

PART 2: SINGLE FAMILY DISTRICTS

Section 9.201. Single Family Districts established; purposes.

The R-3, R-4, R-5, R-6 and R-8 districts are hereby established to protect and promote the development of single family housing and a limited number of public and institutional uses. The standards for these districts are designed to maintain a suitable environment for family living at various densities to accommodate preferences for different housing types. The R-3 and R-4 districts are directed toward suburban single family living. The R-5, R-6 and R-8 districts address urban single family living. Densities of development are controlled by maximum number of units per acre requirements, which are different for each district and indicated by the numerical identification attached to each district.

Section 9.202. Uses permitted by right.

The following uses are permitted by right in the R-3, R-4, R-5, R-6 and R-8 districts, provided that they meet all requirements of this part and all other requirements established in these regulations:

- (1) Dwellings, attached (duplex, triplex or quadraplex only) (R-8 only).
- (2) Dwellings, detached.
- (3) Dwellings, duplex, triplex or quadraplex (R-8 only).
- (4) Farms, including retail sale of produce grown on the premises.
- (5) Highway and railroad rights-of-ways.
- (6) Parks, greenways and arboretums.

Section 9.203. Uses permitted under prescribed conditions.

The following uses shall be permitted in the R-3, R-4, R-5, R-6 and R-8 districts if they meet the standards established in this Section and all other requirements of these regulations:

- (1) Adult care homes, subject to the regulations of Section 12.502.
- (1.1) Bed and breakfasts (B & B's), subject to regulations of Section 12.521.

- (1.2) Beneficial fill sites, subject to the regulations of Section 12.523
- (1.3) Boarding houses, subject to regulations of Section 12.520.
- (2) Bus stop shelters, subject to the regulations of Section 12.513.
- (3) Cemeteries, subject to the regulations of Section 12.508.
- (4) Childcare centers in a residence, subject to the regulations of Section 12.502.
(Petition No. 2003-008, §9.203(4), 2-17-03)
- (5) (RESERVED)
- (5.1) Dwellings, attached (duplex only) (R-3, R-4, R-5 and R-6 only), provided that:
 - (a) The dwelling will be located on a corner lot;
 - (b) If more than one entrance, the entrances to each unit in the structure will face different streets; and
 - (c) The minimum setback requirement must be applied to each of the two different streets.
- (6) Dwellings, duplex (R-3, R-4, R-5, and R-6 only), provided that:
 - (a) The dwelling will be located on a corner lot;
 - (b) If more than one entrance, the entrances to each unit in the structure will face different streets; and
 - (c) The minimum setback requirement must be applied to each of the two different streets.
- (7) Elementary and secondary schools, provided that:
 - (a) All buildings, outdoor recreational facilities, and off-street parking and service areas will be separated by a Class C buffer for elementary and junior high schools and a Class B buffer for senior high schools from any abutting property located in a residential district, used for residential purposes, or low-intensity institutional use (See Section 12.302), except that buffers shall not be required to separate adjacent public elementary schools; junior high or middle schools; senior high schools; or public parks and

greenways; or colleges;
(Petition No. 2000-166, § 9.203(7)(a), 01-16-01)

- (b) The use will be on a lot which fronts a collector, minor thoroughfare or major thoroughfare for elementary schools and junior high schools, and on a minor thoroughfare or major thoroughfare for senior high schools; and
 - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
 - (d) Subsection 7(b) and 7(c) of this Section shall not apply to the addition of mobile classrooms to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to January 1, 1992. However, for such a nonconforming school the number of additional mobile classrooms may not exceed more than fifty percent of the school's total existing classrooms.
 - (e) The requirements of Section 12, Part 3: Buffers and Screening will not apply to the placement of mobile classrooms at any school for a period of one year from the date of the issuance of a certificate of occupancy for the mobile classrooms. However, after one year all applicable Buffer and Screening requirements must be fully complied with in all areas occupied by mobile classrooms installed on or after January 1, 1992 unless the subject mobile classrooms have been removed. A Letter of Compliance as required by Section 12.306 must be provided at the time of the issuance of the Certificate of Occupancy for the mobile classroom acknowledging this provision. Mobile classrooms may not be placed within any area, which would be used to meet the buffer requirement.
 - (f) Except as modified by the requirements of subsection 7(d) of this section, subsections 7(b) and 7(c) of this section shall not apply to additions, modifications, or improvements to any school that is nonconforming with respect to these provisions which was constructed, or where a building permit for the school was issued, prior to January 1, 1992. Notwithstanding the forgoing, subsections 7(b) and 7(c) shall not apply to any elementary school site, which was operating as a school as of January 1, 1992 that has less than 100 feet of frontage on a collector, minor thoroughfare, or major thoroughfare.
(Petition No. 2000-166, § 9.203(7)(f), 01-16-01)
- (8) Equestrian oriented subdivisions, subject to regulations of Section 12.514.
- (8.1) Family childcare homes, subject to the regulations of Section 12.502

