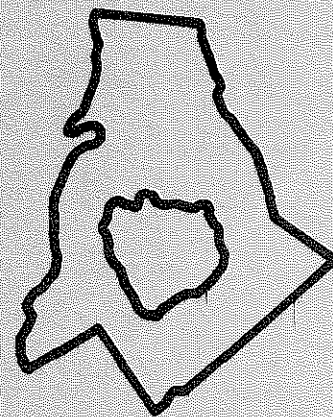


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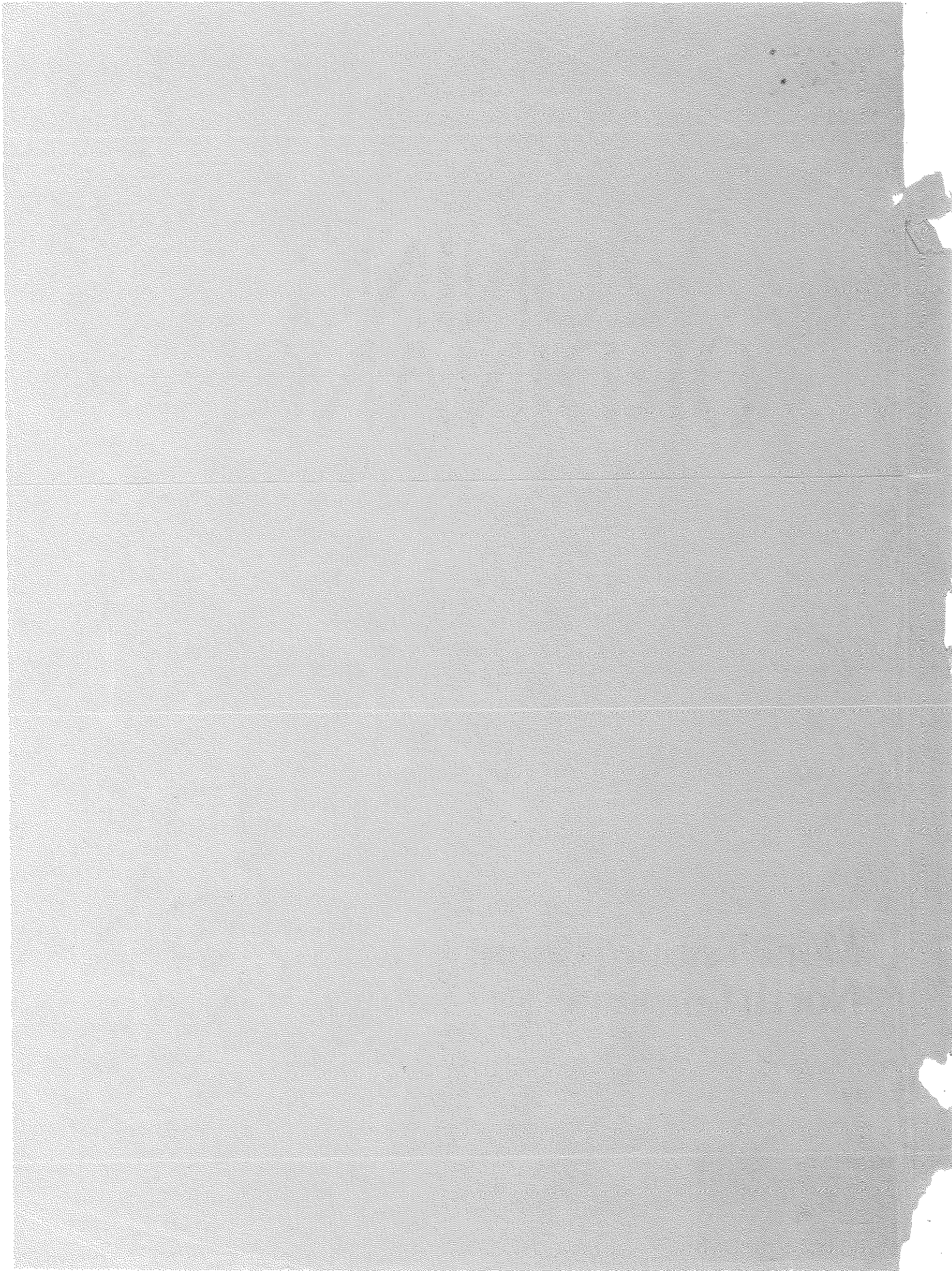
ZONING ORDINANCE

