

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 23 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 November 6 and November 7, 2024. At the November 6 session, 5 community members were in attendance. At the November 7 session, 18 community members were present including the chair of the Planning Commission.

STAFF RECOMMENDATION	<p>Staff recommends approval of this petition.</p> <p><u>Plan Consistency</u> The text amendment is consistent with the <i>2040 Comprehensive Plan</i>.</p> <p><u>Rationale for Recommendation</u></p> <ul style="list-style-type: none"> • The petition could facilitate the goals of the <i>2040 Comprehensive Plan</i>. • 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.
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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 fourth general update clean-up text amendment to the UDO.
 - Text amendment adjustments are based on input from UDO users – both internal and external.
 - One virtual session was held on November 6 and a second held on November 7, 2024.
 - A presentation to the Council Transportation, Planning, and Development Committee on this text amendment was scheduled for Monday, December 2, 2024.
- **Proposed Request Details**
The text amendment contains the following highlights:
 - **General Definitions**
 - Modifies, removes, and adds general definitions.
 - Adds definition of Alternative Compliance Review Board (ACRB).
 - **Neighborhood 1 Zoning Districts**
 - Adds footnote to Table 4-2 (N1 Building Siting Standards) to clarify where setbacks are measured from.
 - Specifies that the Maximum Building Length shall be 500 feet for an Educational Facility – Primary or Secondary, for an Educational Facility – University or College, or for a Place of Worship when these uses are located on an arterial street.

- Clarifies language to specify that the primary pedestrian entry of the principal structure closest to the intersection on a corner lot may be oriented to either frontage.
- Adds clarifying language in Conservation Residential Development to specify that the site layout standards in this section replace comparable standards of the N1-A, N1-B, and N1-C zoning districts.
- Adds clarifying language concerning alleys in Conservation Residential Development Site Layout Standards.
- Adds clarifying language concerning green area and landscape yards in Conservation Residential Development.
- Adds clarifying language concerning garages accessed from alleys in Site Layout Standards for Compact Residential Development.
- **Other Zoning Districts**
 - Specifies that in the Neighborhood 2, Neighborhood Center, Community Activity Center, Regional Activity Center, and Transit Oriented Development zoning districts, the Maximum Building Length shall be 500 feet for an Educational Facility – Primary or Secondary, for an Educational Facility – University or College, or for a Place of Worship when these uses are located on an arterial street.
- **Overlay Districts**
 - Modifies standards for Neighborhood Character Overlay (NCO) districts:
 - Adds requirement for an eligibility meeting.
 - Modifies the notification standards for the public meeting for eligibility and Neighborhood Character Plan.
 - Modifies the requirements for the Neighborhood Character Plan.
 - Modifies the petition initiation requirements.
 - Modifies the standards for Neighborhood Character Plan amendments for NCO districts.
 - Adds standards for mature tree canopy protection and planting.
 - Modifies standards for Residential Infill Overlay (RIO) districts:
 - Modifies the minimum district area standards.
 - Clarifies applicability of what RIO standards apply to single-family, duplex, and triplex dwellings, and all new construction, additions, changes, expansions, and alterations to existing single-family, duplex, and triplex dwellings.
 - Clarifies that RIO standards do not apply to nonresidential or residential other than single-family, duplex, and triplex dwellings.
 - Modifies the approval process requirements.
 - Adds standards for amendments to RIO district boundaries.
- **Uses**
 - Allows duplex, triplex, and quadraplex dwellings in additional zoning districts with prescribed conditions.
 - Adds N2-C, OFC, and OG to the Zoning Districts which allow standalone duplex, triplex, and quadraplex dwellings on small lots with prescribed conditions.
 - Allows duplex, triplex, and quadraplex dwellings as a component of multi-dwelling developments in the N2-C, IMU, NC, CAC-1, CAC-2, RAC, UC, UE, TOD-UC, TOD-NC, TOD-CC, and TOD-TR Zoning Districts and specifies that the remainder of the buildings in the multi-dwelling development, other than duplex, triplex, and quadraplex dwellings, must be multi-family.
 - Allows duplex, triplex, and quadraplex dwellings as a component of multi-dwelling developments in the CG and CR Zoning Districts if located in a Neighborhood Center, Community Activity Center, or Regional Activity Center Place Type subject to the dimensional and design standards and open space requirements of the NC Zoning District. Also, specifies that the remainder of the buildings in the multi-dwelling development, other than the permitted duplex, triplex, and quadraplex dwellings, must be multi-family.
 - Allows multi-dwelling developments, with prescribed conditions, in the OFC and OG Zoning Districts.
 - Allows duplex triplex, and quadraplex dwellings as a component of multi-dwelling developments in the OFC and OG Zoning Districts, subject to the dimensional and design standards and open space requirements of the NC Zoning District.
 - Clarifies how side-by-side duplex, triplex, quadraplex, and multi-family units must be attached in Neighborhood 1 and Neighborhood 2 zoning districts.
 - Adds, modifies, and clarifies certain use definitions.
 - Modifies prescribed conditions for several uses that stipulates that, for certain Campus types, the use shall be owned and operated by, or shall have a formal affiliation with, the primary institution it is intended to serve and support.
 - Adds maximum area requirement to prescribed conditions for Commercial Kitchen.
 - Adds Accessory Outdoor Storage as a new use with prescribed conditions.

