

Article 16. General Development Regulations

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16.1 LOT DEVELOPMENT RESTRICTIONS

A. Number of Structures on a Lot

1. Lots used for single-family, duplex, triplex, and quadraplex dwellings are limited to one principal structure per lot unless specifically permitted as follows:
 - a. Such dwellings are part of a multi-dwelling development.
 - b. Such dwellings are part of a cottage court development in the Neighborhood 1 Place Type.
2. For all other uses, there may be more than one principal building on a lot, but all buildings shall comply with all standards of the zoning district.

B. Every Lot Shall Abut a Street

No building, structure, or use of land may be placed on a lot that does not abut a street with the following exceptions:

1. Land that meets the use definition and any applicable prescribed conditions for a farm in Article 15.
2. A single-family detached dwelling may be constructed on a lot that does not abut a street, provided that the lot is at least two acres in size, and that the lot is provided with access to a public street by a permanent recorded or platted easement at least 15 feet in width for the exclusive use of the dwelling. Such easement shall be maintained in a condition passable for emergency and service vehicles.
3. Buildings within a cottage court development.
4. Buildings within a multi-dwelling development may be placed on a lot that does not abut a street, provided that each building is within 400 feet of a public or network required private street that furnishes direct access to the property.
5. Lots within a nonresidential or mixed-use development site need not abut a street so long as the overall development site abuts a public or network required private street and is designed in such a manner that access is furnished to all interior lots or building sites. Access to interior lots or buildings sites shall only be across property zoned for nonresidential development.
6. Driveways providing access to uses which are located on lots not abutting a street may cross through any zoning district, except for the following zoning districts: Neighborhood 1 Zoning Districts, Neighborhood 2 Zoning Districts, and the MHP Zoning District.

C. Flag Lots Prohibited

Unless specifically allowed by item B.2 above, the creation of new flag lots shall be prohibited.

D. Required Sight Triangles at Public Street Intersections

The standards below regulate sight triangles for intersections of public streets, private streets, and Type III driveways with connections to public streets.

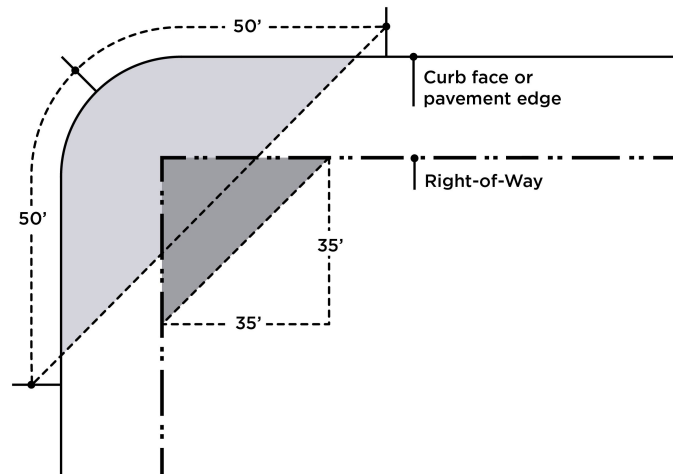
1. Dimension of Sight Triangles

A sight triangle applies to land abutting these intersections as follows:

- a. A sight triangle bounded on two sides by curb, measured in each direction along the curb for 50 feet from the midpoint of the radius of the curb, and on the third side by a diagonal line connecting the ends of each measured 50 foot side. Where there is no curb, the pavement edge shall be used for these measurements.

- b. A sight triangle bounded on two sides by the intersecting right-of-way lines, measured 35 feet in each direction from their point of intersection, and on the third side by the diagonal line connecting the ends of the 35 foot sides.
- c. In addition to the above, in other than 90 degree intersections or where grades mandate, the Charlotte Department of Transportation (CDOT) may impose additional sight triangles under the standards adopted by the American Association of State Highway Transportation Officials (AASHTO).

SIGHT TRIANGLE AT PUBLIC STREET INTERSECTION



2. Restrictions for Sight Triangles at Public Street Intersections

Within established sight triangles, no structure, sign, parking space, landscaping, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out, or maintained so as to obstruct visibility at a level between 30 and 72 inches above the level of the center of the intersection.

3. Exceptions to Restrictions for Sight Triangles at Public Street Intersections

- a. The sight triangle restriction shall not apply to:
 - i. Permanent buildings.
 - ii. Existing natural grades, which, by reason of natural topography, rise 30 or more inches above the level of the center of the adjacent intersection.
 - iii. Trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 72 inches above the level of the abutting intersection.
 - iv. Fire hydrants, public utility poles, street markers, and traffic control devices.

