class C buffer only along the portion of the lot which forms part of the external boundary of the planned development;~~
- ~~(c) No outdoor recreation facilities such as swimming pools, tennis courts, picnic shelter, etc. shall be located within 100 feet of any lot located in a residential district. However, outdoor recreational facilities located on a lot within the interior portion of a planned development may be located a minimum of 20 feet from an adjacent lot within the planned development, but must maintain a 100-foot separation from the external project boundaries of the planned development when abutting a residential zoning district or residential use.~~
- ~~(d) Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.~~

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Add a new Section 12.540 that shall read as follows:

Section 12.540. Outdoor Recreation

(1) Minimum lot area.

When located in a residential zoning district, the use shall be located on a lot that is at least two times the minimum lot area required in the district;

(2) Buffer, screening, and separation requirements.

The installation of landscape buffers and screening between outdoor recreational principal and accessory uses and structures as well as the separation of outdoor recreational principal and accessory uses and structures as outlined in Table 12.540-1

Table 12.540-1 Outdoor Recreation Screening and Buffering Requirements

	PART OF A PLANNED DEVELOPMENT		NOT PART OF A PLANNED DEVELOPMENT
Outdoor Recreation Uses	Buffer and/or separation from internal lots	Buffer and/or separation from external lots	Buffer and/or separation from external lots
Recreational Facilities ¹	20' separation	100' separation and Class C Buffer (see 12.302)	100' separation and Class C Buffer (see 12.302)
Parking Areas	5' Parking Lot Screen (see 12.211)	Class C Buffer (see 12.302)	Class C Buffer (see 12.302)
Service Areas ² and Facilities ¹	Class C Buffer (see 12.302)	100' separation and Class C Buffer (see 12.302)	100' separation and Class C Buffer (see 12.302)
Golf Courses ³	20' separation	Class C Buffer (see 12.302)	Class C Buffer (see 12.302)

¹ Recreational facilities include pools, tennis courts, baseball fields, soccer fields, picnic shelters, clubhouses, pro shops, exercise or fitness centers, snack bars, as well as other principal and accessory uses intended primarily for the use of patrons.

² Services Areas include maintenance facilities, storage buildings and structures, dumpsters, loading areas and other accessory uses intended primarily for the servicing of the recreational facility or equipment used therein.

³ Golf courses include driving ranges, practice and putting greens, and tee boxes. Buildings associated with a golf course shall meet the requirements for Recreational facilities or service areas depending on their intended use.

(3) **On-street parking permitted (planned developments only)**

(a) **Location.**

On-street parking may be permitted on all streets that are designed to accommodate on-street parking, and when both sides of the street are within, or run through, the boundaries of a planned development. The Charlotte Department of Transportation (CDOT) must approve all proposed on-street parking spaces located along a public street(s).

All on-street parking spaces must be located within 400 feet of the use they are intended to serve.

(b) **Size.**

The size of parking spaces (parallel) shall have a minimum length of 22 feet and width of 8 feet.

(c) **Required parking spaces.**

If the site requires 15 or fewer spaces, they may all be on-street. If the site requires 16 or more spaces, up to 50% of them, not to exceed 15, may be on-street. On-street parking spaces designated for the outdoor recreational use may not be used to satisfy any other parking requirements of this ordinance.

Required parking spaces are calculated in Section 12.202.

(d) **Removal.**

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. .

(4) **Hours of Operation.**

When located in a residential zoning district, no outdoor recreational use shall be opened earlier than 6:00 a.m., nor close later than 11:00 p.m., Eastern Standard Time.

(5) **Outdoor Lighting and Noise**

- (a) All outdoor lighting shall be screened in accordance with Section 12.402.
- (b) All outdoor sound systems shall not exceed the City Noise Ordinance standards (see Chapter 15, Article III)

E. TABLE OF CONTENTS

- 1. Update the Table of Contents to incorporate the new Section 12.540.

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 _____ 2007, 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 _____, 2007.