

**ORDINANCE NO. 374**

**AN ORDINANCE AMENDING THE ORDINANCE TO ADOPT THE UNIFIED DEVELOPMENT ORDINANCE**

**Whereas**, the Charlotte Future 2040 Comprehensive Plan (“Comprehensive Plan” and the Charlotte Future 2040 Policy Map (“Policy Map”) will guide the development and investments made in the City of Charlotte (the “City”) over the next two decades;

**Whereas**, the City has not undertaken a major revision to the zoning ordinance in over 30 years;

**Whereas**, the Unified Development Ordinance (“UDO”) is a city-wide effort to consolidate and update eight areas of development-related ordinances and regulations (zoning; subdivision; street and sidewalk regulations; trees; post construction stormwater regulations; floodplain regulations; driveway/access standards; and soil erosion and sedimentation control ordinance) that guide the City’s growth and development into one document;

**Whereas**, The UDO aligns these regulations with the vision adopted in the Charlotte Future 2040 Comprehensive Plan and builds from other City policies and initiatives including, but not limited to, the Strategic Mobility Plan, the Strategic Energy Action Plan, and the Tree Canopy Action Plan, to strategically guide the City’s growth and development in consideration thereof;

**Whereas**, The UDO is divided into five sections: *Ordinance Introduction* (Articles 1 and 2), *Zoning Districts and Standards* (Articles 3 through 22), *Stormwater* (Articles 23 through 28), *Subdivision, Streets, and Other Infrastructure* (Articles 29 through 34), and *UDO Administration* (Articles 35 through 39); and

**Whereas** the UDO incorporates the best of the existing code with contemporary best practices into a new set of regulations designed to guide the City’s future growth and development consistent with the Charlotte Future 2040 Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA:**

**Section 1.** The UDO Public Hearing Draft, released on June 3, 2022, and presented for a City Council public hearing on July 11, 2022, together with the Planning

Committee recommendation dated July 19, 2022, and the revisions directed by the City Council, are collectively called the Unified Development Ordinance (UDO), are hereby adopted, and enacted into the City Code on August 22, 2022. The UDO shall be codified into the City Code as a new Chapter 24.

**Section 2.** The Unified Development Ordinance (UDO), as further set forth in this ordinance, shall be effective beginning June 1, 2023.

**Section 3.** Upon the effective date of June 1, 2023, the following chapters, articles, sections, and appendix of the City Code are repealed in their entirety:

- a. Chapter 9 - Floodplain Regulations
- b. Chapter 17 – Soil Erosion and Sedimentation Control
- c. Chapter 18, Article 4 – Post Construction Stormwater
- d. Chapter 19, Article 3 – Driveway Connections
- e. Chapter 19, Article 6 – Sidewalk and Drainage Facilities
- f. Chapter 19, Article 8 - Obstructions and Encroachments, Section 19-245(b)(2)
- g. Chapter 20 – Subdivisions
- h. Appendix A – Zoning Ordinance

**Section 4.** Upon the effective date of June 1, 2023, the Zoning Board of Adjustment shall be renamed the UDO Board of Adjustment.

**Section 5.** Upon the effective date of June 1, 2023, areas mapped on the Official Zoning Map with a conditional or optional zoning district retain their zoning district designations and approved site plan conditions remain in effect under the zoning ordinance regulations in place at the time of adoption of the conditional or optional zoning district.

**Section 6.** Upon the effective date of June 1, 2023, areas mapped on the Official Zoning Map as a conventional zoning district, without an overlay district, are translated to a new UDO zoning district as shown in the table below:

| Zoning Districts Translation          |              |        |
|---------------------------------------|--------------|--------|
| Previous Conventional Zoning District | UDO District | Zoning |
| B-1                                   | CG           |        |
| B-2                                   | CG           |        |
| B-D                                   | ML-1         |        |
| BP                                    | OFC          |        |
| I-1                                   | ML-1         |        |
| I-2                                   | ML-2         |        |
| INST                                  | IC-1         |        |
| MUDD                                  | CAC-2        |        |

