

Petition No. 2014-88  
Petitioner: Charlotte-Mecklenburg Planning Department

OCT 20 2014

**AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE –ZONING ORDINANCE**

**ORDINANCE NO. 5495**

**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 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e1) by adding three new footnote references, and bolding the word, "thoroughfare". The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e1) Minimum setback from the right-of-way along a designated <b>thoroughfare</b> (feet) <sup>1, 3, 10, 11</sup>	30	30	20	20	20

- b. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (e2) by 1) modifying the setback numbers and deleting "existing or future back of curb" and replacing it with "the right-of-way"; 2) adding three new footnote references; 3) adding new setback requirements for "lots along right-of-way approved prior to 12-20-2010"; and 4) bolding the words, "local and collector street" and "Approved prior to 12-20-2010". The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(e2) Minimum setback from <del>existing or future back of curb</del> <u>the right-of-way</u> along <b>local and collector streets</b> (feet) <sup>1, 3, 8, 9, 10, 11</sup>	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>

Lots along right-of-way **Approved** prior to 12-20-2010 below:

- c. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (f) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(f) Minimum side yard (feet) <sup>4,10</sup>					
- Residential	6	5	5	5	5
- Non-residential	20	20	20	20	20

- d. Amend Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (g) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(g) Minimum rear yard (feet) <sup>10</sup>					
- Residential	45	40	35	30	20
- Non-residential	45	40	35	35	35

- e. Amend Footnotes to Section 9.205(1) by modifying footnote 1 and 8 and adding two new footnotes 10 and 11. All other footnotes remain unchanged. The revised and new footnotes shall read as follows:

<sup>1</sup> Reserved. Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.

<sup>8</sup> As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and recorded on the final plat. Along a local street where no curb exists, the default street type shall be a Local Residential Medium. The future back of curb for a Local Residential Narrow shall be measured 10' from the existing centerline, Local Residential Medium shall be measured 13.5' from the existing centerline, and Local Residential Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.

<sup>10</sup> For lots which abut more than one public street refer to Section 12.102.

- f. Amend Section 9.205, "Development standards for single family districts", subsection (9), "Mixed Income Housing Development", subsection (d), "Development Standards", subsection (iii) by 1) removing text regarding street frontage types; 2) adding a section number reference; and 3) removing subsection (b) in its entirety. The revised subsection shall read as follows:

(iii) The minimum setbacks are as follows ~~based on the street frontage type:~~

a. ~~Along a designated thoroughfare~~ The setback shall be 20 feet for front loaded garages and 15 feet for all other portions of the structure from the right-of-way. (Section 12.206(3))

b. ~~Along local and collector streets the setback shall be 32 feet for front loaded garages and 27 feet for all other portions of the structure from the existing or future back of curb.~~

## 2. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, "Uses permitted under prescribed conditions", item (19), "Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building", subsection (f) by modifying the separation distances in subsections (i) through (v) as well as how they are measured. Also add a section number reference in subsection (iii). The revised section shall read as follows:

(f) The following standards shall apply when a public street, other than a thoroughfare abuts the site, or when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:

(i) All buildings may have a ~~minimum 27~~ 15-foot separation from the existing or future ~~back of curb~~ right-of-way provided the conditions listed below are met.

(ii) Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project up to 3 feet into this ~~27~~ 15-foot separation area.

(iii) All garages must have a minimum separation of ~~33~~ 20 feet from the existing or future ~~back of curb~~ right-of-way while the remainder of the structure

may be located at the minimum 27 15-foot separation from the existing or future ~~back of curb~~ right-of-way. (Section 12.206(3))

- (iv) All dwelling units with the 27 15-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
- (v) No parking or maneuvering space is permitted in the 27 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

b. Amend Section 9.305, "Development standards for multi-family districts", subsection (1), "Area, yard and bulk regulations", subsection (e1) by adding text regarding public streets and adding three footnote references. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
e1) Minimum setback from the right-of-way along a designated thoroughfare <u>and public streets</u> (feet) <sup>3,11,13,14</sup>					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f))	30	30	30	30	30

c. Amend Section 9.305, "Development standards for multi-family districts", subsection (1), "Area, yard and bulk regulations", subsection (e2) by 1) replacing "existing or future back of curb" with "right-of-way"; 2) modifying the setbacks; 3) adding four new footnote references; 4) adding a new section and setbacks for "lots along right-of-way approved prior to 12-20-2010"; and 5) bolding the words, "Approved prior to 12-20-2010". The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(e2) Minimum setback from <del>existing or future back of curb</del> <u>right-of-way</u> along local and collector streets (feet) <sup>3,10,11,12,13,14</sup>					
- Detached, duplex, triplex and quadraplex dwellings	<del>32</del> <u>17</u>	<del>33</del> <u>17</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>	<del>32</del> <u>17</u>
- All other buildings, including planned multi-family developments	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>	<del>42</del> <u>27</u>

or  
Lots along right-of-way Approved prior to 12-20-2010 below:

- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(19)(f)).	30	30	30	30	30

- d. Amend Section 9.305, "Development standards for multi-family districts", subsection (1), "Area, yard and bulk regulations", subsection (f) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(f) Minimum side yard (feet) <sup>4,11</sup>					
-Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- Planned multi-family developments adjoining single family developed or zoned land <sup>5</sup>	20	20	10	10	10
-Non-residential buildings adjoining single family zoning districts	20	20	20	20	20
-All other planned multi-family developments and all other nonresidential buildings <sup>5</sup>	10	10	10	5	5

- e. Amend Section 9.305, "Development standards for multi-family districts", subsection (1), "Area, yard and bulk regulations", subsection (g) by adding a new footnote reference. The revised subsection shall read as follows:

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(g) Minimum rear yard (feet)					
-Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
-All other buildings, including planned multi-family developments (except as required below)	40	40	40	40	40
-Planned multi-family developments adjoining single family developed or zoned land <sup>5, 8,11</sup>	50	50	50	40	40

- f. Amend Footnotes to Section 9.305(1) by modifying footnote 10 and adding four new footnotes. All other footnotes remain unchanged. The revised and new footnotes shall read as follows:

<sup>10</sup> As prescribed by Chapter 20 (Subdivision Ordinance) public streets approved after 12-20-2010 may have a right-of-way width that varies from the total width for a Residential Medium Street. If so, the minimum setback from the right-of-way will be shown, and

~~recorded on the final plat. Along a local street where no curb exists, the default street type shall be a Local Residential Medium. The future back of curb for a Local Residential Narrow shall be measured 10' from the existing centerline, Local Residential Medium shall be measured 13.5' from the existing centerline, and Local Residential Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.~~

- <sup>11</sup> For lots which abut more than one public street refer to Section 12.102.
- <sup>12</sup> The location of parking shall meet the minimum standards in Section 12.206(3).
- <sup>13</sup> 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 setback standards in Section 12.206(3).
- <sup>14</sup> Setbacks shown on a plat recorded at the Register of Deeds shall supersede required zoning setbacks.

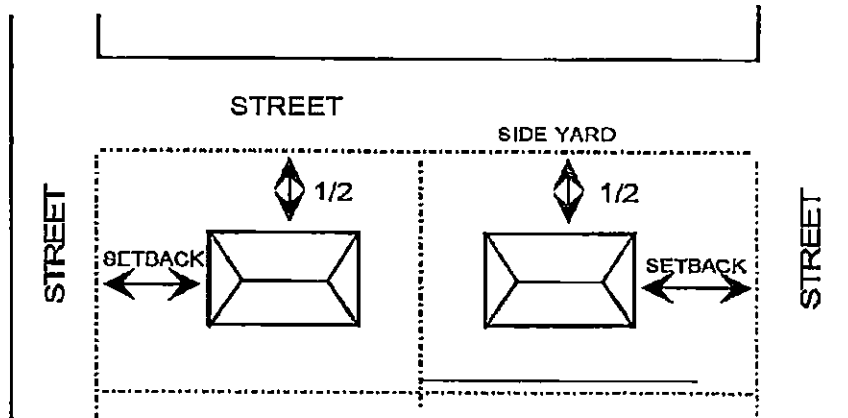
## B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

### 1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.102, "Special lot, setback, yard and building envelope requirements", by modifying subsection (6); Figure 12.102(a); subsection (7); Figure 12.102(b); and subsection (8) by adding text that reads: "but not less than 10 feet from the right-of-way" to all subsections and figures. Also add two new subsections 11 and 12. All remaining subsections are unchanged. The revised subsections and figures shall read as follows:

- (6) If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be a minimum of 50 percent of the required setback for the district but not less than 10 feet from the right of way in which the structure is located as illustrated in Figure 12.102(a).

Figure 12.102(a)

