

Petition No. 2011-059
Petitioner: Charlotte-Mecklenburg Planning Commission

OCT 17 2011

**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 2.202, "Definitions" by adding new definitions for "blockface" and "high voltage transmission structures", in alphabetical order. The new definitions shall read as follows:

Block face.

One side of a city block between two intersections, or street termination.

High voltage transmission structures.

Utility structures greater than 80 feet in height and with a utility right-of-way 68 feet or greater.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e2), by adding a footnote (9) reference. All remaining text remains unchanged. The new text shall read as follows:

(e2) Minimum setback from existing or future back of curb along local and collector streets (feet) ^{3, 8, 9}	42	42	32	32	32
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- b. Add a new footnote (9) to Chart 9.205(1) for alternative setback standards. The remaining footnotes remain unchanged. The new footnote shall read as follows:

⁹ Alternative Setback: The following setback standards may be

used for an established block face that is at least 25 percent developed, or has at least four existing dwellings.

- (a) A single-family detached dwelling in an established block face may be located no closer to the street than the two closest structures on the same block face.
- (b) In no case shall the minimum setback be less than 10 feet, or intrude into a required clear sight triangle at an intersection.
- (c) The location of parking shall meet the minimum standards in Section 12.206(3).

2. PART 4: URBAN RESIDENTIAL

- a. Amend Section 9.407, “Urban Residential Districts; development standards for various uses”, subsection (4), “Streetscape improvements” by deleting the text and replacing with new text. The revised subsection shall read as follows:

(4) Streetscape improvements.

- (a) A continuous perimeter planting strip shall be required whenever property abuts a curb. The width of the planting strip shall be determined by a City Council adopted streetscape plan for streets that the project abuts. If there is no adopted streetscape plan, the planting strip width shall be determined by the *Charlotte Tree Ordinance*. Trees shall be planted in the continuous perimeter planting strip, as per the standards found in the *Charlotte Tree Ordinance* and in the *Charlotte-Mecklenburg Land Development Standards Manual*.
- (b) Sidewalks are required whenever property abuts a curb. The width of the sidewalk shall be determined by a City Council adopted streetscape plan. If there is no adopted streetscape plan, the sidewalk width must be a minimum of 6 feet wide.
- (c) Sidewalk and planting strip widths may be amended by the Planning Director, City Engineer or their designees to address unusual physical constraints or to allow context sensitive design options.

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.106, “Uses and structures prohibited and allowed in required setbacks and yards”, by adding a new subsection (6) to read as follows. The remaining subsections remain unchanged.

(6) A breezeway is a covered passageway with open sides connecting a single family principal use and an accessory use. The sides of the breezeway shall be open except for structural support columns, meet the minimum yard standards for accessory structures, and be located to the rear or side of the principal structure. A breezeway connection between a single family home and related accessory structure is allowed provided the following design standards are met:

- (a) The width of the breezeway shall not exceed 6 feet between structural supports.
- (b) The breezeway height shall not exceed 15 feet, measured from average grade to the highest part of the structure.
- (c) Walkways are not permitted on the roof of a breezeway.
- (d) The breezeway shall be included in the maximum building coverage calculations (see Table 9.205(1)(i)).

2. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.509, “Public utility transmission and distribution lines” by placing the existing regulations into a new subsection (1), and adding a new subsection (2) that reads as follows:

Section 12.509. Public utility transmission and distribution lines.

- (1) All electricity, telephone, CATV, and other utility distribution lines, which deliver service to the end user from a transmission line providing service to an area larger than the individual parcel or project area in developing or redeveloping areas, shall be installed underground in all districts unless terrain, subsurface or surface obstructions inhibit installation. This provision does not apply to the Research, Institutional and BP districts.
- (2) Lots created for single-family development after December 31, 2011 shall not have major overhead public utility structures which support transmission lines or otherwise part of the transmission network located in any established front setback unless the structure is 100 feet or more beyond the high voltage transmission

right-of-way, and a 50-foot wide buffer consisting of nine trees and 60 shrubs per 100 linear feet is provided beginning 25 feet behind the high voltage transmission right-of-way. Trees and shrubs shall meet the standards of Section 12.302(9) and any standards and regulations set by the public utility.

This provision does not apply to neighborhood-serving minor public utility structures that provide local distribution.

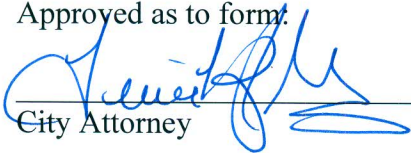
3. PART 8: S.W.I.M. (SURFACE WATER IMPROVEMENT AND MANAGEMENT) STREAM BUFFERS

a. Amend Section 12.805, "Incentives", subsection (3), "Relax lot setback requirements", subsection (b) by replacing the term "setbacks" with "yards" and deleting subsection (c). The revised text shall read as follows:

(b) Rear yards can be located 100 % within a SWIM buffer.
Rear yards can be reduced to 30 feet on all internal lots.
Rear yards forming the outer boundary of a project must conform to the minimum of subsection 9.205(1)(g) for the zoning district in which the development is located.

Section 2. **That this ordinance shall become effective January 1, 2012.**

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 17th 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 _____ day of _____, 2011.
