

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 a Neighborhood 1 Zoning District.
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 public 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 existing prior to June 1, 2023 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 20 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 that are part of a conservation residential development may be placed on a lot that abuts a common open space area or green area per the standards of Section 4.5.A.
4. Buildings that are part of a compact residential development may be placed on a lot that abuts a common open space area per the standards of Section 4.5.C.
5. Buildings within a cottage court development.
6. Buildings within a multi-dwelling development that meet the requirements of Section 15.4.HHH.2.b.
7. Lots within a nonresidential or mixed-use development site need not abut a street so long as the overall development site abuts a public, network-required private, or non-network required private street and is designed in such a manner that access is furnished to all interior lots or building sites. Vehicular access to interior lots or building sites shall only be across property zoned for such development.
8. 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.
9. For cul-de-sac lots, the minimum lot frontage at the right-of-way shall be no less than 15 feet.
10. Single-family, duplex, triplex, and quadraplex dwellings collocated on the same parcel as the campus development they serve and support and per the prescribed conditions of Section 15.4.

C. Flag Lots Prohibited

The creation of new flag lots shall be prohibited.

D. 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.

E. 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.

F. Setback Limitations

No building, structure, or use shall be located within any required setback except as otherwise allowed by this ordinance.

G. Relationship of Structures

1. Structures connected via a breezeway, as defined in Article 2 of this Ordinance, shall be considered detached from each other, and considered as separate structures.
2. Structures connected via a partially walled or completely enclosed passage, or via an unenclosed passage with a width between structural supports greater than eight feet, shall be considered attached and considered as a single structure.

16.2 EXTERIOR LIGHTING

The following exterior lighting requirements apply to lighting for multi-family dwellings, multi-dwelling developments, mixed-use development, and nonresidential uses on private property. The following lighting regulations do not apply 1) to lighting in public rights-of-way that is solely for the purposes of lighting public rights-of-way, or 2) to lighting for 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

These standards apply to all permanent fixtures, including but not limited to, permanent fixtures mounted on poles, on rooftops, and on exterior walls.

1. All lighting shall be of full cut-off or semi cut-off luminaire design in accordance with the definitions of Lighting, Full Cut Off and Lighting, Semi Cut Off in Article 2.
2. The maximum total height of a freestanding full cut off or semi cut off luminaire is 26 feet. However, in the Commercial Place Type and Manufacturing and Logistics Place Type, a luminaire is limited to a maximum total height of 35 feet.
3. Flashing lighting is prohibited.
4. All exterior lighting shall be located, screened, or shielded in a manner as to not cause glare or impair the vision of cyclists or 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, OFC, OG, and RC 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 16.5) 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 16.5) is applied to the lot as a whole.

C. Administration

Administration requirements are found in the UDO Zoning Administration Manual.

| Table 16-1: Bonus Menu | | |
|------------------------|--|--|
| Economic Mobility | | |
| Qualifying Action | | Bonus Awarded |
| 1 | <p>Affordable Housing Provided On-Site</p> <p>Devote percentage 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 for a 30-year affordability period.</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, and RC Zoning Districts:</p> <p>Open Space Bonus For every 1% of gross floor area of affordable housing, receive a 10% reduction of open space requirement, up to a maximum of 50% reduction of open space requirement total</p> <p>AND</p> <p>Height Bonus: 3 points for every 1% of gross floor area of affordable housing, up to 15 points total - 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>5 points for every 1% of gross floor area of affordable housing, up to 25 points total - 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

