

Article 1. Title, Purpose, & Applicability

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1.1 TITLE

The official title of this document is Unified Development Ordinance for the City of Charlotte, North Carolina and is known, cited, and referred to throughout this document as the “City of Charlotte Unified Development Ordinance,” “Unified Development Ordinance,” “Ordinance,” or “UDO.”

1.2 AUTHORITY

A. The development regulations contained in this Ordinance have been adopted pursuant to the authority conferred by the North Carolina General Statutes, and through special legislation enacted by the North Carolina General Assembly for the City of Charlotte.

B. Whenever any provisions of this Ordinance refers to or cites a section of the North Carolina General Statutes (N.C.G.S.) and that section is later amended or superseded, this Ordinance shall be deemed to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.3 PURPOSE AND INTENT

The purpose and intent of this Unified Development Ordinance is to establish regulations to serve the City of Charlotte, North Carolina, and its extraterritorial jurisdiction to:

- A.** Promote the public health, safety, and welfare of both residents and those that provide vital services to the community.
- B.** Promote orderly development in accordance with the Comprehensive Plan and other Council adopted development related policies.
- C.** Assign zoning districts to land within the City according to use of land and structures, mass and height of structures, intensity of the use of the lot, or other classification, as deemed best suited to carry out the purposes of this Ordinance.
- D.** Preserve and enhance the character of structures and communities that constitute the distinct places within the City.
- E.** Promote economic development that balances the needs of the current and future economy with a high quality of life standard.
- F.** Provide for preservation, protection, and conservation of natural resources and historic resources.
- G.** Promote principles of sustainability.
- H.** Maintain, develop, and plan for public facilities and utilities in an economical and environmentally responsible manner.
- I.** Provide for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.

- J. Focus growth to support the principles of smart growth by preserving open space and natural areas, reducing traffic congestion, utilizing existing infrastructure and resources, and preserving quality of life.
- K. Plan, construct, and maintain an accessible, efficient, multi-modal transportation system that meets the needs of the public and commerce, and creates safe and equitable mobility.
- L. Provide for efficiency and economy in the process of development.

1.4 JURISDICTION AND APPLICABILITY

A. Jurisdiction

All provisions of this Ordinance shall apply within the corporate limits of the City of Charlotte, North Carolina, and within the City’s extraterritorial jurisdiction.

B. Applicability of Place Types

The Council adopted Comprehensive Plan Policy Map is structured by Place Types. Within this Ordinance, certain standards and requirements are based upon such Place Type designations at the time of plan submittal.

C. Applicability of Previously Approved Conditional Zoning Districts

A previously approved conditional zoning district, including those zoning districts which previously were described variously as conditional district, conditional use district, parallel conditional district, and parallel conditional use district, shall meet the regulations of the Ordinance under which it was approved as well as site plan and site-specific conditions. This shall also include any optional zoning districts.

1.5 TRANSITION RULES

The following transition rules shall apply to various development and use-related activities, actions, and other matters pending or occurring as of the effective date of this Ordinance.

A. Violations Continue

Any violation of any development ordinances incorporated into this Ordinance shall continue to be a violation under this Ordinance and shall be subject to the penalties set forth at the time of the violation, unless the use, development, construction, or other activity is now in compliance with the standards and regulations of this Ordinance.

B. Previously Granted Approvals

Any project for which a permit was issued or development approval was granted for any development Ordinance incorporated into this Ordinance, prior to the effective date of this Ordinance or any amendment thereto, may be completed in conformance with the issued permit or development approval.

C. Existing Uses

Table 1-1: Use Transitions describes how existing uses shall be allowed if a use permission has changed. This does not apply to conditional zoning map amendments.

Table 1-1: Use Transitions		
Previous Use Category	UDO Use Category	Functional Change
Permitted use	Permitted use	No change
Permitted use with prescribed conditions	Permitted use with prescribed conditions	Any subsequent addition, enlargement, or expansion of that use shall comply with new prescribed conditions
Permitted use	Permitted use with prescribed conditions	Any subsequent addition, enlargement, or expansion of that use shall comply with new prescribed conditions
Permitted use with prescribed conditions	Permitted use	No longer subject to any prescribed conditions
Permitted use	Not allowed	Prohibited in the zoning district; existing use is a legal nonconforming use
Permitted use with prescribed conditions	Not allowed	Prohibited in the zoning district; existing use is a legal nonconforming use

D. Illegal Structures or Uses

Existing structures or uses that have been deemed illegal per any development ordinances incorporated into this Ordinance shall be subject to the following:

1. Any structure or use that was illegal prior to adoption of this Ordinance, but is subsequently made legal by this Ordinance, is deemed legal as of the effective date of this Ordinance.
2. Any structure or use that was illegal prior to adoption of this Ordinance and does not conform to all requirements of this Ordinance, remains illegal. Illegal structures and uses are not considered nonconforming structures or uses.

1.6 RELATIONSHIP TO OTHER REGULATIONS

A. Where conditions, standards, or requirements imposed by any provision of this Ordinance are inconsistent with any standard imposed by any other federal, state, or local statute, law, ordinance, regulation, license, or permit, the most restrictive shall control.

B. Where multiple standards or requirements regulate an element of development within this Ordinance, the most restrictive standard or requirement shall control.

C. This Ordinance does not nullify any private easements, covenants, or other agreements between parties. However, where this Ordinance is more restrictive than such private easements, covenants, or other agreements, this Ordinance controls. The City will not enforce any private agreement or covenant.

D. Notwithstanding the provisions of this Ordinance, the North Carolina State Building Code and the North Carolina State Fire Prevention Code are applicable and control at all times.

1.7 CURRENT VERSIONS AND CITATIONS

A. All references to other regulations, documents, maps, or manuals in this Ordinance refer to the most current version and citation for those regulations, documents, maps, or manuals, unless expressly indicated otherwise.

B. If the referenced regulations or documents have been repealed and not replaced by other regulations or manuals, Ordinance requirements for compliance are no longer in effect.

C. Whenever a provision of this Ordinance refers to any other part of the City Code or to any other law, the reference applies to any subsequent amendment of that law.

1.8 STATE OF EMERGENCY

A. This Ordinance, in whole or in part, may be temporarily suspended during federal disaster “State of Emergency” declarations by the Executive Office of the President and/or Federal Emergency Management Administration (FEMA) and/or during “Imminent Threat Alert” declared by the U.S. Department of Homeland Security by resolution adopted by the City Council during a regular, continued, special, or emergency meeting of the City Council. The Planning Director may suspend the application of all or part of these rules during a state of emergency declared by the Governor of the State of North Carolina.

B. Upon the conclusion, lifting, and/or rescinding of the declared “State of Emergency” by the authorized federal and/or state official, these rules are reinstated without further action by the City and shall be in full force and effect.

1.9 SEVERABILITY

If any article, section, or specific provision or regulation or any zoning district boundary in this Ordinance that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other article, section, provision, regulation, standard, or zoning district boundary of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

1.10 EFFECTIVE DATE

This Ordinance shall become effective on *(insert effective date)*.