- (9) Government buildings, up to 12,500 square feet, provided that:
 - (a) All buildings and off-street parking and service areas will be separated by a Class C buffer from abutting property located in the residential district, used for residential purposes, or low-intensity institutional use (See Section 12.302);
 - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
 - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
- (10) Group homes for up to 6 clients subject to the regulations in Section 12.517.
- (10.1) Land clearing and inert debris landfills (LCID): off-site, subject to the regulations of Section 12.503.
- (11) Nonconforming structures and uses, subject to the regulation of Chapter 7.
- (12) Open space recreational uses, subject to the regulations of Section 12.516.
- (13) Outdoor recreation, provided that:
 - (a) The use will be located on a lot that is at least two times the minimum lot area required in the district;
 - (b) Off-street parking and service areas and outdoor recreational facilities will be separated by a Class C buffer from any adjacent property located in a residential zoning district or used for residential purposes (See Section 12.302). However, outdoor recreational facilities and associated parking located on a lot within a planned development shall provide a Class C buffer only along the portion of the lot which forms part of the external boundary of the planned development;

- (c) No outdoor recreation facilities such as swimming pools, tennis courts, picnic shelters, etc. shall be located within 100 feet of any lot located in a residential district or adjoining residential use. However, outdoor recreational facilities located on a lot within the interior portion of a planned development may be located a minimum of 20 feet from an adjacent lot within the planned development, but must maintain a 100- foot separation from the external project boundaries of the planned development when abutting a residential zoning district or residential use; and for all outdoor recreational facilities not in a planned development, all outdoor lighting will be screened in such a way that the source can not be seen from any adjacent property as described in Section 12.402. All outdoor sound systems shall not exceed the City Noise Ordinance.
- (e) Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m. Eastern Standard Time.
- (f) Designated on-street parking spaces located along the portion of a public street(s), other than a thoroughfare(s), abutting outdoor recreation facilities and accessory uses may be counted toward the minimum number of parking spaces as required by this ordinance when both sides of the street are within or runs through the boundaries of a planned development. Those on-street parking spaces must be located within 400 feet of the outdoor recreation facility, have a dimension of at least 22 feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). If the site requires 15 or fewer spaces, they may all be on-street. If the site requires 16 or more spaces, up to 50% of them, not to exceed 15, may be on-street. In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use will not be required to make up the difference and will not be made non-conforming. These on-street parking spaces may not be used to satisfy any other parking requirements of this ordinance.

(Petition 2001-149, §9.203(13)(f), 1/22/02)

- (13.1) Outdoor seasonal sales, subject to the regulations of Section 12.519.
- (14) Public utility structures, subject to regulations of Section 12.504.
- (15) Public utility transmission and distribution lines, subject to the regulations of Section 12.509.

- (16) Recreation Centers, provided that:
(Petition 2005-63, §9.203(16), 06/20/05)
- (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
 - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
 - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.
 - (d) The use contains not more than thirty thousand (30,000) square feet.
- (17) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).
- (18) Religious institutions, up to 750 seats, subject to regulations of Section 12.506.
- (19) Shelters
(Petition No. 2005-35, §9.203(19), 04/18/05)
- a) Accessory Shelter, subject to the regulations of 12.536.
- (20) Subdivision sales offices, provided that:
- (a) The use serves the subdivision in which it is located and abutting subdivision or subdivisions by the same developer or affiliate; and
 - (b) The use shall be terminated upon completion of the sale of 95 percent of the total number of homes and/or lots; provided however, that a model or demonstration home may be used for sales purposes until the last home or lot is sold.
- (21) Temporary buildings and storage of materials, provided that:
- The use is in conjunction with the construction of a building on the same lot where construction is taking place or on an adjacent lot. Such temporary uses shall be terminated upon completion of construction.

