

Charlotte Unified Development Ordinance

Second Draft Summary of Key Changes

The second draft of the Charlotte Unified Development Ordinance (UDO) is now available for public review and comment. This draft of the UDO includes both large, impactful changes from the first draft, but also many small technical adjustments. This summary is not a comprehensive detailing of all changes, but outlines many key changes proposed in the second draft.

Context

From October 2021 through March of 2022 staff received over 1,200 comments from community members, stakeholders, as well as City Council and other elected/appointed City officials. Community feedback was diverse and balanced. From minor typographical edits to impactful recommendations that required major revisions to standards from the first draft, the second draft of the UDO builds off the first draft but includes new and updated concepts and approaches that will be important for the community to review.

How the Redlined Draft Works

The redlined draft includes text markups to illustrate where items have been added, altered, or removed. This method offers a clear view of changes made between the first and second drafts. There are also a few "Editor's Notes" included in purple. These notes point to additional changes that could not be shown in redline. New or updated diagrams are also indicated with a note in purple. Non-substantive changes, such as grammatical corrections, correction of misspellings, numbering within sections and of articles, updates to cross-references and illustrations, and formatting changes, may not be shown.

The example you see below includes text that was removed and text that was added. However, to maintain clarity, some language that moved from one article to another may not be marked by a redline but is displayed as black text to better show the changes made to the content from the first to second draft.

EXAMPLE: Article 20. Landscape, Screening & Tree Protection

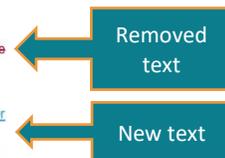
Charlotte UDO
Public Hearing Draft

I. Amenitized Tree Area

Amenitized tree areas shall be subject to the following requirements:

1. Trees shall be planted at 36 trees per acre on-site.
2. Planting areas shall be a minimum of ten feet wide.
3. No more than 25 percent of impervious paved areas will be allowed within the amenitized tree areas. ~~will be allowed~~. Gravel pathways in amenitized tree areas will be considered pervious.
4. Trees may be planted in alternative locations, such as but not limited to, rooftops, permanent planters, raised or at grade plazas, over parking decks, or other locations approved by the Chief Urban Forester. Greater than 25 percent impervious paved area may be allowed within alternative locations being used to meet the amenitized tree area requirement if minimum soil volume, amended soil, subdrainage, irrigation, planting area, and other applicable design standards ~~Planting in alternative locations shall be~~ per the Charlotte Land Development Standards Manual (CLDSM), Charlotte Tree Manual, or as approved by the City Chief Urban Forester, are met.
5. Amenities may include, but are not limited to, irrigation, landscaping, grass, seating, pathways, and lighting or other items, as approved by the Chief Urban Forester.

6. Amenitized Tree Area Standards Overlap



Key Update Areas

Focusing solely on the most impactful changes proposed in the second draft, this primer introduces those changes that are proposed in the second draft UDO. This document includes a description of each change, where you can read the updated standard, and for some standards, discussion on why staff has made a recommended change. The changes outlined in this document include:

- New Campus Zoning District
- Revised Sidewall Height Restriction
- New Streetside Historic District
- Adjusted Height Transition
- Revised Building Heights
- Removal of Short-Term Rental Regulations
- New Bonus Menu Options
- New Affordable Housing Allowances
- Greater Incorporation of Park and Recreational Elements
- Open Area Overlap Allowances
- Revisions to Building Design Standards
- Required Parking for Electronic Vehicle (EV) Charging
- Adjustments to Parking Standards
- New Location for Tree Protection Standards
- Changes to Heritage Tree Protection
- Revisions to Industrial Block Lengths
- New Uptown Streets and Streetscape Standards
- Addition of Non-conforming Site Elements Section

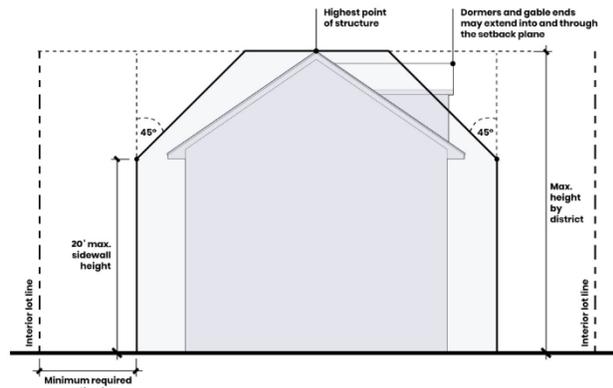
New Campus Zoning District



A fourth campus zoning district has been added to Article 7 in the second draft UDO. The RC-1 Research Campus district is intended to address the needs and impacts of large-scale research campuses within a mixed-use environment, with supporting uses primarily designed to serve the everyday needs of employees, residents, and visitors, such as eating and drinking, retail, and personal service establishments. This proposed mixture of uses is not allowed in the other Campus Districts. The RC-1 Zoning District is characterized by a development form of taller structures within a pedestrian-oriented urban environment.

