

<b>REQUEST</b>	Text amendment to the Charlotte Unified Development Ordinance (UDO). This will amend the UDO that was adopted on October 16, 2023.
<b>SUMMARY OF PETITION</b>	The purpose of this text amendment is to make minor changes that will result in better functionality of the Unified Development Ordinance (UDO). Changes are proposed in 23 of the 39 Articles. These changes include updated language to provide greater clarity, updated graphics, new and updated definitions, adjustments to use permissions and prescribed conditions, revised use names, and minor changes and additions to standards.
<b>PETITIONER AGENT/REPRESENTATIVE</b>	Charlotte Planning, Design & Development Department Charlotte Planning, Design & Development Department
<b>COMMUNITY MEETING</b>	The proposed text amendment was presented to the community via two virtual public information sessions on October 18, 2023. At the noon session seventy-five individuals were in attendance including two Planning Commission members, and at the 6:00 pm session 19 individuals were present including one Planning Commission member.

<b>STAFF RECOMMENDATION</b>	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The petition is <b>consistent</b> with the <i>2040 Comprehensive Plan</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> <li>• The petition could facilitate the goals of the <i>2040 Comprehensive Plan</i>.</li> <li>• 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.</li> <li>• The proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality.</li> </ul>
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**PLANNING STAFF REVIEW**

- **Background**
  - The UDO was adopted by City Council on August 22, 2022, and became effective on June 1, 2023.
  - This is the second general clean-up text amendment to the UDO.
  - Text amendment adjustments are based on input from UDO users – both internal and external.
  - A high-level briefing on the proposed text amendment was presented to the Charlotte-Mecklenburg Planning Commission and the City Council’s Transportation, Planning and Development Committee on October 9, 2023.
- **Proposed Request Details**  
The text amendment contains the following provisions:
  - General
    - Corrects punctuation, scrivener’s errors, and zoning district name errors.
    - Updates the titles of subsections.
    - Refines and adds new graphics.
    - Adds cross-references to the prescribed conditions in Article 15.
    - Adds language that development approval is required to ensure conformance with the UDO.
  - Definitions:
    - Clarifies the definitions for “Ground Floor”, “Stoop”, “Dwelling – Duplex” “Dwelling – Multi-Family”, “Dwelling – Multi-Family Attached”, “Dwelling – Multi-Family Stacked”, “Dwelling – Triplex”, and “Heavy Retail Establishment”.

