

REQUEST

Text amendment to the Unified Development Ordinance (UDO)

SUMMARY OF PETITION

The purpose of this text amendment to the UDO is to make changes that will result in better functionality. These changes provide greater clarity, new and updated definitions, adjusts use permissions and prescribed conditions, revises use names, updates graphics, and makes changes and additions to standards. There are proposed changes in 29 of the 39 Articles.

**PETITIONER
AGENT/REPRESENTATIVE**

Charlotte Planning, Design & Development Department
Charlotte Planning, Design & Development Department

COMMUNITY MEETING

The proposed text amendment was presented to the community via two virtual public information sessions on May 07, 2024. At the noon session, 60 individuals were in attendance including two Planning Commission members. At the 6:00 pm session, 30 individuals were present including two Planning Commission members.

**STAFF
RECOMMENDATION**

Staff recommends approval of this petition.

Plan Consistency

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

Rationale for Recommendation

- The petition could facilitate the goals of the *2040 Comprehensive Plan*.
- 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 became effective on June 01, 2023.
- This is the third general update clean-up text amendment to the UDO.
- Text amendment adjustments are based on input from UDO users – both internal and external.
- The Transportation, Planning, and Development Committee of City Council received a high-level update of the text amendment on May 06, 2024.
- Two virtual sessions were held on May 07, 2024.

• **Proposed Request Details**

The text amendment contains the following highlights:

• **General**

- Clarifies applicability of the Unified Development Ordinance (UDO) to conditional zoning districts.
- Modifies, and adds, general definitions. (Added definition of "Private Entity" and modified calculable area of "Transparency" after the public hearing.)
- Specifies the standards when multiple structures on a lot are attached or detached.
- Clarifies what constitutes parking lot maintenance and repair.
- Clarifies resultant parcels exempt from subdivision regulations shall comply with all applicable standards of the UDO.
- Corrects scrivener's errors and language references.

- Updates and adds graphics.
- (After the public hearing, made updates and corrections to language for clarification and flexibility.)
- **Design and Dimensional Standards**
 - Creates conditions for establishing a new blockface for sidewall measurements. (After the public hearing, updated the depth of the landscape yard used to establish the new blockface.)
 - Adds a 25' Class B landscape yard option along a frontage for multi-family attached residential developments.
 - Creates flexibility in the build-to zone requirement when certain site conflicts or constraints exist.
 - Clarifies maximum spacing standards for required prominent entrances. (After the public hearing, clarified that in CG and CR zoning districts, a single business does not have to provide more than one prominent entrance and adjusted prominent entrance requirements for CR.)
 - Specifies the minimum number of required prominent entrances for nonresidential and mixed-use building development.
 - Offers flexibility in calculating Minimum Building Length as a Percentage of Lot Width Along a Frontage.
 - Clarifies certain standards for selected forms of residential development, such as: primary pedestrian entry orientation, sidewall orientation, and prominent entrance requirements. (After the public hearing, clarified the residential uses for which Residential Site Layout Standards are applicable.)
 - Modifies or eliminates selected standards for triplex and quadraplex buildings to align with recent updates to state law.
 - (After the public hearing, updated height transition standard to indicate that the distance used for calculation is measured from the lot line of a residential use, and not from the building. Also, clarified the uses for which Residential Building Design Standards are applicable.)
- **Open Space**
 - Clarifies when open space is required for new construction or expansion.
 - Specifies open space is required for multi-dwelling development.
 - Specifies when open space is required for multi-phase development.
- **Uses**
 - Introduces the new uses Auction Sales, Outdoor Produce Sales, Outdoor Recreation Facilities, Outdoor Seasonal Sales, Rail Yard, and Telecommunications and Data Storage Facility. (After the public hearing, changed use name from "Outdoor Recreation Facilities" to "Private Outdoor Recreation Facilities".)
 - (After the public hearing, added Place of Worship as an allowed use in the MHP and ML-2 zoning districts, and added Public Transit Facility as an allowed use with prescribed conditions in the MHP zoning district.)
 - (After the public hearing, added text to Stadium use to clarify that it may include ancillary facilities associated with the use.)
 - Renames the current use "Gas Station" to "Vehicle Fueling Facility".
 - Removes the conditional zoning requirement for Vehicle Fueling Facility, Vehicle Repair Facility: Major, and Vehicle Repair Facility: Minor.
 - Adds permissions for duplex, triplex, and quadraplex buildings as components of multi-dwelling development in certain zoning districts.
 - Adds permissions for a manufactured home or single-family dwelling on an individual lot in the Manufactured Home Park (MHP) Zoning District.
 - Creates, or adjusts, prescribed conditions for Farms, Outdoor Recreation Facilities, Private Recreation Club, Outdoor Produce Sales, and Outdoor Seasonal Sales.
 - (After the public hearing, adjusted prescribed conditions for Farms.)
 - Specifies all uses and structures be located on the parcels for which they have been approved.
 - Adjusts use definitions, permissions in the use matrix, and prescribed conditions for certain uses.
- **Accessory Structures**
 - Clarifies locational standards for accessory structures, such as establishing a detached carport/garage may be in an established corner side setback.
 - Introduces standards for a new category of accessory structure: Solar Panels.
 - Excludes the area of accessory dwelling units (ADUs) from the cumulative square footage of all accessory structures on a residential-use lot.
 - Provides an additional screening alternative – landscaping – for ground- and wall-mounted mechanical equipment.
- **Parking**
 - ~~Modifies Tier 1 zoning district vehicle parking requirements by adding the CG and CR Zoning Districts and removing the same from Tier 2.~~ (After the public hearing, moved CG and CR Zoning Districts back to Tier 2 and added parking maximums for selected uses.)
 - Eliminates the Tier 2 and Tier 3 parking maximums for senior living developments.