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| 2 | <p>Affordable Housing (80% Area Median Income (AMI) or less) Provided On-Site with Fee-In-Lieu, Offsite Housing, and Land Donation Options</p> <p>For onsite affordable housing, 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 an average of 80% Area Median Income (AMI) or less for a 30-year affordability period. In calculating the average, up to 20% of these affordable units may be set aside for households earning above 80% up to 110% AMI.</p> <p>Options to providing on-site affordable housing through fees-in-lieu, offsite housing within one mile walk distance of the subject site, and donation of land are found in the UDO Zoning Administration Manual.</p> <p>The amount of the fee-in-lieu shall be calculated based on:</p> <ol style="list-style-type: none"> 1. The Gross Floor Area of each floor either partially or fully above the maximum permitted building height (without bonus), and 2. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below. <p>Funds received for affordable housing provided through the fee-in-lieu option shall be accounted for in an account, or the equivalent, in the City's financial system that is similar to, but distinct from, the account used by the City's Housing Trust Fund.</p> <p>* Gross floor area does not include floor area in parking structures.</p> <p>The height of unoccupiable space above the top floor may be included in this bonus as follows:</p> <ol style="list-style-type: none"> 1. Additional height above the top occupied floor may be achieved by calculating the gross floor area as if it were occupiable space and including additional affordable units accordingly. Such additional height shall be no greater than the average floor to floor height of occupiable floors below; or 2. Other bonus options of this table may be used. | <p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC, OFC, OG, CG, and CR Zoning Districts:</p> <p>Additional floors so long as each additional floor meets the 10% requirement up to the "Maximum Height with Bonus" standard indicated in the zoning district standards</p> |
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Table 16-1: Bonus Menu

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| 3 | <p>Affordable Housing (60% Area Median Income (AMI) or less) Provided On-Site with Fee-In-Lieu, Offsite Housing, and Land Donation Options</p> <p>For onsite affordable housing, devote 5% 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 an average of 60% Area Median Income (AMI) or less for a 30-year affordability period. In calculating the average, up to 20% of these affordable units may be set aside for households earning above 60% up to 110% AMI.</p> <p>Options to providing on-site affordable housing through fees-in-lieu, offsite housing within one mile walk distance of the subject site, and donation of land are found in the UDO Zoning Administration Manual.</p> <p>The amount of the fee-in-lieu shall be calculated based on:</p> <ol style="list-style-type: none"> 1. The Gross Floor Area of each floor either partially or fully above the maximum permitted building height (without bonus), and 2. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below. <p>Funds received for affordable housing provided through the fee-in-lieu option shall be accounted for in an account, or the equivalent, in the City's financial system that is similar to, but distinct from, the account used by the City's Housing Trust Fund.</p> <p>* Gross floor area does not include floor area in parking structures.</p> <p>The height of unoccupiable space above the top floor may be included in this bonus as follows:</p> <ol style="list-style-type: none"> 1. Additional height above the top occupied floor may be achieved by calculating the gross floor area as if it were occupiable space and including additional affordable units accordingly. Such additional height shall be no greater than the average floor to floor height of occupiable floors below; or 2. Other bonus options of this table may be used. | <p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, OFC, OG, RC, CG, and CR Zoning Districts:</p> <p>Additional floors so long as each additional floor meets the 5% requirement up to the "Maximum Height with Bonus" standard indicated in the zoning district standards</p> |
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Table 16-1: Bonus Menu

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| 4 | <p>Affordable Housing Equitable Clean Energy Projects: Fee Program (Affordable Housing Equitable Clean Energy Projects: Fees will go towards supporting clean energy projects in affordable housing, including energy efficiency work and other clean energy solutions. Funds received for the fee program option shall be accounted for in an account, or the equivalent, in the City's financial system that is similar to, but distinct from, the account used by the City's Housing Trust Fund.</p> <p>The fee amount shall be calculated based on:</p> <ol style="list-style-type: none"> 1. The Gross Floor Area* of each floor either partially or fully above the maximum permitted building height (without bonus), and 2. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below. <p>* Gross floor area does not include floor area in parking structures.</p> <p>The height of unoccupiable space above the top floor may be included in this bonus as follows:</p> <ol style="list-style-type: none"> 1. Additional height above the top occupied floor may be achieved by calculating the gross floor area as if it were occupiable space and including additional affordable units accordingly. Such additional height shall be no greater than the average floor to floor height of occupiable floors below; or 2. Other bonus options of this table may be used. | <p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC, OFC, OG, 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> |
| 5 | <p>Charlotte Business INClusion Targets Met (Charlotte Business INClusion is a City Procurement program that seeks to enhance competition and participation of small, minority and women owned firms in City contracting and to promote economic growth and development in the City of Charlotte.)</p> | <p>UE, RAC, IC-2, RC, 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, OG, 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> |