Revised Sidewall Height Restriction

The maximum 12' sidewall height for duplexes and triplexes in N1 zoning districts (Article 4.3) of the first UDO draft, has been increased to 20' in the second draft. This change was made to allow for the development of two-story duplex and triplex dwellings in lower density neighborhoods, even where the adjacent dwellings have sidewall heights of less than 20'. The 12' maximum sidewall height for residential structures in the Residential Infill Overlay district (RIO), which is found in Article 14, has also been increased to 20' in the second draft. In addition, the limit on dormers and gable ends extending into the building height plane has been eliminated in the second draft for both the N1 districts and the Residential Infill Overlay district. These changes improve feasibility of constructing needed housing in our community while still ensuring new structures maintain the character of the neighborhood.



New Streetside Historic District



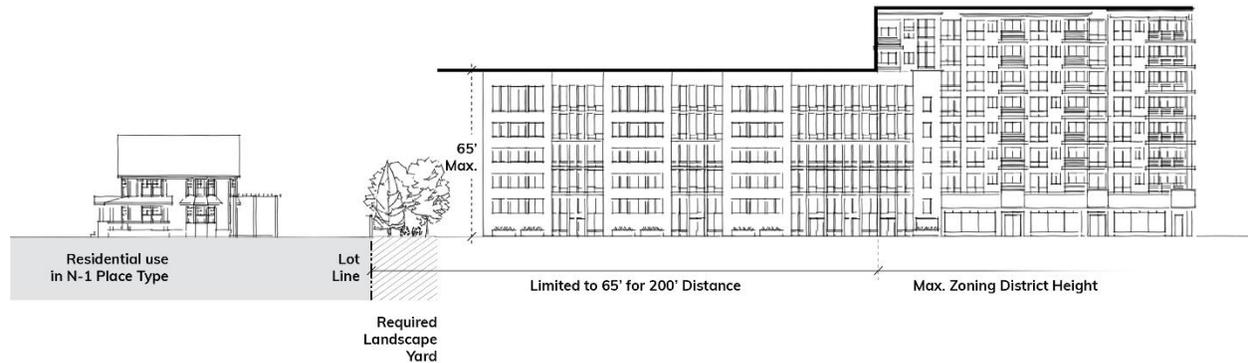
The Streetside Historic District, found in Section 14.2, is a new type of historic district overlay that focuses on preserving those key character-defining features of individual buildings within the district as viewed from the street, which is why it is called "Streetside." This historic district regulates the first 50% of buildings and properties with the goal of preserving the public realm and character of a street while allowing changes in the rear of buildings, except on corner lots that do not have to meet historic district standards. The process to establish a new Streetside Historic District and to make changes to structures within this historic district once established will be the same as the Historic District process we have in the ordinance today.

Adjusted Height Transition

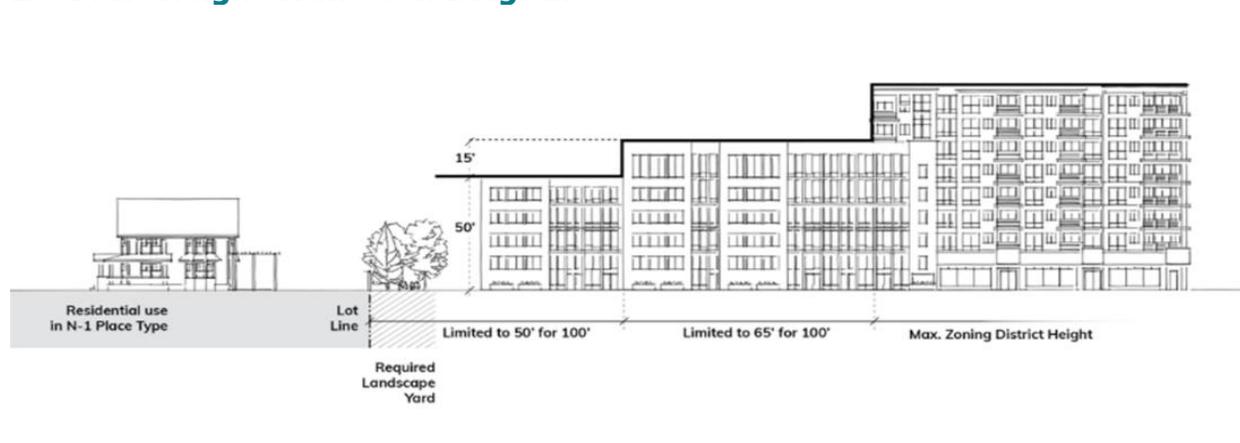
The permitted building height for development within 200 feet of a residential use in a Neighborhood 1 Place Type has changed from the first to the second draft UDO. The permitted building heights are found in a table in each of the zoning district articles. The first draft allowed a 65' building height within 200' of a Neighborhood 1 Place Type lot line. Once a building is further than 200' from this lot line, it may be as tall as the zoning district allows. Feedback from the community and stakeholders expressed concerns that 65' was too high directly adjacent to low density Neighborhood 1 and asked for more of a height transition.