4. Additional Sight Distance Requirements at Public Street Intersections

Additional sight distance requirements may apply per the Charlotte Streets Manual or North Carolina Department of Transportation (NCDOT) standards, as applicable.

E. Required Sight Triangles for Other Connections

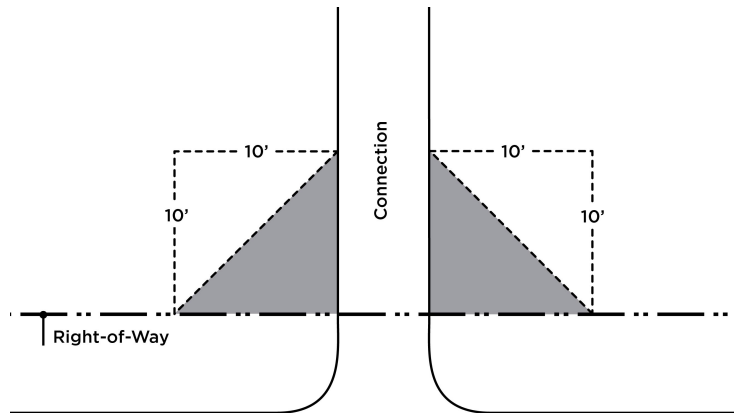
The standards below regulate sight triangles for intersections of private streets and driveways (other than Type III) with public or private streets.

1. Dimension of Sight Triangles at Other Connections

A sight triangle applies to land abutting these intersections as follows:

- a. A ten foot sight triangle shall be established on each side of a connection.
- b. The sight triangle shall be measured from the edge of the public right-of-way and the closest edge of a connection. Where public right-of-way does not exist, the sight triangle shall be measured from the back of the required sidewalk and the closest edge of the connection.

SIGHT TRIANGLE AT OTHER CONNECTIONS



2. Restrictions for Sight Triangles at Other Connections

Within established sight triangles, no structure, sign, parking space, landscaping, tree, berm, fence, wall, or other object of any kind shall be installed, constructed, set out, or maintained so as to obstruct visibility at a level between 30 and 72 inches.

- a. Landscape and/or decorative walls may be in a sight triangle but shall not exceed 30 inches in combined overall height.
- b. The sight triangle restriction shall not apply to trees having limbs and foliage trimmed in such a manner that no limbs or foliage extend into the area between 30 and 72 inches above the level of the center of the abutting intersection.

F. Elevated Pedestrian Walkways

Elevated pedestrian walkways, including those over public rights-of-way and public access easements, may be located in a required setback provided they do not create a visual obstruction for motor vehicle traffic and have all other applicable government agency approvals for the location over the public right-of-way or public access easement. These walkways shall be as nearly perpendicular to the required setback as possible.

G. Interpretation of Irregular Lot Setbacks

The location of required setbacks on irregularly shaped lots will be determined by the Zoning Administrator. The determination will be based on the spirit and intent of this Ordinance to achieve an appropriate spacing and location of buildings on individual lots.

H. Structures Prohibited in Utility Easements

Permanent structures, including buildings, retaining walls, decks, fences and walls, and accessory structures, are prohibited within utility easements unless otherwise approved by the authorizing agency. If any structures are located within a utility easement and repair or replacement of the utility is needed, the City or utility is not responsible for the replacement of any structures that may be damaged.

16.2 EXTERIOR LIGHTING

The following exterior lighting requirements apply to lighting for nonresidential uses on private property. These lighting regulations do not apply to lighting in the right-of-way or the illumination of signs.

A. Maximum Lighting Regulations

The maximum allowable foot-candle is as follows:

1. Any lot abutting a Neighborhood 1 or Neighborhood 2 Place Type: Zero foot-candle at the lot line.
2. Any lot abutting any other Place Type: One foot-candle at the lot line.

B. Lighting Design

1. All lighting shall be of full cut-off or semi cut-off luminaire design.
2. The maximum total height of a freestanding full cut off or semi cut off luminaire is 22 feet. However, in the Commercial Place Type and Manufacturing and Logistics Place Type, a luminaire is limited to a maximum total height of 30 feet.
3. Flashing lighting is prohibited.
4. All exterior lighting shall be located, screened, or shielded in a manner as not to cause glare or impair the vision of motorists.