**Mecklenburg County,
North Carolina**



Z-939

PLAN.
DEPT



ZONING ORDINANCE
OF
MECKLENBURG COUNTY, NORTH CAROLINA

ADOPTED NOVEMBER 20, 1967

AS AMENDED THROUGH FEBRUARY 1, 1974

- (5) Proposed location and materials of walls, fences and screen planting.

8-16.3. Development standards for buildings and lots used wholly or partially for residential purposes in B-1, B-2, or B-1 S.C.D. Districts shall be the same as those required in the R-6MFH Districts, except that the required 30% Usable Open Space may be reduced by the Board of County Commissioners at the time the conditional use is granted.

8-16.4. In approving an application for residential uses in a Business District the Board of County Commissioners of Mecklenburg County shall find that the residential uses proposed will be compatible with existing and proposed commercial uses within the district; that outdoor living areas associated with the proposed residential uses will not be adversely effected by adjoining commercial uses; and that the residential uses proposed will be secondary to the commercial use of the Business District within which it is located, and will not restrict commercial activities of the District.

8-16.5. Following Board of County Commissioners approval for residential development within a Business District, the property for which approval was granted shall be labeled "Conditional Residential Development" on the Official Zoning Map (s) of Mecklenburg County.

8-16.6. Site development shall conform to the schematic plan and associated requirements approved by the Board of County Commissioners.

8-17. Reserved

8-18. R-PUD Planned Unit Development District

8-18.1. For purposes of this ordinance a Planned Unit Development shall be a tract of land, zoned Rural, Residential (except R-6MFH), or Office, or a combination thereof, at least thirty-six (36) acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations and according to an approved outline Development Plan and a Preliminary Site Plan.

8-18.2. The purpose of the Planned Unit Development District is to encourage the development of planned residential neighborhoods and communities that provide a full range of residence types as well as certain commercial and office uses designed to serve the inhabitants of the District. It is recognized that only through ingenuity, imagination and high quality design can residential developments be produced which are in keeping with the intent of this Ordinance while departing from the strict application of conventional use and dimensional requirements of the several zoning districts.

Use of the R-PUD procedure is not mandatory for the development of any parcel of ground. Rather, this process will provide a voluntary alternate development procedure which will:

- (1) Permit creative approaches to the development of residential land, reflecting changes in the technology of land development;
- (2) Accomplish a more desirable environment than would otherwise be possible, providing a variety of housing types, design and arrangements;
- (3) Provide for an efficient use of land, which can result in smaller networks of utilities and streets and thereby lower housing costs;
- (4) Enhance the appearance of neighborhoods through the preservation of natural features, the provision of underground utilities, and the provision of recreational and open space areas;
- (5) Provide an opportunity for new approaches to home ownership; and
- (6) Provide an environment of stable character compatible with surrounding residential areas;

8-18.3. An application for rezoning to R-PUD Planned Unit Development District shall be accompanied by an Outline Development Plan and text presenting the following information:

- (1) Proposed land uses, the location of various dwelling types, and dwelling unit densities;
- (2) Proposed primary circulation pattern;
- (3) Proposed parks, playgrounds, and other Common Open Space areas;
- (4) Delineation of the units or phases to be constructed in progression;
- (5) Proposed means of dedication of Common Open Space areas and organizational arrangements for the ownership, maintenance and preservation of Common Open Space; and
- (6) Relation to land uses in surrounding area and to the General Development Plan.

8-18.4. Dimensional requirements for Planned Unit Developments shall be in accordance with the following:

(1) One-Family Detached Dwellings.