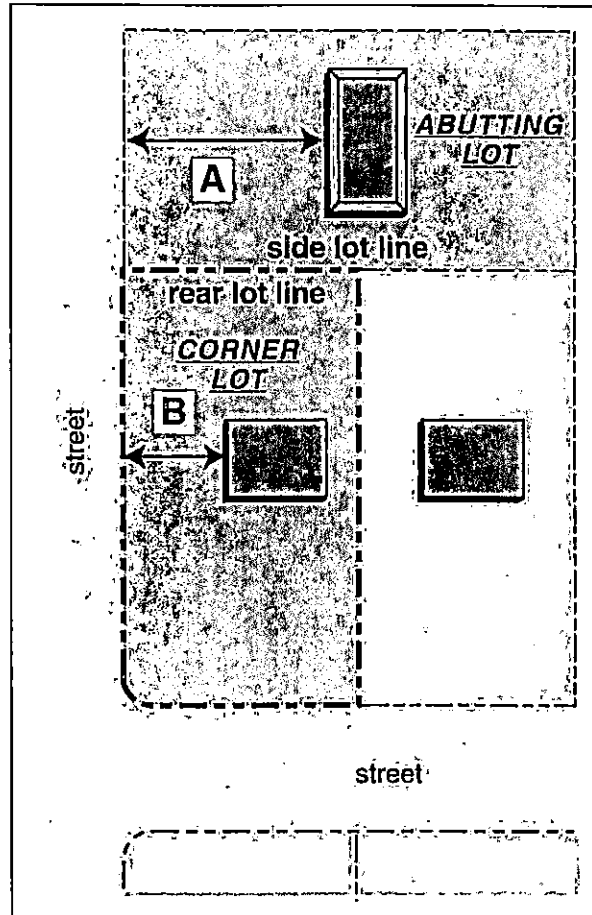


SIDE YARD IS 1/2 REQUIRED SETBACK  
BUT NOT LESS THAN 10 FEET FROM THE RIGHT-OF-WAY

(Continued on next page)

- (7) If, in any district, a corner lot has a rear lot line in common with a side lot line of an abutting lot, then the side yard on the street side of the corner lot must be at least 50 percent of the required setback for the abutting lot but not less than 10 feet from the right of way as illustrated in Figure 12.102(b).

**FIGURE 12.102(b)**



- A Setback  
B Side yard for corner lot shall be at least 50 percent of Setback A but not less than 10 feet from the right-of-way

- (8) If a lot is fronted on three sides by streets, the setback requirement for the district shall be applied only on the two opposing street fronts. The required side yard on the third street front must be at least one-half the required setback in that district but not less than 10 feet from the right of way.



The yard opposite the third street front must be at least the minimum side yard requirement for the district. If the lot is fronted on four sides by streets, two opposing streets shall have the minimum required setbacks and the other two streets must have side yards of one-half the required setback, but not less than 10 feet from the right-of-way.

- (9) The location of required setback, side and rear yards on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings on individual lots.
- (10) All residential lots shall have a building envelope sufficient to meet the requirements of the Minimum Housing Code.
- (11) The location of parking shall meet the minimum standards in Section 12.206(3).
- (12) Setbacks measured from right-of-way shall be measured from the total right-of-way as defined by Chapter 20 (Subdivision Ordinance).

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

- a. Amend Section 12.805, "Incentives", subsection (3)(a) by 1) deleting "along a designated thoroughfare or 27 feet from the existing or future back-of-curb for all lots"; 2) add a section number reference, and 3) delete the entire second paragraph. All other subsections remain unchanged. The revised section shall read as follows:

(3) Relax lot setback requirements

For all lots within a development requiring a SWIM buffer, setback requirements as specified in Section 9.205(4) are reduced as follows:

- (a) Front setbacks can be reduced to a minimum of 15 feet as measured from the right-of-way line for all lots ~~along a designated thoroughfare or 27 feet from the existing or future back of curb for all lots~~ along local and collector streets. However, front loaded garages must maintain a minimum setback of 20 feet measured from the back of sidewalk or back of right-of-way, whichever is greater. (Section 12.206(3)).

~~Along a local street where no curb exists, the default street type shall be a Local Residential-~~

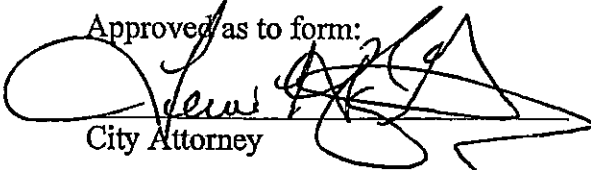
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~~Medium. The future back of curb for a Local Residential Narrow shall be measured 10' from the existing centerline, Local Residential Medium shall be measured 13.5' from the existing centerline, and Local Residential Wide shall be measured 17.5' from the existing centerline. The future back of curb for a collector street shall be measured 18' from the existing centerline.~~

- (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 upon its adoption.

Approved as to form:

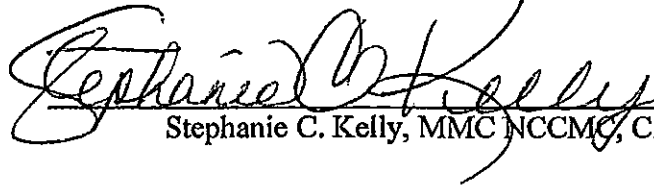


City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 20th day of October, 2014, the reference having been made in Minute Book 137, and recorded in full in Ordinance Book 59, Page(s) 62-71.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 20th day of October, 2014.



Stephanie C. Kelly, MMC NCCMC, City Clerk