C. Exceptions to Lighting Standards

1. When additional security lighting is required per federal, state, or local regulations that exceeds the standards of this section, the lighting is permitted to meet the requirements of such regulations.
2. All temporary emergency lighting required by public safety agencies, other emergency services, or construction are not subject to the requirements of this section.
3. Because of unique requirements for nighttime visibility and limited hours of operation, outdoor recreational fields such as, but not limited to, football fields, soccer fields, baseball fields, driving ranges, and other similar uses are subject to the following:
 - a. Recreational fields are permitted a total luminaire height of 65 feet in any zoning district. Luminaires greater than 65 feet in total height may only be approved by the Zoning Administrator when a taller height will result in less light trespass to adjacent lots.
 - b. All lighting shall be directed onto the field or range.
 - c. The recreational field lighting shall be extinguished one hour following the end of a scheduled event or the close of the business to the public, whichever is applicable.
 - d. Lighting outside the recreational field, such as for parking areas, shall comply with the requirements of items 16.2.A and 16.2.B above. Lighting outside the recreational field is not subject to the timeframe limitation of item c above.
4. Certain temporary uses may use lighting that does not meet the requirements of this section. When such temporary uses are allowed, approval of the lighting plan is required as part of the temporary use approval.

16.3 DEVELOPMENT BONUS

To achieve the “Maximum Height with Bonus” standard or to reduce the required open space within the UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, CG, CR, IC-1, IC-2, and OFC Zoning Districts, a development shall meet the standards as described below and in Table 16-1: Bonus Menu.

A. Bonus Menu

Additional building height or a reduction in required on-site open space shall be allowed through a voluntary bonus system. In order to obtain a development bonus, one or more actions in Table 16-1 are required.

B. Bonus Actions

1. Height Bonus

a. With the exception of certain affordable housing bonuses, bonuses for additional height correlate to the number of points acquired per Table 16-1. Points may be earned in one or more categories. A height bonus for affordable housing is applied as indicated in Table 16-1.

b. For the building height bonus, one point is required for one foot of additional building height. The final height of the building cannot exceed the “Maximum Height with Bonus” standard indicated in the zoning district standards. Unless specifically indicated otherwise, building height bonus points may be distributed to one or more buildings on the lot.

2. Open Space Reduction

a. Reduction of required on-site open space (Section 16.4) may only be achieved through the provision of affordable housing, as indicated in Table 16-1.

b. The reduction of required on-site open space (Section 16.4) is applied to the lot as a whole.

C. Administration

Administration requirements are found in the Administration Manual for the UDO Bonus Program.

Table 16-1: Bonus Menu	
Economic Mobility	
Qualifying Action	Bonus Awarded
<p>1</p> <p>Affordable Housing Provided On-Site</p> <p>Devote 5% of gross floor area* of building receiving bonus to affordable housing, using local unit size averages.</p> <p>Affordable housing units shall be set aside for households earning the averages of Area Median Income (AMI) shown in the “Bonus Awarded” column</p> <p>* Gross floor area does not include floor area in parking structures.</p>	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, and IC-2 Zoning Districts:</p> <p>Open Space Bonus 50% reduction of open space requirement.</p> <p>AND</p> <p>Height Bonus: 15 points - Where an average of 80% Area Median Income (AMI) or less, with up to 20% of the affordable units set aside for households earning above 80% up to 110% AMI</p> <p>25 points - Where an average of 60% Area Median Income (AMI) or less, with up to 20% of the affordable units set aside for households earning above 60% up to 110% AMI</p>

