

REQUEST	Text amendment to the Charlotte Unified Development Ordinance (UDO). This will amend the UDO that was adopted on August 22, 2022 and goes into effect on June 1, 2023.
SUMMARY OF PETITION	The purpose of this text amendment is to make minor changes that will result in better functionality of the UDO. Changes include updated language to provide greater clarity, language adjustments to provide better consistency with N.C.G.S. Chapter 160D, updated terminology and definitions, reference and scrivener's error corrections, adjustments to some use permissions and prescribed conditions, new and updated graphics, and minor changes to standards.
PETITIONER	Charlotte Planning, Design & Development Department
AGENT/REPRESENTATIVE	Charlotte Planning, Design & Development Department
COMMUNITY MEETING	Meeting is not required.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

The text amendment is **consistent** with the *2040 Comprehensive Plan*.

Rationale for Recommendation

- A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions.
- The proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality.

PLANNING STAFF REVIEW

- **Background**
 - The UDO was adopted by City Council on August 22, 2022, and becomes effective on June 1, 2023.
 - The proposed text amendment was presented to the Charlotte-Mecklenburg Planning Commission on March 13.
 - A high-level review of the proposed text amendment was presented to the Transportation, Planning and Development Committee of the City Council on April 3.
 - The proposed text amendment was presented to the community via two virtual public information sessions on April 11.

- **Proposed Request Details**

The text amendment contains the following highlights:

General

- Corrects scrivener's errors, reference citations, and punctuation.
- Adds table reference numbers when not provided in the UDO.
- Updates the official names of reference documents and organizations.
- Adds and refines graphics throughout the document.
- Includes minor refinements and adjustments to the tables and text for clarity and detail.
- Clarifies dates and zoning district nomenclature.
- Removes all references to "townhouse" and replaces with "multi-family attached when on sublots."

Definitions: Adds new definitions for “Building Line”, “Floor”, “Policy Map”, “Established Setback”, and “Story”; and deletes five definitions “Administrative Hearing”, “Congregate Living”, “Day-Night Average Sound Level”, “DNL Contour”, and “Endwall.”

Conditional Zoning Districts: Adjusts text to state that when a conditional district is located within the special flood hazard area, it is subject to the floodplain regulations, standards, and Flood Insurance Rate Maps in effect at the time of the floodplain development permit application submission and is subject to all other development ordinances on the date of the conditional zoning district approval as well as the conditional zoning site plan and site-specific conditions.

Dimensional and Design Standards:

- Maximum Building Height:
 - Adds a maximum building height limitation standard to additional zoning districts when a structure is within 200 feet of residential uses or vacant land in the N1 Place Type.
 - Clarifies the maximum building height standards by allowing each portion of a building to be measured independently.
- Transparency: Refines the transparency applicability for triplex, quadruplex, and multi-family attached development, based on whether the units are on sublots or individual lots.
- Multi-Family Attached Dwelling Units: Adjusts the standards for façade modulation, building base and entrance design, pedestrian entry and sidewall orientation, maximum prominent entry spacing, and building material restriction, differentiating whether or not the units are on sublots.
- Ground Floor and Entrance Design: Refines these standards when buildings have limited access frontage.
- Maximum Blank Wall Area: Refines the applicability of these standards for triplex, quadruplex, and multi-family attached units based on whether they are, or are not, on individual lots or sublots.
- Building Material Restrictions: Refines these standards for multi-family attached and multi-family stacked dwellings by taking into account if the units are on sublots or not.

Neighborhood 1 Zoning Districts

- Refines the building height setback plane standards for duplex and triplex units, by requiring sidewalls to be measured from the finished floor elevation of the main floor to the eave, or to the bottom of the finished roof plane, if no eave is present.
- Refines where the front setback is measured from when lots are located in a conservation residential development and front on a common open space, by specifying the measurement is from the property line abutting the common open space.

Neighborhood 2 Zoning Districts

- Allows lower-intensity dwellings including single-family, duplex, triplex, and quadruplex dwellings in the N2-A and N2-B zoning districts to be subject to the standards of the N1-E zoning district, or as components of a multi-dwelling development.

Commercial Zoning Districts

- Removes the façade modulation requirements in the commercial zoning districts.

Campus Zoning Districts

- Renames the RC-1 zoning district to RC.

Neighborhood Center Zoning Districts

- Removes the standards for building base and entrance design for nonresidential and mixed-use buildings because the district height standards would not let buildings reach a height where these standards would be triggered.

Special Purpose & Overlay Zoning Districts

- Adjusts language requiring a petitioner to order and pay for a transcript of the Historic District Commission hearing if the petitioner files an appeal.
- Clarifies that common areas are common open space areas.