| Zoning Districts Translation          |              |        |
|---------------------------------------|--------------|--------|
| Previous Conventional Zoning District | UDO District | Zoning |
| O-1                                   | OFC          |        |
| O-2                                   | OFC          |        |
| O-3                                   | OFC          |        |
| R-3                                   | N1-A         |        |
| R-4                                   | N1-B         |        |
| R-5                                   | N1-C         |        |
| R-6                                   | N1-D         |        |
| R-8                                   | N1-D         |        |
| R-8MF                                 | N2-A         |        |
| R-12MF                                | N2-B         |        |
| R-17MF                                | N2-B         |        |
| R-22MF                                | N2-B         |        |
| R-43MF                                | N2-B         |        |
| TOD-CC                                | TOD-CC       |        |
| TOD-NC                                | TOD-NC       |        |
| TOD-TR                                | TOD-TR       |        |
| TOD-UC                                | TOD-UC       |        |
| RE-1                                  | RC-1         |        |
| RE-2                                  | RC-1         |        |
| UMUD                                  | UC           |        |
| UR-1                                  | N1-E         |        |
| UR-2                                  | N2-B         |        |
| UR-3                                  | N2-C         |        |
| UR-C                                  | N2-C         |        |
| R-MH                                  | MHP          |        |
| U-I                                   | ML-1         |        |

**Section 7:** Upon the effective date of June 1, 2023, areas mapped on the Official Zoning Map with a conventional zoning district with an overlay zoning district are translated to a new UDO zoning district as shown in the table below:

| Previous Overlay Zoning District            | UDO Zoning District |
|---|---------------------|
| HD  | HDO                 |
| Airport Zone                                | District eliminated |
| AIR   | ANDO                |
| MHO   | MHO                 |
| Mountain Island Lake Watershed Overlays     | District eliminated |
| Catawba River/Lake Wylie Watershed Overlays | District eliminated |

|                                     |   |
|-------------------------------------|---|
| Lower Lake Wylie Watershed Overlays | District eliminated   |
| PED                                 | All districts except R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, TOD-TR, TOD-NC, TOD-CC, TOD-UC, and MUDD Zoning Districts: NC<br><br>R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF Zoning Districts: N2-C<br><br>R-3, R-4, R-5, R-6, R-8, TOD-TR, TOD-NC, TOD-CC, TOD-UC, and MUDD Zoning Districts: the zoning translation for the district applies |
| TS                                  | District eliminated   |

**Section 8.** Upon the effective date of this ordinance, June 1, 2023, if a pending conventional rezoning petition is requesting a pre-UDO zoning district, the request will be changed to the translated UDO district. Any pending conventional rezoning petition will become null and void if no decision has been reached within two (2) years from the application submittal date, or the effective date, whichever is later.

**Section 9.** Upon adoption of this ordinance, conditional and optional rezoning applications for a zoning map amendment to a pre-UDO zoning district will be accepted by City staff and processed under the pre-UDO zoning regulations, if a complete application is filed by February 1, 2023, even if the decision is made after the effective date. ~~However, the decision must occur no later than March 1, 2024.~~ **However, petitions must have their public hearing held no later than April 15, 2024, with a decision on the petition no later than December 16, 2024.** The petition will become null and void if no decision is reached within that time frame.

**Section 10.** Upon adoption of this ordinance, any pending text amendment to the Zoning Ordinance (Appendix A of the City Code) or Subdivision Ordinance (Chapter 20 of the City Code) will become null and void.

**Section 11.** Except as otherwise authorized in this section, upon adoption of this UDO, the following text amendments to the UDO may be made without further public hearing to:

- a. Codify changes approved by City Council in conjunction with the approval of the UDO,
- b. The addition of or changes to graphics, and

- c. To correct typographical or cross-reference errors.

**Section 12.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 13.** This ordinance has been adopted following a duly advertised public hearing of the Charlotte City Council, and upon a recommendation and statement of consistency from the Planning Committee of the Charlotte-Mecklenburg Planning Commission.

**ADOPTED:** ~~August 22, 2022~~

**EFFECTIVE:** ~~June 1, 2023~~