In the second draft, building height is limited to 50' within 100' of the aforementioned lot line, then 65' in height from 100' to 200' of this lot line, then after 200' the building may be as tall as the zoning district allows.

1st Draft Height Transition Diagram



2nd Draft Height Transition Diagram



Revised Building Heights



While recognizing the need for better height transitions from low density residential areas to other zoning districts described above, we also want to prioritize density in our mixed use areas, particularly in Centers. As a result we have increased the maximum height in several districts from the first draft to the second. These include most of the Centers districts, including NC, CAC-1, CAC-2, RAC, UE, and UC, as well as the Campus district IC-2.

The maximum height with bonus has also been increased in most of these districts. Such height increases range from 5 feet to 50 feet. The minimum building height has been reduced in the NC district to reflect the reduced intensity of this district as compared with other Centers zoning districts. The permitted building heights are found in a table in each of the zoning district articles.

Removal of Short-Term Rental Regulations

Recently the North Carolina Court of Appeals issued a ruling on the topic of short-term rentals in the case of *Schroeder v. City of Wilmington* that declared elements of Wilmington’s short-term rental regulations invalid, including registration requirements and separation distances.



As municipalities learn from court decisions and as discussions continue around potential state legislation on this matter, the Charlotte City Attorney's Office has recommended refraining from proposing any short-term rental regulations at this time due to the current legal and legislative uncertainty surrounding the topic. Due to this recommendation, the Planning, Design and Development Department is removing all currently proposed short-term rental regulation language from the second draft Unified Development Ordinance (UDO).

The City Attorney’s Office will continue to monitor the courts and state legislative activity on the topic of short-term rentals and can work with City Planning Staff on drafting appropriate regulations that can be incorporated into future UDO updates once the ability of local jurisdictions becomes clearer and more certain.

New Bonus Menu Options



New Bonus Menu Options have been added to the second draft UDO in Section 16.3 to provide additional choices for those using the Bonus Menu. New options include the provision of affordable housing at 60% of area median income (AMI), inclusion of EV charging stations above the number required, multi-modal transportation mitigation, and transportation demand management mitigation (TDM). These options will allow property owners more opportunities to advance City priorities including the production of affordable housing at lower AMI thresholds and helping the City meet the goals of the Strategic Energy Action Plan and the Strategic Mobility Plan when requesting additional bonus height.

New Affordable Housing Allowances

New affordable housing development allowances are in Section 16.4 that provide incentives for the development of affordable housing. These allowances include the ability to utilize standards of a different zoning category, adjustments to the requirement to build streets (under certain conditions), reimbursement for sidewalks installed along public streets, and alternative standards for Green Area and Heritage Trees. Planning, Design and Development is working with Housing and Neighborhood Services on setting the thresholds for target affordability levels for receiving these incentives and will bring proposed recommendations to City Council later in June.



Greater Incorporation of Park and Recreational Elements



Residential, nonresidential, and mixed-use development projects that require on-site open space now have the option to dedicate land to Mecklenburg County Park and Recreation, provide a fee in lieu, or a combination thereof to meet open space requirements. This option is outlined in the applicable zoning articles (Articles 4 through 7 and 9 through 13). The standards related to this additional flexibility for providing on-site open space can be found in Section 16.4.

Staff worked with Mecklenburg County Park and Recreation to solidify these new alternatives for on-site open space provision. This greater flexibility allows developments to meet open space requirements while offering Mecklenburg County Park and Recreation a direct mechanism to help achieve its broader goals related to land acquisition, connectivity, and recreation area development.