Table 16-1: Bonus Menu		
2	<p>Affordable Housing Provided On-Site, with Fee-In-Lieu, Offsite Housing, and Land Donation Options</p> <p>Devote 10% of gross floor area* of each floor having occupiable space above the maximum (without bonus) permitted building height to affordable housing, using local unit size averages.</p> <p>Affordable housing units shall be set aside for households earning the averages of Area Median Income (AMI) shown in the "Bonus Awarded" column</p> <p>Options to providing on-site affordable housing through fees-in-lieu, offsite housing within one mile of the subject site, and donation of land are found in the Administration Manual for the UDO Bonus Program.</p> <p>Affordable housing provided through fee-in-lieu shall go to the Charlotte Affordable Housing Trust Fund.</p> <p>* Gross floor area does not include floor area in parking structures.</p>	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, OFC, CG, and CR Zoning Districts:</p> <p>Height Bonus: Additional height per floor up to the "Maximum Height with Bonus" standard indicated in the zoning district standards - Where an average of 80% Area Median Income (AMI) or less, with up to 20% of the affordable units set aside for households earning above 80% up to 110% AMI</p> <p>Additional height per 1.5 times floor up to the "Maximum Height with Bonus" standard indicated in the zoning district standards - Where an average of 60% Area Median Income (AMI) or less, with up to 20% of the affordable units set aside for households earning above 60% up to 110% AMI</p>
3	<p>Affordable Housing Equitable Energy Efficiency Home Rehab Projects: Fee Program</p> <p>The fee calculation is based on 10% of the gross floor area* of each floor having occupiable space above the maximum (without bonus) permitted building height.</p> <p>* Gross floor area does not include floor area in parking structures.</p>	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, OFC, CG, and CR Zoning Districts:</p> <p>Height Bonus: Additional height per floor up to the "Maximum Height with Bonus" standard indicated in the zoning district standards</p>
4	<p>Charlotte Business INCLUSION Targets Met</p>	<p>UE, RAC, IC-2, and TOD-UC Zoning Districts: 20 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts: 12 points</p> <p>For every percentage point met above The Business INCLUSION target, 1 additional point will be given.</p>
Environmental		
Qualifying Action	Bonus Awarded	
5	<p>Additional Open Space</p> <p>5% in total lot area of public open space in addition to that required by Section 16.4 and any other Ordinance requirements.</p>	<p>UE, RAC, IC-2, and TOD-UC Zoning Districts: 15 Points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts: 10 Points</p>

Table 16-1: Bonus Menu		
High Performance Construction		
Qualifying Action		Bonus Awarded
6a	<p>High Performance Construction: Tier 1 Building is designed to be LEED Certified, Energy Star Certified, NGBS Bronze, or One Green Globe using the most recent version of certification.</p> <p>The bonus shall be applied per each qualifying building.</p>	<p>UE, RAC, IC-2, and TOD-UC Zoning Districts: 15 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts: 10 points</p>
6b	<p>High Performance Construction: Tier 2 Building is designed to be LEED Silver, NGBS Silver, or Two Green Globes using the most recent version of certification.</p> <p>The bonus shall be applied per each qualifying building.</p>	<p>UE, RAC, IC-2, and TOD-UC Zoning Districts: 20 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts: 15 points</p>
6c	<p>High Performance Construction: Tier 3 Building is designed to be LEED Gold, NGBS Gold, or Three Green Globes using the most recent version of certification.</p> <p>The bonus shall be applied per each qualifying building.</p>	<p>UE, RAC, IC-2, and TOD-UC Zoning Districts: 25 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts: 20 points</p>
6d	<p>High Performance Construction: Tier 4 Building is designed to be LEED Platinum, NGBS Emerald, or Four Green Globes using the most recent version of certification.</p> <p>The bonus shall be applied per each qualifying building.</p>	<p>UE, RAC, IC-2, and TOD-UC Zoning Districts: 30 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts: 25 points</p>
Transportation Improvements		
Qualifying Action		Bonus Awarded
7	<p>New Street Connection New public or private (built to public standards) street beyond those required by this Ordinance.</p>	<p>UE, RAC, IC-2, and TOD-UC Zoning Districts: 120 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, CG, and CR Zoning Districts: 40 points</p>
8	<p>Dedication of Future Transit Rights of Way Along Transit Corridors (Per 100 ft)</p>	<p>UE, RAC, CAC-2, IC-2, IMU, TOD-UC, TOD-CC, and N2-C Zoning Districts: 3 points</p> <p>CAC-1, NC, CG, CR, IC-1, OFC, TOD-NC, and TOD-TR Zoning Districts: 2 points</p>
Enhanced Micromobility Facility		
Qualifying Action		Bonus Awarded
9	<p>Electronic Micromobility Lockers</p> <p>All short-term bicycle spaces are provided in secure lockers with a locking mechanism that are accessed by electronic card or other similar, where no other user can open the locker while it is rented.</p>	<p>UE, RAC, IC-2, and TOD-UC Zoning Districts: 10 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, IC-1, OFC, CG, CR, and N2-C Zoning Districts: 5 points</p>

16.4 DESIGN OF ON-SITE OPEN SPACE

A. Open Space Requirements

1. When required within the zoning district regulations, open space shall meet the design requirements of Table 16-1: Design of Open Space, organized by type of open space.
2. Driveways, sidewalks, parking areas, required bicycle parking areas, above ground utility areas, mailboxes, landscape yards, required stream buffers, and tree save areas do not count toward on-site open space requirements. Amenitized tree areas per Article 29 may be counted toward open space requirements, as well as greenway or park dedication.
3. When located within a required on-site open space area, a commercial structure no greater than 500 square feet in gross floor area or 10% of the total open space area, whichever is less, is allowed and may be included in the calculation of total on-site open space. The use of such commercial structure shall be a use allowed within the zoning district as per the Use Matrix in Article 15.