District	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width (Feet)	Minimum Side Yard (Feet) Except as Provided for in Paragraph (5) below	Setback Min. Avg.* (Feet)		Minimum Rear Yard (Feet)	Minimum Unobstructed Open Space (% Total Lot Area)	Maximum Height (Feet)
R-6	6,000	50		20	25	25	45%	40
R-6MF	6,000	50		20	25	25	45%	40
R-R	6,750	60		20	25	25	50%	40
R-9	6,750	60		20	25	25	50%	40
R-9MF	6,750	60	6 Feet	20	25	25	50%	40
R-12	9,000	60	one side;	25	30	30	55%	40
R-12MF	9,000	60	8 feet	25	30	30	55%	40
R-15	11,250	70	other	30	35	35	60%	40
R-15MF	11,250	70		30	35	35	60%	40
Rural	11,250	70		30	35	35	60%	40

* Average Setback - The arithmetic average of the setbacks of all the lots fronting on one side of a street within one block, or of all lots fronting on a single cul-de-sac.

(2) One-Family Semi-Detached, One-Family Attached and Multi-Family Dwellings.

Established minimum development requirements for the District (or corresponding Multi-Family District) in which one-family semi-detached, one family attached and multi-family dwellings are located shall apply.

(3) Commercial and Office Facilities. Commercial and office facilities, when permitted in a Planned Unit Development, shall be developed in accordance with conventional requirements for B-1 Districts.

- (4) Yards Forming Outer Boundary. Yards forming the outer boundary of a Planned Unit Development shall be in conformance with conventional minimum requirements of the district within which the development is located.
- (5) Zero side yards for one-family detached dwellings. A zero side yard, where the side building line is on the side lot line, may be permitted on one side of each lot subject to the following provisions:
- a. Any wall constructed on the side lot line shall be a solid, windowless wall. If there is an offset of the wall from the lot line, such offset shall be at least six (6) feet.
 - b. The minimum building separation between the sides of adjacent dwellings shall be fourteen (14) feet. This 14 foot area shall be subject to all restrictions normally applied to conventional side yards.
 - c. A five (5) foot maintenance easement and a maximum eave encroachment easement of two (2) feet within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance.
 - d. Subdivision preliminary plans submitted to the Planning Commission shall indicate the proposed location and configuration of dwellings, driveways and parking arrangements for each lot. In addition, a draft of proposed encroachment and maintenance easements shall be submitted for review and approval.
 - e. Zero side yards so established shall be continuous, with either the lot line wall or an opaque fence or wall at least five (5) feet in height, extending from the corner of the lot line wall closest to the front building line back to the corner of the lot line wall closest to the rear building line.

8-18.5. Development area density shall be no greater than that normally permitted for the district in which the Planned Unit Development is located, except as provided under the Density Bonus provision. Development area density shall be computed by subtracting 16% of the gross area (as allowance for street right-of-way) when located in R-6, R-6MF, R-R, R-MH, R-9 or R-9MF Districts and 14% when located in R-12, R-12MF, R-15, or R-15MF or Rural Districts, plus areas designated for non-residential purposes (such as schools, churches, and commercial facilities) from the gross area, and dividing the remaining area by the minimum conventional lot area requirements for the zoning district in which the development is located. Should the development fall into more than one zoning district, the density shall be combined proportion of each district.

(1) A density bonus not to exceed 25% of the number of dwelling units permitted under the standard applicable district regulations may be approved by the Board of County Commissioners in accordance with the following ratio of Residential Area to Common Open Space. In each case the Board of County Commissioners must make a finding that the development will result in a significantly better environment than would otherwise have occurred in accordance with the established permitted density. Tentative application of the density bonus shall be included in the Outline Development Plan for review and approval.

DENSITY BONUS SCALE

<u>% of Residential Area to be Common Open Space</u>	<u>% Density Bonus</u>
10-19	4
20-29	8
30-39	11
40-49	15
50-59	18
60-69	22
70 or more	25

8-18.6. Uses which may be permitted in Planned Unit Developments shall include:

- (1) Those uses set forth in the Table of Permitted Uses, Sec. 6-2 of the zoning ordinance for the district in which the development is located;
- (2) One-family semi-detached and one-family attached dwellings;
- (3) Multi-family dwellings may be permitted in previously single-family districts;
- (4) B-1 Business District uses may be permitted in developments 100 acres and larger. A list of the uses to be established must be approved by the Board of County Commissioners at the same time the Outline Development Plan is approved. Subsequent changes in the list may be made by the Board of County Commissioners upon application by the owner of the property.