Table 16-1: Bonus Menu

| Environmental | | |
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| Qualifying Action | | Bonus Awarded |
| 6 | <p>Additional Open Space 5% in total lot area of public open space in addition to that required by Section 16.5 and any other Ordinance requirements.</p> | <p>UE, RAC, IC-2, RC, 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, OG, CG, and CR Zoning Districts: 10 Points</p> |
| 7a | <p>Electric Vehicle (EV) Charging Stations* For parking facilities with more than 25 spaces, EV charging stations are provided as follows above the requirements of Article 19: EV-Capable 20% EV-Ready 10% EVSE-Installed 2% or one space for development with 26-50 parking spaces</p> <p>One EV-Ready space may be counted for two EV-Capable spaces.</p> <p>One EVSE-Installed space may be counted as four EV-Capable spaces or two EV-Ready spaces.</p> <p>*Up to 25% of the bonus EV parking spaces may be designed and designated for compact vehicles per Charlotte Land Development Standards Manual (CLDSM) standards.</p> | <p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC, OFC, OG, CG, and CR Zoning Districts: 10 points</p> |
| 7b | <p>Electric Vehicle (EV) Charging Stations* For parking facilities with more than 25 spaces, EV charging stations are provided as follows above the requirements of Article 19: EV-Capable 30% EV-Ready 15% EVSE-Installed 6%</p> <p>One EV-Ready space may be counted for two EV-Capable spaces.</p> <p>One EVSE-Installed space may be counted as four EV-Capable spaces or two EV-Ready spaces.</p> <p>*Up to 25% of the bonus EV parking spaces may be designed and designated for compact vehicles per CLDSM standards.</p> | <p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC, OFC, OG, CG, and CR Zoning Districts: 20 points</p> |
| High Performance Construction | | |
| Qualifying Action | | Bonus Awarded |
| 8a | <p>High Performance Construction: Tier 1 Building is 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 receiving the certification.</p> | <p>UE, RAC, IC-2, RC, 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, OG, CG, and CR Zoning Districts: 10 points</p> |
| 8b | <p>High Performance Construction: Tier 2 Building is 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 receiving the certification.</p> | <p>UE, RAC, IC-2, RC, 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, OG, CG, and CR Zoning Districts: 15 points</p> |

| Table 16-1: Bonus Menu | | |
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| 8c | High Performance Construction: Tier 3 Building is LEED Gold, NGBS Gold, or Three Green Globes using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification. | UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 25 points CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 20 points |
| 8d | High Performance Construction: Tier 4 Building is LEED Platinum, NGBS Emerald, or Four Green Globes using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification. | UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 30 points CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 25 points |
| Transportation Improvements | | |
| Qualifying Action | | Bonus Awarded |
| 9 | New Street Connection New public or network-required private (built to public standards) street beyond those required by this Ordinance. | UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 120 points CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 40 points |
| 10 | Dedication of Future Rights of Way for Transit Corridors (Per 2,500 Square Feet) | UE, RAC, CAC-2, IC-2, RC, IMU, TOD-UC, TOD-CC, and N2-C Zoning Districts: 3 points CAC-1, NC, CG, CR, IC-1, OFC, OG, TOD-NC, and TOD-TR Zoning Districts: 2 points |
| 11 | Reservation of Future Rights of Way for Transit Corridors (Per 2,500 Square Feet) | UE, RAC, CAC-2, IC-2, RC, IMU, TOD-UC, TOD-CC, and N2-C Zoning Districts: 2 points CAC-1, NC, CG, CR, IC-1, OFC, OG, TOD-NC, and TOD-TR Zoning Districts: 1 point |
| 12 | Multimodal Mitigation Provision of additional mitigation points (as defined in the Comprehensive Transportation Review) above required tier/points. | UE, RAC, IC-2, RC, TOD-UC, CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 1 point for every 1 point of additional multimodal mitigation |
| 13 | Transportation Demand Management (TDM) Mitigation Provision of additional mitigation points (as defined in the Comprehensive Transportation Review) above required tier/points. | UE, RAC, IC-2, RC, TOD-UC, CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 1 point for every 1 point of additional TDM mitigation |
| Enhanced Micromobility Facility | | |
| Qualifying Action | | Bonus Awarded |
| 14 | Electronic Micromobility Lockers All required short-term bicycle spaces are provided in secure lockers with a locking mechanism that are accessed by electronic card or other similar security feature. | UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 10 points CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, IC-1, OFC, OG, CG, CR, and N2-C Zoning Districts: 5 points |