- Creates parking structure design requirements for a structure located in the Neighborhood 1 or N2-A and N2-B Zoning Districts.
- Specifies the 400' referenced in the Tier 3 vehicle parking requirement minimum is a 400' walk distance.
- Clarifies the percentage of bonus EV parking spaces which may be designed for compact vehicles.
- **Driveways**
 - Updates driveway standards for duplex, triplex, and quadraplex buildings.
 - Eliminates the maximum 24' cumulative width of driveways and establishes a maximum of 40% of lot width. (After the public hearing, revised from 40% to 50%.)
 - Establishes a maximum driveway width of 12' between the curb and 5' behind the sidewalk.
 - Adds a horseshoe/half-circle driveway option for lots on arterial streets. (After the public hearing, also, added an option to have a turnaround pad on arterials.)
 - Establishes driveways shall be located to the side or rear of buildings for units without front-facing garages.
- **Landscaping**
 - Clarifies the procedure for the Zoning Administrator to modify landscape yard requirements.
 - Clarifies landscape yard applicability.
 - Provides additional screening options for parking lots: Fences or walls.
 - Provides an option for vinyl fencing when fencing is installed in a landscape yard.
- **Tree Preservation and Planting**
 - Clarifies applicability of green area and tree planting requirements as part of approved minor subdivisions.
 - Provides compliance flexibility by allowing proportional compliance options to achieve complete green area and tree planting requirements.
 - Provides flexibility in achieving tree save green area credits by allowing non-contiguous fragments to be credited with approval of the Chief Urban Forester.
- **Stormwater**
 - Clarifies applicability of Surface Water Improvement & Management (SWIM) buffers.
 - Adjusts the time for appeals of disapproved or modified soil erosion and sedimentation control plans from 30 days to 15 days to align with state recommendations.
- **Transportation**
 - Clarifies the placement and location of driveways in relation to intersections for certain residential development.
 - Establishes a procedure for adjustments to street cross-section elements in instances of conflict between North Carolina Department of Transportation (NCDOT) policy and the Charlotte Streets Map.
 - Clarifies the modification process for the relocation of curb and gutter when relocation conflicts with utility constraints.
- **Alternative Compliance Review Committee**
 - Establishes an alternative compliance process, and a quasi-judicial board, to review and decide on requests for alternative compliance. (After the public hearing, changed name from "Alternative Compliance Review Committee" to "Alternative Compliance Review Board". Also, changed the effective date from July 01, 2024 to October 01, 2024.)
 - Encourages the use of alternative and innovative design practices that minimize impact on surrounding development and implement the intent of the applicable zoning district.
- **Exception (EX) District Zoning Map Amendment**
 - (After the public hearing, added EX allowances for prominent entrances, parking structure design, and signage for Convention Centers, Public Transit Facilities, and Stadium uses.)
- **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.

TRANSPORTATION COMMENTS: No outstanding issues.

DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No outstanding issues.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte-Mecklenburg Schools:** Not applicable

- **Charlotte Water:** No comments submitted.
 - **Erosion Control:** No comments submitted.
 - **Long Range Planning:** No outstanding issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No outstanding issues.
 - **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
 - **Stormwater Services Land Development Engineering:** No outstanding issues.
 - **Storm Water Services:** No outstanding issues.
 - **Urban Forestry / City Arborist:** No outstanding issues.
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Additional information (department memos, site plans, maps etc.) online at www.rezoning.org
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