- Adds new definitions for "Passenger Vehicle" and "Commercial Fitness Center".
- Prescribed Conditions:
  - Principal Uses:
    - Clarifies or modifies the prescribed conditions for: "Vehicle Dealership: Enclosed", "Vehicle Dealership: Outdoor", "Dwelling – Duplex", "Dwelling – Multi-Family Attached", "Dwelling – Multi-Family Stacked", "Dwelling – Quadraplex", "Dwelling – Triplex", "Group Home", "Multi-Dwelling Development", "Neighborhood Commercial Establishments", and "Restaurant/Bar".
  - Accessory Uses:
    - Adds a new prescribed condition for accessory uses for "Accessory Drive-Through".
- Lot Standards:
  - Adds a new footnote that lot standards do not apply to individual sublots but do apply to the parcel on which the subplot(s) is located.
    - The post hearing text amendment draft corrects an error at the foot of Table 8-1 to properly clarify the applicability of lot standards. This is signified by neon green highlighting.
- Building Height Standards:
  - Clarifies footnotes by specifying how building height is measured and limited based on the portions of a structure within the first 100 feet, 100-200 feet, and beyond 200 feet from the lot line of residential uses or vacant land in a N1 Place Type.
- Maximum Sidewall Height for Duplexes and Triplexes:
  - Clarifies how sidewalls are measured.
  - Adds language that the sidewall height may be increased above 20 feet only if the average height of the facing sidewalls of the single-family, duplex, or triplex buildings on both sides of the lot exceeds 20 feet.
- Building Height Plane for Duplexes and Triplexes:
  - Clarifies that the building height plane does not allow an increase in the maximum sidewall height regulations.
  - Adds a new regulation that the cumulative width of dormers extending into and through the building height plane shall be limited to 25% of the depth of the sidewall.
- Primary Pedestrian Entrance Facing a Common Open Space:
  - Adds language allowing a primary pedestrian entrance to face "common open space" as an option for principal structures for identified uses.
- Residential Infill Overlay (RIO):
  - Clarifies how sidewalls are measured.
  - Adds language that the sidewall height may be increased above 20 feet only if the average height of the facing sidewalls of residential buildings within the RIO Zoning District on both sides of the lot exceeds 20 feet.
  - Clarifies that the building height plane does not allow an increase in the maximum sidewall height.
  - Adds language that the cumulative width of dormers extending into and through the building height plane shall be limited to 25% of the depth of the sidewall.
- Use Matrix:
  - Revises the name of the following uses and re-alphabetizes them with the same use permissions in the same zoning districts:
    - "Multi-Family Dwelling Attached Unit" to "Dwelling – Multi-Family Attached".
    - "Multi-Family Dwelling Stacked Unit" to "Dwelling – Multi-Family Stacked".
    - "Drive-Through Facility" to "Accessory Drive-Through".
  - Adds "Commercial Fitness Center" as a use allowed by right in the CG, CR, RC, ML-1, IMU, NC, CAC-1, CAC-2, RAC, UC, UE, TOD-UC, TOD-NC, TOD-CC, and TOD-TR Zoning Districts.
  - Re-alphabetizes "Dwelling – Duplex" and "Community Garden".
- Lot Development Restrictions:
  - Adds a setback limitation that no building, structure, or use shall be located within any required setback except as otherwise allowed in the UDO.
- Development Bonus Menu:
  - Adds language to the bonus table that a 30-year affordability period for affordable housing units is required in the N2-C, IC-1, IC-2, RC, IMU, NC, CAC-1, CAC-2, RAC, UE, TOD-UC, TOD-CC, TOD-NC, and TOD-TR Zoning Districts.
  - Clarifies the walk-distance for off-site affordable housing per the bonus table shall be within one mile of the site in the N2-C, CG, CR, IC-1, IC-2, OFC, RC, IMU, NC, CAC-1, CAC-2, RAC, UE, TOD-UC, TOD-CC, TOD-NC, and TOD-TR Zoning Districts.

- Accessory Structures:
  - Adds language that paved on-grade structures such as driveways, patios, sidewalks, and surface parking areas may encroach into required setbacks unless limited elsewhere in the UDO.
  - Clarifies that all accessory structures shall be located on the same parcel of land as the principal structure they support, and that no accessory structure shall obstruct or interfere with pedestrian facilities.
- Architectural Features for Single-Family, Duplex, Triplex, Quadraplex, and Multi-Family Attached:
  - Clarifies that no architectural features shall be more than 50% of the width of the dwelling at the rear building line.
  - Reduces the maximum extension of unenclosed porches into the required frontage setback from eight feet to four feet.
- Vehicle Parking Requirements:
  - Corrects the minimum and maximum vehicle parking requirements for Place of Worship.
- Other:
  - Clarifies that temporary uses not explicitly listed in the use matrix may exist no longer than 90 days
  - Clarifies "Other – Primary" frontage.
  - Refines the driveway and parking pad requirements for duplex, triplex, and quadraplex dwellings on individual lots, and adds language addressing corner lots.
  - Deletes the requirement that parking structure floors shall be level above the façade opening.
  - Adds additional design options for parking structures on 2-3 Lane Avenue/Boulevard frontages and Other-Primary frontages in specified zoning districts.
  - Adds regulations for the storage of unlicensed vehicles and the display and sale or trade of licensed or unlicensed vehicles.
  - Adds regulations for the parking and storage of commercial and passenger vehicles on vacant lots.
  - Adds "Private Recreation Club" to the list of uses allowed to have electronic signs.
- **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 SUMMARY**
  - **Charlotte Department of Transportation:** No outstanding issues.

#### DEPARTMENT COMMENTS

- **Charlotte Area Transit System:** No outstanding issues.
- **Charlotte Department of Housing and Neighborhood Services:** No comments submitted.
- **Charlotte Department of Solid Waste Services:** No outstanding issues.
- **Charlotte Fire Department:** No outstanding issues.
- **Charlotte Water:** No outstanding issues.
- **Erosion Control:** No comments submitted.
- **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 comments submitted.
- **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](http://www.rezoning.org)**  
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