

REQUEST

Text amendment to the Unified Development Ordinance (UDO)

SUMMARY OF PETITION

The purpose of this text amendment is to update the UDO to implement and support the goals and policies of the *Charlotte Future 2040 Comprehensive Plan*. This includes updates to reflect best practices, address new and emerging trends, address implementation challenges identified by external and internal stakeholders, and correct scrivener's errors. Updates are proposed to 26 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; One on May 08, 2025, and one on May 13, 2025. At the May 08 session, 40 individuals were in attendance including three Planning Commission members. At the May 13 session, five individuals were present including one Planning Commission member.

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 updates, adjustments, and revisions after adoption to address implementation challenges, add clarity, adjust use permissions and prescribed conditions, and correct minor errors.
- 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 first semi-annual maintenance update 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 05, 2025.
 - Two virtual community information sessions were held; One on May 08, and one on May 13, 2025.
- **Proposed Request Details**

The text amendment contains the following highlights:

 - **General & Applicability**
 - Clarifies applicability of the North Carolina Fire Code appendices.
 - Modifies, adds, and deletes general definitions. (After public hearing, added language to the general definition of "Commercial Vehicles, Large" to indicate these can include trailers.)
 - Clarifies bonus area and fee-in-lieu calculation included in appropriate rows of Table 16-1: Bonus Menu.
 - Adds unoccupiable space language to Affordable Housing Equitable Clean Energy Projects: Fee Program option in Table 16-1: Bonus Menu.

- Corrects scrivener's errors and language references.
- **Frontages & Zoning Districts**
 - Adds new language regarding the applicability of frontages.
 - (After public hearing, added clarifying text to the language for Lots with Multiple Frontages that the standards of new Section 3.6 may apply.)
 - Creates a new section, Section 3.6, for alternative standards for lots with multiple frontages.
 - (After public hearing, added language that specifies a transit station, off-street public path, or public park frontage shall never be deemed the "last frontage" for the purposes of the alternative standards of this new section.)
 - Adds reference in applicable zoning district articles to new Section 3.6 for guidance on alternative standards for sites with three or more frontages.
 - Adds language to clarify that the primary pedestrian entry for multi-family can be a prominent entrance located on a common open space.
 - Adds language clarifying back of curb location when Subdivision, Streets, & Other Infrastructure standards require the installation of curb.
 - Makes minor correction to specify that residential on-site open space applies to multi-family attached "dwellings".
 - Adjusts the front setback applicability at the perimeter of compact residential development.
 - Adjusts the applicability of building material restrictions to accessory structures.
 - Clarifies the building material restrictions language for corrugated metal siding and plain concrete masonry units (CMU).
 - Updates the purpose language of the OFC Zoning District in Article 7.
- **Special Purpose & Overlay Zoning Districts**
 - Adds an updated Section 14.1, Purpose and Intent, for Special Purpose & Overlay Zoning Districts. (After public hearing, corrected this text to specify special purpose and overlay zoning districts may grant additional uses or add development requirements upon underlying zoning.)
 - Adjusts the Certificate of Appropriateness requirement language for Historic Districts.
 - Modifies the language regarding exterior features in Historic Districts.
- **Uses**
 - Adds permissions for Dwelling – Multi-Family Attached and Dwelling – Multi-Family Stacked in the OFC and OG Zoning Districts with prescribed conditions. (After public hearing, updated prescribed conditions with clarifying text.)
 - Introduces the new use Research and Development (R&D) – With Light Industrial, with prescribed conditions.
 - Adds the term "life sciences" to existing use definition for Research and Development (R&D).
 - Updates permissions for Dwelling – Accessory Unit (ADU) and Home Occupation accessory uses to match all the zoning districts where residential uses / forms are permitted.
 - Clarifies Dwelling – Multi-Family Stacked in the CR or CG Zoning Districts and located in a Centers Place Type may have ground floor retail. (After public hearing, updated this language to clarify ground floor nonresidential uses and added language to the prescribed condition for the treatment and use of these ground floor nonresidential use spaces.)
 - Adds a prescribed condition for Public Safety Facility for separation from residential uses or vacant land in an N1 zoning district.
 - Adds language to clarify Wireless Communication Towers as a second principal use is prohibited on individual lots with a single-family, duplex, triplex, or quadraplex dwelling.
 - Adjusts, generally, the approach to separation or landscape yard requirements from a Place Type perspective to a zoning district perspective considering residential uses and vacant land in Neighborhood 1 or Neighborhood 2 Zoning Districts.
 - Adjusts use definitions, permissions in the use matrix, and prescribed conditions for certain uses.
- **Accessory Structures**
 - Removes the setback differential condition for accessory structures less than 24' tall but taller than the principal structure.
 - Removes the zoning use permit requirement for Donation Boxes.
 - Establishes fabric as a prohibited screening material when attached to chain link fencing.
- **Parking**
 - Adds guidance to Table 19-1: Vehicle Parking Requirements on how to read blank / shaded table cells.
 - Adds parking minimums for Financial Institution for Tier 1 and Tier 2; Adds a parking maximum to Tier 3.
 - Adds parking minimum for Retail Goods Establishment for Tier 1 and Tier 2; Adds a parking maximum to Tier 3.
 - Corrects calculation error to EV charging station requirement language.
 - Adds guidance to Table 19-3: Bicycle Parking Requirements on how to read blank / shaded table cells.