Use Regulations

- ~~Adds a “PC/C” symbol in the Global Use Matrix indicating the use shall comply with the prescribed conditions and a conditional zoning is also required in certain circumstances.~~ (Note: This addition is included in Petition 2023-057.)
- Refines and adjusts some of the prescribed conditions for certain uses.

General Development Regulations

- Refines and clarifies the open space requirements and on-site pedestrian connectivity.

Accessory Structures

- Refines standards for specific accessory structures.

Architectural Features

- Makes minor adjustments to architectural features and extensions into setbacks for residential and nonresidential development.

Off-Street Vehicle & Bicycle Parking

- Clarifies the vehicle and bicycle parking requirements and residential parking space locations and configurations.

Landscape, Screening, & Tree Preservation

- Refines the standards for screening, landscape yards, and frontage tree planting.

Loading Spaces & Service Areas

- Adds recycling service area requirements.
- Refines the requirements for loading space design and solid waste service areas.

Water Supply Watershed Protection

- Updates the maximum built upon percentages for the watershed protected areas.
- Clarifies that administrative adjustments are not permitted for Water Supply Watershed Protection standards.

Post-Construction Stormwater Regulations

- Clarifies the standards for Low-Density and High-Density watershed projects.

Soil Erosion & Sedimentation Control

- Provides a timeline for decisions on revised plans.

Network, Cross-Access, & Driveway Regulations

- Revises language for cul-de-sacs within a half-mile walking distance of a rapid transit station.
- Refines how sight triangles are measured.

Required New Streets & Transportation Improvements

- Clarifies that an MTC adopted transit rail plan also requires the building of a transit trail.

Standards for Streets, Off-Street Public Paths, & Cross-Access

- Adds a third condition to the Local Street Matrix allowing a developer of a residential development that abuts Neighborhood 1 or Neighborhood 2 zoning districts along an existing street to change the required local street type if it can be reasonably demonstrated that the change will not affect the function of the street or the adjacent street network for parking, loading, maneuvering, and/or access.

Other Infrastructure

- Refines exemptions for underground utilities.

Amendments & Development Approvals

- Clarifies that a recommendation by the Planning Commission is considered favorable if no recommendation is made within 30 days after a petition is referred.
- Clarifies the procedures for appeals of a Historic District Commission quasi-judicial decision to Superior Court pursuant to the requirements of N.C.G.S. Chapter 160D.

Nonconformities

- Classifies resurfacing of an existing parking lot as normal maintenance and incidental repair.
- Clarifies that vacant nonconforming lots shall not be used if it could be combined with another vacant adjoining lot(s) owned by the same person, or entity, in order to create one or more conforming lots.

Enforcement

- Clarifies the Stormwater Administrator has the authority to require a person who engages in any land-disturbing activity and fails to retain sediment, to restore the areas affected to minimize pollution by sedimentation.

Changes made after the public hearing are included in the attached matrix.

- **Public Plans and Policies**

- The text amendment builds upon the vision and goals in the *2040 Comprehensive Plan*, refining the UDO regulations and uses to provide better functionality. The amendment also builds upon other City policies and adopted plans, including the Strategic Mobility Plan, the Charlotte Streets Manual, the Charlotte Streets Map, the Strategic Energy Action Plan, and the Tree Canopy Action Plan.

- **TRANSPORTATION SUMMARY**

- **Charlotte Department of Transportation:** CDOT supports the UDO clean-up text amendment. The amendment provide additional clarity and reference corrections that will help implement the transportation related components of the UDO.

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** CATS supports the text amendment.
- **Charlotte-Douglas International Airport:** Aviation welcomes this text amendment and will support the change, as appropriate.
- **Charlotte Fire Department:** No comments received.

- **Charlotte Planning, Design & Development - Zoning Administration:** Charlotte Zoning Administration supports the "clean-up" text amendment (RZP #2023-058). It will provide greater clarity, better consistency, and provide needed minor corrections.
- **Charlotte Solid Waste Services:** Solid Waste Services has reviewed the solid waste related language in the clean-up text amendment and is in support of the edits.
- **Charlotte Water:** No comments received.
- **Erosion Control:** No comments received.
- **Mecklenburg County Parks and Recreation Department:** No comments received.
- **Mecklenburg County Solid Waste:** Mecklenburg County Solid Waste is in support of the solid waste language in the clean-up text amendment.
- **Storm Water Services:** No comments received.
- **Urban Forestry / City Arborist:** No comments received.

Additional information online at www.rezoning.org

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