Open Area Overlap Allowances

The second draft UDO more clearly states how and when required open areas may overlap. Allowing open areas to overlap helps create better efficiency in site design while continuing to meet the intent of the Charlotte 2040 Comprehensive Plan's goal of increasing open space in our community. The open area standards permitted to overlap (subject to any conditions in the UDO), include:

- Open Space (Article 16)
- Landscape Yards (Article 20)
- Tree Save (Article 20)
- Amenitized Tree Area (Article 20)
- Water Supply Water Quality Buffers (Article 23)
- Post Construction Water Quality Buffers (Article 25)
- SWIM Water Quality Buffers (Article 26)
- Floodplains (Article 27)
- Areas for greenways or parks offered for dedication and accepted by Mecklenburg County Park and Recreation (Article 33)



Overlap allowances have been added to each of the articles specified above. The general approach is to allow overlap of different types of open areas when the intent and specific standards of each type can be achieved.

Revisions to Building Design Standards

In response to feedback received on the first draft, and to increase affordability, several modifications have been made to various building design standards in the second draft UDO. Building design standards are found in the individual zoning district articles. Changes include:

- For multi-family development, the following standard that required vehicular entrances to garages, including areas used for vehicular access to attached or detached garages, to be located to the rear of the building and not face the front façade of another building or common open space, was deleted.
- For townhouse and multi-family attached, the maximum number of attached dwelling units within a single structure was replaced with a maximum building length instead.
- For nonresidential development, the requirement for façade modulation was deleted.
- For multi-family stacked dwellings, the façade modulation requirement was reduced.
- The Building Base and Entrance Design standard requiring the first two floors above street grade to be significantly distinguished from the remainder of the building was deleted.
- The prominent entrance design standard was modified.



Required Parking for Electronic Vehicle Charging



Article 19.3 requires certain types of new development to provide charging facilities for electric vehicles (EV) when parking is provided in excess of nine spaces. The requirement in the first draft to provide 10% of such parking spaces as “EV Ready” has been removed in the second draft. It was felt that this requirement, which entailed the installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt outlet accessible to the parking space, would add

significant cost to those projects that have an EV charging requirement without providing a near-term benefit. However, Staff believes that certain types of new development as outlined in the first draft of the UDO should maintain EV charging requirements for EV Capable and EV Installed in the UDO given the significant increase in the number of electric vehicles being manufactured and sold which is expected to only grow in the coming years.

Duke Energy's Make-Ready Program will significantly defray costs associated with installing electric vehicle charging stations. The Make-Ready credit is an order from the North Carolina Utilities Commission, which indicates that the credit will be honored for many years to come.

Adjustments to Parking Standards

Parking standards in the first draft of the UDO have received a lot of attention, especially because some cities have eliminated all parking minimums. We have adjusted some parking standards in the second draft of the UDO but have kept the basic three-tier structure. Among the revisions that have been made to the parking requirements in Article 19 in the second draft are:



- Uses with similar standards have been consolidated. For example, in the commercial uses, all uses with the same requirement are consolidated under the first row in "COMMERCIAL USE unless listed below." Uses beneath this cell are those commercial uses that have a unique standard.
- Tier 2 parking minimums have generally been reduced.
- For the minimum parking requirements for select uses (restaurants, nightclubs, etc) in Tier 3, the 200' threshold for when minimum parking would apply near a Neighborhood 1 Place Type has been increased to 400'. This change addresses parking challenges concerns raised by existing neighborhoods.

No changes have been made to Tier 1 parking minimums due to concerns about parking spillover into suburban residential areas as well as recognizing the more auto dependent uses in this tier. We will continue to evaluate the elimination of parking minimums in other cities as well as learn from a study currently underway by CDOT that is evaluating parking permit programs, on street parking and curb lane management. We will consider future changes to parking requirements once these analyses are completed.

Staff has also added a change that recognizes the importance of the City's investment into rapid transit. The second draft includes a provision that allows development within a ½ mile walk of an existing transit station to use the Tier 3 parking standards even if their zoning district falls into a different tier, as long as the development is not located in the Neighborhood 1 Place Type. We believe this this allowance will further the goal of minimizing parking in locations where there are multiple transportation choices.

New Location for Tree Protection Standards

The Tree Protection regulations, including the proposed heritage tree standards, have moved into the Landscape & Screening article which is now Article 20. These standards begin with Section 20.13 and conclude at Section 20.18.

Staff recommended this change to simplify tree planting and protection standards in the UDO. The Landscape & Screening article requires tree planting and preservation to, among other things, help create transitional areas between uses or zoning districts of different intensities.