- Adds clarifying language to Table 19-3.1: Driveway and Parking Standards for Duplex, Triplex, and Quadraplex Dwellings on Individual Lots.
 - Clarifies horseshoe driveways may serve individual or multiple buildings.
 - Provides guidance for maximum driveway width between curb and sidewalk if no sidewalk is present.
- Removes build-to zone prohibition for locating parking areas for nonresidential uses and nonresidential components of mixed-uses when there is no principal building.
- **Landscaping & Screening**
 - Establishes fabric as a prohibited screening material when attached to chain link fencing.
 - Adjusts applicability of landscape yard requirements for accessory structures.
 - Removes language regarding landscape yard requirements for abutting nonresidential or mixed uses located in a Neighborhood 1 or Neighborhood 2 Place Type.
 - Modifies the landscape yard approach of Table 20-3: Required Landscape Yards by Zoning District from a Place Type perspective to a use, form, and zoning district approach.
 - Adds a landscape yard requirement for new residential development in the N1 Zoning Districts and the N2-A and N2-B Zoning Districts when the new residential development abuts certain development which has no landscape yard.
 - Adds a landscape yard requirement for ML-1 and ML-2 development abutting a CG Zoning District.
 - Clarifies the width of street / public-right-of-way for frontage landscape yard requirements for ML-1 and ML-2 development.
 - Adds a note to Table 20-3: Required Landscape Yards by Zoning District specifying the Zoning Administrator determines applicability of landscape yard requirements for any conditional zoning district not listed in Table 20-3 and established by a zoning ordinance prior to 1993.
 - Reorganizes Table 20-3: Required Landscape Yards by Zoning District to reduce duplicative language.
- **Tree Preservation & Planting**
 - Replaces all references to Section 4.1 of the UDO Zoning Administration Manual with "Charlotte Tree Manual".
 - Relocates collected fees language from Specimen Tree Preservation language to Heritage Tree Mitigation Payment language.
 - Clarifies that both standard and minor subdivisions are subject to Section 20.14 (Heritage Trees), Section 20.15 (Green Area), Section 20.16 (Frontage Tree Planting), and Section 20.17 (Tree Planting) standards.
 - Clarifies and reorganizes standards for removal of heritage trees due to hazard and poor health.
 - Adds a general standard for tree save areas to be free from all structures and utilities.
 - Adds clarifying language on tree save area tree canopy overhanging underground utility easements.
 - Adds language to include a site with potential planting location conflicts to be considered a "site with demonstrated constraints."
 - Adds provisions to clarify technical permitting requirement for tree preservation / protection compliance.
 - Clarifies the Street Tree Planting Account may be used for city tree maintenance.
- **Signs**
 - Adds a permission for pole signs in the CG Zoning District.
- **Stormwater & Water Supply Watershed Protection**
 - ~~Removes the exemption for preliminary subdivision approvals from post-construction stormwater regulations applicability.~~ (After public hearing, removed this proposed change which preserves the current UDO language for a net no-change to Article 25.)
 - ~~Removes the exemption for construction plans for required improvements for residential minor subdivisions from post-construction stormwater regulations applicability.~~ (After public hearing, removed this proposed change which preserves the current UDO language for a net no-change to Article 25.)
 - Adjusts the prohibited and permitted uses and activities for the Mountain Island Lake Watershed Critical Areas.
- **Transportation**
 - Modifies the transit area reservation language for rapid transit corridor reservations.
- **Administrative**
 - Adds language that UDO Board of Adjustment members be residents of Charlotte or its extraterritorial jurisdiction (ETJ).
 - Adds language that Alternative Compliance Review Board members be residents of Charlotte or its extraterritorial jurisdiction (ETJ).
 - Adds clarifying language that variances and alternative compliance approvals for approved conditional and -EX plans, or other site-specific plans, are subject to the limitations of the powers of the UDO Board of Adjustment and Alternative Compliance Review Board.

- Clarifies, in multiple instances, certain forms of monetary punishments are a “civil penalty” or “civil penalties” as appropriate, not just “penalties”.
 - Clarifies monetary punishments collected for violations of tree protection standards is “civil penalty” revenue, not “fine” revenue.
- **Public Plans and Policies**
 - The text amendment builds upon the vision and goals in the *2040 Comprehensive Plan*, refining the UDO regulations and land 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 outstanding issues.
- **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.

Additional information (department memos, site plans, maps etc.) online at www.rezoning.org

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