8-18.7. In approving an application for an R-PUD District, the Board of County Commissioners shall find that the facts submitted with the application and presented at the public hearing establish:

- (1) That each individual phase of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to present and potential surrounding uses;
- (2) That the primary streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the Planned Unit Development;
- (3) That any exception from standard ordinance requirements is warranted by the design and amenities incorporated in the Outline Development Plan, in accordance with the adopted policy of the Planning Commission and the Board of County Commissioners;
- (4) That the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- (5) That the Planned Unit Development District is in conformance with the General Development Plan of the County; and,
- (6) That existing or proposed utility services are adequate for the population densities proposed.

If from the facts presented the Board of County Commissioners is unable to make the necessary findings, the application shall be denied.

8-18.8. Site development within the R-PUD District shall conform to the Outline Development Plan and associated requirements approved by the Board of County Commissioners. Modification of the Outline Development Plan and associated requirement may be made by the Board of County Commissioners subsequent to their initial approval upon application by the owner of the property.

8-18.9. No building permit or certificate of occupancy shall be issued in such districts until the Planning Commission or the Board of County Commissioners has approved and there is recorded a Final Plat in accordance with the provisions of the Subdivision Ordinance of Mecklenburg County for for the development as a whole or stages of portions thereof. No structure or use other than as indicated in final approved plans and plats shall be permitted. Approval shall be based on compliance with the Outline Development Plan, "Development Standards for Planned Development" in effect at the time the land was zoned R-PUD, and with applicable general zoning, subdivision or other regulations, subject to such additional requirements as made by the Board of County Commissioners in the zoning action granting R-PUD status to the land or subsequent thereto. Upon approval by the Planning Commission or The Board of County Commissioners of the final plat, building permits and certificates of occupancy may be issued in the same manner as for other building permits and certificates of occupancy.

8-18.10. In addition to provisions contained herein, the regulations contained in "Section 7-24 Development Standards for Planned Development" shall apply in R-PUD Districts, and shall govern in such districts when at variance with general zoning, subdivision or other regulations.

8-18.11. Following The Board of County Commissioners approval of an R-PUD District, the property for which approval was granted shall be labeled R-PUD on the Official Zoning Map.

8-18.12. If construction of the R-PUD District is not started within two years of the date of approval, the Board of County Commissioners may consider rezoning the site to it's previous classification.

8-19. Amusements, Commercial Outdoor

8-19.1. Amusements, commercial outdoors may be permitted as a conditional use in the B-2, and I-1 District subject to the following requirements:

- (1) No part of the property so used shall be close enough to any Residential District to create a nuisance to uses which may locate there. Distance, topography, screening and other criteria shall be used in determining what should constitute a suitable relationship between the amusement and the residential area.
- (2) Lighting shall be directed away from residential areas or shielded to protect them.
- (3) Noises emanating from the amusement shall not be permitted to exceed the requirements of Section 4-22.
- (4) Vehicular access to the site will be provided from major thoroughfares and will not require the use of minor residential streets.

8-19.2. As a prerequisite to approval of an application for this conditional use, the Board of County Commissioners shall find that the proposed use of the site will conform to the above requirements, will be as compatible with nearby Residential Districts as other uses which are permitted in the B-2 or I-1 District and will generally conform to the development plan for the neighborhood.

8-20. Racetracks, Raceways, Dragstrips

8-20.1. Race tracks, raceways and dragstrips for automobile, motorcycle or other types of racing competition involving motor vehicles may be permitted as a conditional use in the I-1 and I-2 Districts subject to the following requirement:

- (1) A plan of development shall be submitted with request for conditional approval which will demonstrate to the satisfaction of the Board of County Commission that factors such as noise, lights, fumes, dust and traffic will not be detrimental to any existing or potential development in the vicinity.