

Petition #: 2011-058  
Petitioner: Fairhills Park South Associates, LLC

OCT 17 2011

**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 9: GENERAL DISTRICTS

1. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.406, "Urban Residential Districts; area, yard and height regulations" by adding a new subsection (8) entitled "Special Yard, lot and street standards for residential developments in the UR-1 and UR-2 districts" after subsection (7). The new subsection shall read as follows:

**Section 9.406. Urban Residential Districts; area, yard and height regulations.**

- (8) Special yard, lot and street standards for residential development in the UR-1 and UR-2 districts. The following provisions may be applied to any residential development of 10 acres or less. A residential development is a development that may contain one or more of the following types of residential dwellings; detached and attached dwellings, duplex, triplex and quadraplex dwellings (attached dwellings may not contain more than four units per building). The following provisions may be used independently or in any combination.
- (a) The minimum lot size for detached dwellings including the required subplot for attached dwellings may be reduced by 10% provided that the average size of all lots or sublots is at least equal to the minimum lot size and subplot size specified in the UR-1 and UR-2 districts.
- (b) Reduction of any required yard by up to 25% is permitted, provided that the reduction will result in more efficient use of the site, preserve natural features or will not unduly diminish the provision of light, air and privacy to abutting properties.
- (c) A zero lot line, z-lots, and angled z-lots may be permitted where the building line is on one side of the lot within the interior\* of a residential development, provided that:

- (i) Any wall constructed on the side lot line must be a solid windowless wall. If there is an offset of the wall from the lot line of more than six (6) inches, the offset must be at least six (6) feet.
  - (ii) The minimum building separation between the sides of adjacent dwellings shall be at least six (6) feet;
  - (iii) A 5-foot maintenance easement and a maximum eave encroachment of 2 feet within the maintenance easement must be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance;
  - (iv) Preliminary subdivision plans submitted to the Planning Department must indicate the proposed location and configuration of dwellings, driveways and parking arrangements for each lot. A draft of the proposed encroachment and maintenance easements must be submitted for review;
  - (v) Zero side yards established under these standards must be continuous along the length of the building. There must be either the lot line wall or a solid wall or fence at least six (6) feet high along the lot line adjacent to the building between the established setback and the established rear yard. The wall or fence is used in those cases where the building may be offset as allowed under these standards;
- \* For the purpose of this subsection lots within the interior of the development are lots that share all their property lines with lots and streets within the development.

- (d) The proposed residential uses and development in accordance with the standards set out in this Section may be established on public, private streets or a combination of public and private streets, provided that if private streets are to be used in conjunction with detached dwellings under this Section then:
  - (i) The use of private streets must be established on an approved conditional plan (including any amendments to approved conditional plans to permit such private streets and the rights established in this Section);
  - (ii) Private streets shall not be used in conjunction with this Section to allow detached dwellings to meet any applicable requirements for external vehicular connectivity contained in the subdivision regulations, to eliminate external connectivity set forth in a previously approved UR-1 or UR-2 conditional plan or eliminate external vehicular connectivity that the Planning Director deems

appropriate for the development seeking to use private streets in conjunction with this Section; provided however the provisions of this Section shall not prevent private streets from providing primary access to the site;

- (iii) The provisions of this Section shall not be used in connection with developments containing more than 35 detached dwellings to permit gated private streets that restrict vehicular access to the development;
  - (iv) If the provisions of this Section are used to permit development containing gated\* private streets that restrict vehicular access to the development, sidewalk connections from the private streets within the development to the public streets shall be constructed and open to pedestrian access; and
  - (v) If the provisions of this Section are used to permit development containing gated private streets that restrict vehicular access to the development, the proposed units located within the portion of the development that fronts on a local public street shall have features that provide an orientation to such local street such as sidewalk connections from such units to such streets (including as needed gates and/or trellis features that connect such units to such streets), architectural treatments such as doors, porches, defined rooflines, and/or other similar features that provide an orientation to such public streets.
- (e) Notwithstanding subsections (a), (b), (c), or (d) above, any development on a lot that abuts a street defining the outer boundary of the development, or that abuts a lot which is not within the development shall meet the minimum yard requirements of the UR-1 or UR-2 district in relation to that street or abutting lot.
  - (f) The provisions of this Section may be used on previously approved UR-1 and UR-2 conditional plans (including any amendments thereto) or in connection with the abandonment of existing public streets (as per G.S. 160A-299) to allow such streets to become private. If a previously approved UR-1 or UR-2 conditional plan is revised to utilize this Section, a revised site plan shall be submitted to the Planning Department for review and approval to ensure that the proposed site plan is in compliance with this Section. Once the Planning Department has determined that the proposed site plan is in compliance with this Section, the Planning Department will place the proposed site plan on the agenda of the Zoning Committee of the Planning Commission for its approval to ensure that the proposed site plan is in compliance with this Section.
- \* Prior to the installation of a gate, on a private street as allowed by this Section, CDOT must review and approve the location of the gate to assure it will operate safely.

- b. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations” by adding a new foot note number five (5) to section 9.406.(1) and adding a reference to foot note number 5 after Minimum lot area in this section. The new foot note number five (5) will read as follows:

- 5. Where the sale of individual dwellings units within a single family attached structure is to include a certain amount of land directly associated with the unit, a subplot having less than 3,000 square feet may be created. In such cases, all land associated with the overall development must be either divided into the individual sublots or held in common ownership by an association of homeowners. For purposes of this Section a “subplot” is a platted parcel of land which is a divided unit of a lot for which zoning approval has been granted for the development of a single family attached structure with the intention of sale of individual units and associated land. Sublots must include a minimum of 400 square feet of private open space. Sublots do not have to meet the minimum lot width requirement.

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.101, “Every lot must abut a street”, by inserting a reference to Section 9.406.(8) before the reference to Section 11.208. The revised text shall read as follows:

**Section 12.101. Every lot must abut a street.**

No building, structure or use of land for any purpose may be placed on a lot, which does not abut a street, except for agricultural purposes, and as, provided in Sections 9.406.(8), 11.208 and the following exceptions:

C. CHAPTER 2 DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201. “Definitions”, by modifying the current definition of Zero Lot Line by adding the following wording after the first sentence: “Z-lots and angled Z-lots are forms of Zero Lot Line lots where the side lot lines are at an angle (similar to the angle used in the letter Z) to the front and rear property lines”. The new definition shall read as follows:

Zero lot Line

The location of a building on a lot in such a manner that one or more of the building’s sides rests directly on a side lot line. Z-lots and angled Z-lots are forms of Zero Lot Line lots where the side lot lines are at an angle (similar to the angle used in the letter Z) to the front and rear property lines.

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 17<sup>th</sup> day of October, 2011, 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 the \_\_\_\_\_ day of \_\_\_\_\_, 2011.