

**ZONING ORDINANCE**  
**TEXT AMENDMENT APPLICATION**

**CITY OF CHARLOTTE**

FY2008 Petition #: <u>2009-079</u> Date Filed: _____ Received By: _____ <i>Office Use Only</i>
--

**Section #: 12.106 Uses and structures prohibited and allowed in required setbacks and yards.**

**Purpose of Changes:**

This text amendment seeks to clarify the original intent of the regulations related to how large an accessory structure can be, based on the size of the principal structure on a lot. The intent was that an accessory structure shall not exceed the total square footage of heated area located on the first floor of the principal structure. However, the compound sentence in the Zoning Ordinance has been interpreted differently than was originally intended when the text amendment was adopted in 2002.

The current language reads (underlining added), "If the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard and be at least 15 feet from a rear property line and shall not exceed the total square footage of heated area located on the first floor of the principal structure." The way the sentence reads, it implies that if the accessory structure does not exceed the height of the principal structure, the square footage is not restricted by the size of the heated area on the first floor of the principal structure, nor does it have to meet the minimum side yard, or be 15' from a rear property line.

To clarify this sentence, this text amendment proposes to break the sentence into two separate sentences, to make all the requirements apply: "If an accessory structure exceeds the height of the principal structure, it must meet the minimum side yard and be located at least 15 feet from the rear property line. In addition, no accessory structure shall exceed the total square footage of the heated area located on the first floor of the principal structure."

\_\_\_\_\_  
**Name of Agent**

\_\_\_\_\_  
Agent's Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Telephone Number                      Fax Number

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
**Signature of Agent**

Charlotte Mecklenburg Planning Commission  
**Name of Petitioner(s)**

600 E. Fourth Street  
Address of Petitioner(s)

Charlotte, NC 28202  
City, State, Zip

704 336-5722  
Telephone Number                      Fax Number

Sandra Montgomery [smontgomery@ci.charlotte.nc.us]  
E-Mail Address

\_\_\_\_\_  
**Signature**