16.4 AFFORDABLE HOUSING DEVELOPMENT ALLOWANCES

The purpose of the development allowances provided below is to encourage the development of affordable housing within the City and the ETJ.

A. Affordable housing developments that meet the following requirements shall be permitted the additional development allowances listed in item B below.

1. Affordability period: 30 years
2. Minimum units of affordable housing: Five units
3. Percentage of development (one of the following):
 - a. 15% at 60% AMI; or
 - b. 30% at 80% AMI; or
 - c. 20% at 80% AMI in areas of high housing cost per the UDO Zoning Administration Manual

B. Those affordable housing developments that meet the requirements of item A above shall be permitted the following development allowances:

1. If zoned the N2-A Zoning District, to build to the N2-B Zoning District standards.
2. If zoned the N2-C or NC Zoning District, to build to the N2-A or N2-B Zoning District standards.
3. A new street, in whole or in part, shall not be required, per Section 32.5, if that street or a portion of such street does not provide access to the affordable housing development, as determined by the SSI Administrator, and that street does not connect to an existing street on an abutting property. In lieu of construction the street or portion of such street, right-of-way shall be dedicated for future construction of the street or portion of such street.
4. Projects may use Tier 1 Green Area Credits per Section 20.15.
5. Where mitigation is required for removal of heritage trees, planting of twice the number of required mitigation trees shall be allowed in lieu of the mitigation fee per Article 20. The mitigation trees may also be counted towards perimeter tree plantings per Section 20.17.C when they meet all perimeter tree planting requirements.

C. Where 20% of units are provided at 60% AMI or below for 15 years, with a minimum of five units of affordable housing, costs related to construction of sidewalks required on public streets per Section 32.7.D shall be reimbursed by the City. This provision shall only apply within the corporate limits of the City of Charlotte and not within the City's extraterritorial jurisdiction.

D. In the N1-A, N1-B, N1-C, and N1-D Zoning Districts, voluntary mixed-income residential developments per Section 4.5.B may receive a bonus allowing for the development of property in accordance with the standards of the next zoning district of greater intensity in exchange for setting aside affordable housing units.

16.5 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 16-2: Design of Open Space, organized by type of open space.
2. Driveways, parking areas, required bicycle parking areas, above ground utility areas, mailboxes, and landscape yards do not count toward on-site open space requirements. However, sidewalks that traverse a required open space area shall count towards the minimum required open space.
3. The following may be counted toward open space requirements when they meet the minimum requirements of this article and any applicable articles listed below:

- a. Amenitized tree areas per Article 20.
 - b. 50% of the open space may be tree save areas per Article 20, so long as such tree save area abuts the remaining required open space and includes allowed amenities to provide passive recreation.
 - c. A green roof per Article 20 that is designed to allow passive recreation.
 - d. Internal trees per Article 20.
 - e. Water supply water quality buffer per Article 23.
 - f. Post-construction water quality buffer per Article 25.
 - g. SWIM water quality buffer per Article 26.
 - h. Floodplain per Article 27.
 - i. Areas for greenways or parks per Article 32 offered for dedication and accepted by Mecklenburg County Park and Recreation.
4. The area used to calculate the required open space does not include existing and dedicated street rights-of-ways, utility easements, existing ponds and lakes, and railroad easements and rights-of-way.
5. 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. Exemptions from Required On-Site Open Space

- 1. 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.
- 2. Single-family, duplex, triplex, and quadraplex dwellings are not required to provide on-site open space.