B. Uses Exempt from Required On-Site Open Space

Uses within the categories of Open Space, Recreation, and Agricultural Uses, Infrastructure Uses, or Transportation Uses in the Use Matrix in Article 15 are not required to provide on-site open space.

Table 16-1: Design of Open Space			
Design Requirement	Public	Common	Private
Open space shall have a minimum width and a minimum length of 25 feet. A minimum of 25% of total required open space area shall be contiguous.	✓	✓	
Open space areas shall have a minimum width and a minimum length of ten feet, unless located on balconies, porches, or decks.			✓
Open space may be located on balconies, porches, or decks for multi-family and townhome dwellings. Balconies, decks, and porches shall have a minimum dimension of ten feet on one side, and seven feet on the other.			✓
Open space shall be located outdoors or in the open air (under a roof, canopy, or screened), and may be located on the ground, decks, galleries, porches, terraces, patios, or roofs. Open space shall have a minimum dimension of ten feet on each side.	✓	✓	✓
Open space shall abut a frontage, excluding a Parkway or Limited Access frontage.	✓		
Open space may abut a parking lot on one side only.	✓	✓	✓
Open space shall not abut a loading or service area.	✓	✓	✓
When located adjacent to a sidewalk, the surface area of the open space shall not be more than 18 inches lower nor 18 inches higher than the elevation of any adjacent sidewalk for a minimum of ten feet from the edge of the sidewalk.	✓		
When located at ground level, the required open space area shall be substantially covered in a combination of at least two of the following: 1) grass and groundcover; 2) shrubs and trees; or 3) usable outdoor hardscape features, such as courtyards, seating areas, patios, fountains/water features. If trees are planted, such trees shall not be counted toward the tree save requirements of Article 29.	✓	✓	✓
Circulation within the open space area shall connect pedestrians to rights-of-ways that abut the open space, entrances to adjacent buildings, and any design features, such as seating areas.	✓		
Outdoor amenities, such as grills, pools, tennis courts, or playgrounds, are permitted as part of the required open space.		✓	
Where possible, open space should be connected to abutting public parks and greenways in coordination with Mecklenburg County Park and Recreation.	✓	✓	

16.5 ON-SITE PEDESTRIAN CONNECTIVITY

A. Residential Developments

Residential dwellings require a pedestrian connection from the primary entry as follows:

1. Single-family dwelling: A pedestrian connection, a minimum of four feet in width, is required from the primary entry to the adjacent public sidewalk or on-site driveway. This includes a connection to a required public sidewalk not yet constructed.
2. All other residential dwellings and developments: A pedestrian connection, a minimum of five feet in width, is required to the adjacent public sidewalk, between buildings, and from buildings to all on-site facilities (parking areas, bicycle facilities, plazas, and open space, etc.). This includes a connection to a required public sidewalk not yet constructed.

B. Nonresidential and Mixed-Use Developments

Internal sidewalk connections are required between buildings and from buildings to all on-site facilities (parking areas, bicycle facilities, plazas, and open space, etc.). All internal sidewalks shall have a hard surface constructed of concrete, asphalt, or other similar material and shall be at least five feet in width. In the event that such connection would disturb or impair any significant environmental features of the site, this requirement may be modified by the Zoning Administrator.

16.6 PERFORMANCE STANDARDS

All uses shall comply with the performance standards established in this section unless any federal, state, or local law, ordinance, or regulation establishes a more restrictive standard, in which case, the more restrictive standard applies.

A. Noise

No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. Within the City's boundaries, noise occurring activities shall also be in conformance with Chapter 15, Article III of the City Code. The standards of Chapter 15, Article III of the City Code shall apply in the City's ETJ.

C. Vibration

No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line which create a nuisance to any person of ordinary sensitivities on another property.

D. Dust

Dust, borne by the wind from sources such as storage areas, yards, roads, conveying equipment and the like, within lot boundaries, shall be mitigated by appropriate landscape, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

E. Odors and Fumes

No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.