1st Draft – Article 29

Charlotte UDO
First Draft
October 2021

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Changes to Heritage Tree Protection

There are two key changes proposed to the heritage tree protection standards in the second draft UDO. First, the second draft makes a distinction in how heritage trees are treated on lots being developed versus tree removal on lots not being developed. When homeowners are making decisions to remove trees outside of the development process, the second draft continues to require a permit for heritage tree removal. However, permits will allow removal in all cases. This is an entirely new regulatory area for the City and this approach will allow us to track canopy loss while we refine this new permitting process.

The second draft UDO will only include regulations for heritage tree protection on lots being developed and not for trees being removed through homeowner decisions. Planning staff worked in coordination with the City Attorney's Office on this recommended change to align the applicability of this standard with the general intent and purpose of the UDO to regulate land development. Non-land development protection of heritage trees will be included in a proposed text amendment to the Charlotte Tree Ordinance in Chapter 21 of the City Code of Ordinances. The proposed text amendment is planned for public review by late summer.



Second, the heritage tree protection during development, now located in Section 20.14 of the second draft, adds more flexibility in meeting ordinance requirements. This flexibility creates more predictability in the development process both for the developer and for ordinance administration. The proposed mitigation fee for removal for development has increased to

better align with the value of the tree removed. These fees will be used to enhance Charlotte’s tree canopy by supporting tree maintenance and planting initiatives soon to be established in the City’s new Canopy Care Program. The Canopy Care Program is supported by Council-adopted policy in the Charlotte Future 2040 Comprehensive Plan that seeks to provide comprehensive tree canopy assistance to residents. For greater detail, the changes are outlined in the table below.

Land Development Heritage Tree Protection

Current Regulations	UDO 1 ST Draft	Proposed 2 nd Draft
Preservation of “Champion Trees” in subdivision permitting	Preservation of Heritage Tree required unless there is no other reasonable location	Removal allowed where there is a demonstrated conflict
No mitigation required	Mitigation required: \$1000/ tree removed + 1 tree planted	Mitigation required: \$1500/tree removed + 1 tree planted. Each additional tree planted reduces fee by \$250 Specimen trees may be preserved in-lieu of submitting mitigation payment
Counts toward tree save. Canopy area counts 1.5x	No incentives for preservation	Green Area (Tree Save) incentive credit. Canopy area of heritage trees counts 2x
	Diseased, dead, dying, or hazardous trees do not require mitigation	Diseased, dead, dying, or hazardous trees do not require mitigation

Land Development: Includes construction of a new principal structure, addition or expansion of built-upon area or building coverage to an existing structure by 5% or 1,000 sq ft., and approval of a new subdivision.

Revisions to Industrial Block Lengths



To ensure and encourage continuing economic development opportunities in the Manufacturing and Logistics Place Type, staff has increased the maximum block length in this Place Type to 2,000’. This is a significant increase from the 1,500’ maximum block length in the first UDO draft and from the 1,000’ maximum block length utilized in the city’s current Subdivision Ordinance. Maximum block lengths for all Place Types can be found in Table 31-2.

Additionally, to further foster economic development opportunities, a flexibility provision has been added for industrial block lengths to accommodate for the design of buildings in the Manufacturing and Logistics Place Type that may exceed the new 2,000’ individual block length. This new provision can be found at Section 31.1.D.

New Uptown Streets and Streetscape

Four new street classifications, nested beneath a broader Uptown Streets umbrella, are included in the second draft UDO. These new classifications, which include Uptown Signature Streets, Linear Parks, Uptown Primary Streets, and Uptown Secondary Streets, are mapped on the Charlotte Streets Map. Standards tied to these street classifications, such as frontage setback standards, can be found in Article 3 and other zoning articles. Additionally, to streamline streetscape design elements for Uptown, standards for these new street classifications are now included in Article 33. Staff worked with Charlotte Department of Transportation to include these changes in the UDO to promote greater predictability in building siting and streetscape design in Uptown.



Addition of Nonconforming Site Elements Section



New standards for nonconforming site elements are found in Section 38.7. The purpose of the new section is to provide clarity about the allowances for these site elements to continue after adoption of the UDO and subsequent text amendments. This section is similar to the sections on other nonconforming items, such as nonconforming uses.

Site elements are a physical characteristic of a site such as landscape, fences or walls, and parking and loading. This does not include nonconforming accessory uses and accessory structures, exterior lighting, and signs which are regulated in other sections of the UDO.

Nonconforming site elements may continue, and normal maintenance and incidental repair may be performed. No repairs or reconstruction are permitted that would create any new nonconformity or increase the degree of the previously existing nonconformity. Unless otherwise stated in the UDO, all nonconforming site elements must be brought into conformance when there is a construction of a new principal building.