C. Open Space Dedication and Fee-in-Lieu Alternatives

When open space is required within the zoning district regulations, as an alternative to the required on-site open space, the property owner may select one of the following options, or a combination thereof, per the UDO Zoning Administration Manual:

- 1. Dedicate land required for on-site open space to Mecklenburg County Park and Recreation, so long as the land meets Park and Recreation standards. If selecting this option, and dedicating all required on-site open space, the amount of open space dedicated may be reduced by 10%.
- 2. Provide a fee-in-lieu of the required on-site open space to Mecklenburg County Park and Recreation, so long as the fee is accepted by Park and Recreation. The payment of such funds shall be used to acquire or develop recreation areas in the surrounding area for which the fee-in-lieu is paid.

| Table 16-2: Design of Open Space | | | |
|--|--------|--------|---------|
| Design Requirement | Public | Common | Private |
| Open space shall have a minimum width and a minimum length of 10 feet. | ✓ | ✓ | |
| Open space areas shall have a minimum width and a minimum length of ten feet, unless located on balconies, porches, or decks, in which case a minimum dimension of ten feet on one side and seven feet on the other is required. | | | ✓ |
| Open space shall be located outdoors or in the open air but may be under a roof, canopy, or screened. Open space may be located on the ground, decks, galleries, porches, terraces, patios, or roofs. | ✓ | ✓ | ✓ |
| A minimum of 25% of total required open space area shall be contiguous. | ✓ | ✓ | |
| Open space shall abut a frontage on at least one side for a minimum width of ten feet. Parkway and Limited Access frontages shall not be used to meet this requirement. In the case of a lot with only Parkway and/or Limited Access frontages, this requirement does not apply. | ✓ | | |

| Table 16-2: Design of Open Space | | | |
|---|--------|--------|---------|
| Design Requirement | Public | Common | Private |
| Open space may abut a parking lot on one side only. | ✓ | ✓ | ✓ |
| Open space shall be located a minimum of 15 feet from loading docks, loading spaces, or solid waste and recycling service areas. | ✓ | ✓ | ✓ |
| When located adjacent to a sidewalk or shared use path along a street, the surface area of the open space shall not be more than an average of 24 inches lower nor 24 inches higher than the elevation of such adjacent sidewalk or shared use path for a minimum of ten feet from the edge of such sidewalk or shared use path along a street. In cases of unusual topography, the Zoning Administrator may modify this provision. | ✓ | | |
| 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. | ✓ | ✓ | ✓ |
| 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. Such circulation paths are considered part of open space. | ✓ | | |
| 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. | ✓ | ✓ | |

16.6 ON-SITE PEDESTRIAN CONNECTIVITY

A. Residential Developments

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

1. Single-family, duplex, triplex, and quadraplex dwellings: For new construction, a pedestrian connection that is 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: For new construction or a change of use from a nonresidential use to a residential use, a pedestrian connection that is 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. A connection from an individual residential dwelling to the common pedestrian connection to the public sidewalk shall be a minimum of four feet in width.

B. Nonresidential and Mixed-Use Developments

Pedestrian connections are required for new construction or a change of use as follows:

1. A pedestrian connection that is a minimum of five feet in width is required from the primary entry to the adjacent public sidewalk. This includes a connection to a required public sidewalk not yet constructed. An individual sidewalk connection will not be required for a nonresidential building if it would result in a sidewalk length of 1,320 feet or more.
2. 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.

16.7 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.

B. 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.

C. 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.

D. 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.