- **General Development Standards**
 - Modifies the applicability and standards for exterior lighting.
 - Modifies how fee-in-lieu monies are accounted for in the Bonus Menu.
 - Modifies EV Charging Station standards in the Bonus Menu to allow EV Ready spaces to meet the requirements for EV Capable spaces at a rate of two for one, and EVSE-Installed spaces to count as four EV Capable spaces or two EV Ready spaces.
 - Modifies measurement standards for ROW Dedication in the Bonus Menu.
 - Adds bonus menu option for Reservation of Future Rights of Way for Transit Corridors.
 - Clarifies location standards for reimbursement of sidewalk costs for affordable housing development to stipulate it only applies within the city limits and not to the ETJ.
- **Accessory Structures**
 - Requires accessory structure to be located on the same lot as a detached single-family, duplex, triplex, or quadraplex dwelling.
 - Stipulates that chain link fences with slats shall not be used for required screening.
 - Modifies standards for maximum fence height.
 - Allows ground-mounted and wall-mounted utility structures and mechanical equipment to be located in an established setback (but not the required setback) if screened on three sides by a wall. Certain zoning districts may allow screening using a fence or evergreen shrubs in lieu of a wall.
- **Vehicle and Bicycle Parking**
 - Clarifies minimum and maximum parking requirements for shopping centers in Tier 2.
 - Clarifies what is meant by "outdoor area."
 - Modifies minimum parking requirement for Truck Stop in Tier 1.
 - Allows each EVSE-installed space to count as four required EV Capable spaces.
 - Modifies how required bike parking is calculated for certain uses.
 - Clarifies exceptions to surface parking prohibitions in an established setback along a primary frontage.
 - Clarifies standards for parking lots for nonresidential uses.
 - Clarifies ingress types where barriers are required.
 - Modifies and clarifies commercial vehicle storage standards.
- **Landscaping, Screening, and Tree Protection**
 - Adds chain link fence prohibition for required screening.
 - Adds flexibility for Zoning Administrator to modify or eliminate fence or wall requirements for landscape yards under certain conditions.
 - Clarifies green area exemptions for public projects in Section 20.15.A.3.c.
 - Allows land clearing and inert debris (LCID) landfills to be subtracted from the site area for the purpose of green area calculation under certain conditions in Section 20.15.D.4.
 - In Section 20.17.A.3., clarifies that public infrastructure projects, such as road expansion, public utility projects, and greenway trail construction, undertaken by public entities, are exempt from tree planting requirements unless such projects include increased building coverage or parking lot expansion.
- **Transportation**
 - Modifies applicability standards for new and existing CATS bus stops.
 - Modifies threshold standards for new CATS bus stops.
- **Alternative Compliance**
 - Modifies powers and duties of Alternative Compliance Review Board (ACRB).
 - Adds experience criteria for majority of members of ACRB.
 - Adjusts General Criteria for Alternative Compliance Review.
- **Exception (EX) District**
 - Modifies purpose statement.
 - Clarifies that modifying or altering permitted land uses through an EX district is not allowed.
 - Modifies standards for Convention Center, Public Transit Facility, and Stadium uses to allow reconfiguration of parking and applicability of upper floor transparency and blank wall standards.
- **Vesting**
 - Adjusts all vesting periods to three years, with the exception of Certificates of Appropriateness (COA), for consistency.
- **Nonconformities**
 - Allows a nonconforming use located within a structure to be expanded within a structure or enlarged by additions to a structure in which the nonconforming use is located under the following conditions:

- The expansion of the nonconforming use shall not exceed 25% of the gross floor area of the existing structure, or 1,000 square feet, whichever is less, and
- Only one expansion of a nonconforming use located within a structure shall be permitted.

The following items have been modified or removed to comply with SB 382 and are listed in the Changes After Zoning Committee document and shown as changes in the updated text amendment:

- **Zoning Districts**
 - Eliminated proposed changes in the Site Layout Standards tables for several zoning districts to specify that the primary pedestrian entry of the principal structure closest to the intersection on a corner lot may be oriented to either frontage.
 - Eliminated proposed applicability of certain Site Layout Standards to duplex dwellings in the Campus, Innovation Mixed-Use, Neighborhood Center, Community Activity Center, Regional Activity Center, and Transit Oriented Development zoning districts.
- **Uses**
 - For the RC zoning, eliminated the proposed prescribed conditions for Quadraplex dwellings.
 - For parking lots as a principal use, eliminated the proposed prescribed conditions.
 - For Vehicle Rental:Outdoor, restore allowed use in NC, CAC-1, and CAC-2 zoning districts.
 - Eliminated proposed changes for Dwelling-Duplex for all districts except Neighborhood 1 and Neighborhood 2.
 - Eliminated proposed changes for Dwelling-Triplex for all districts except Neighborhood 1 and Neighborhood 2.
 - Eliminated proposed changes for Dwelling-Quadraplex plex for all districts except Neighborhood 1 and Neighborhood 2.
 - Clarifies proposed changes for Dwelling-Multi-Family Attached for all districts except Neighborhood 1 and Neighborhood 2.
 - For Live Performance Venue-Indoor, reduced the proposed separation distance from any Neighborhood 1 Place Type from 200 feet to 100 feet.
- **General Development Standards**
 - Eliminated proposed changes for relationship of structures.
 - Adjusted prescribed condition for lighting design.
- **Accessory Structures**
 - Eliminated proposed development standards for Electric Vehicle Charging Stations.
 - Adjusted proposed development standards for chain link fences.
- **Vehicle and Bicycle Parking**
 - Eliminated proposed adjustments to vehicle parking requirements for CG and CR zoning districts.
 - Restored and clarified parking maximums for Vehicle Operations Facility.
- **Landscaping, Screening, and Tree Protection**
 - Adjusted proposed development standards for chain link fences.
- **Signs**
 - Eliminated the proposed changes to Landmark and Historic Signs and eliminated the Vintage Signs category.

The following corrections have also been made and are listed in the Changes After Zoning Committee document and shown as changes in the updated text amendment:

- Eliminated proposed prescribed conditions for multi-dwelling developments for duplexes, triplexes, and quadraplexes in the OFC and OG zoning districts.

• **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 comments submitted.
- **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.
- **Mecklenburg County Land Use and Environmental Services Agency:** No comments submitted.
- **Mecklenburg County Parks and Recreation Department:** No outstanding issues.
- **Stormwater Services Land Development Engineering:** 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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