- (22) Universities, colleges and junior colleges, provided that:
- (a) All buildings, outdoor recreational facilities and off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district or used for residential purposes (See Section 12.302);
 - (b) The use will be on a lot which fronts on a minor or major thoroughfare; and
 - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.

Section 9.204. Permitted accessory uses and structures.

The following uses shall be permitted in the R-3, R-4, R-5, R-6 and R-8 districts as accessory uses and structures, subject to the applicable criteria in this Part and in Chapter 12 of these regulations:

- (1) Accessory uses and structures, clearly incidental and related to the permitted principal use or structure on the lot.
- (2) Bookstores, offices, printing and distribution and similar uses as accessories to religious institutions located on the same lot and subject to the regulations of Section 12.506.
- (3) Customary home occupations, subject to the regulations of Section 12.408.
- (4) Dormitories, as an accessory use to a university, college or junior college located on the same lot.
- (5) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
- (6) Elderly and disabled housing as an accessory to a single family detached dwelling, subject to the regulations of Section 12.407.
- (7) Fences and walls, subject to the regulations of Section 12.406.
- (8) Guest houses and employee quarters as an accessory to a single family detached dwelling, subject to the regulations of Section 12.412.

(8.1) Land clearing and inert landfill (LCID): on-site, subject to the regulations of Section 12.405.

(9) Marinas, subject to the regulations of Section 12.409.

(10) Motor vehicles: The following provisions shall apply to location of unlicensed motor vehicles and the display for sale or trade of licensed and unlicensed motor vehicles in residentially zoned districts.

(a) Unlicensed

(1) No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle.

(2) No unlicensed motor vehicle if not registered to the occupant of the premises or immediate family member of the occupant as the record title owner of the vehicle shall be permitted outside of any premises.

(3) Vehicles described in paragraphs (1) and (2) are not permitted to be located within any required setback or yards contained in these regulations or any street right-of-way except as provided in paragraph (b) (4) below).

(b) Licensed or Unlicensed

(1) No more than two (2) motor vehicles, whether licensed or unlicensed, may be displayed for sale or trade on the premises at any time and such display of a given vehicle for sale or trade shall not be for a period as to that vehicle exceeding 60 days.

(2) During a twelve-month period commencing January 1 and ending December 31 of each year, no more than three (3) such licensed or unlicensed motor vehicles shall be displayed for sale or trade on the premises. Further, no more than three (3) sales or trades of such licensed or unlicensed motor vehicles displayed for sale on the premises shall occur within the same twelve-month period.

(3) No motor vehicle, whether licensed or unlicensed, if not registered to the occupant of the premises or immediate

family member of the occupant as the record title owner of the vehicle, may be displayed upon the premises for sale or trade.

- (4) A motor vehicle licensed or unlicensed displayed for sale or trade on the premises or provided herein may be located in the setback but not within the street right-of-way.
 - (c) If there are any premises with more than the number of vehicles provided for in Sections (a) and (b) above in violation of this section, then the owner and occupant, if different, shall have ninety (90) days from the date of the adoption of this ordinance to come into compliance with the ordinance or shall be in violation of this section. (Editor's Note: Adopted April 20, 1992)
 - (d) All vehicles must comply with City code, chapter 10, Article III, "Removal and disposition of abandoned vehicles, hazardous vehicles and junked motor vehicles."
- (11) Outdoor lighting, subject to the regulations of Section 12.402.
 - (12) Petroleum storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters.
 - (13) Private kennels, subject to the regulations of Section 12.410.
 - (14) Private stables, subject to the regulations of Section 12.411.
 - (15) Vending machines for cigarettes, candy, soft drinks and similar items and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building or buildings.
 - (16) Recreation Centers as an accessory use to a school, provided that:
(Petition 2005-63, §9.204(16), 06/20/05)
 - (a) All buildings and off-street parking and service areas shall be separated by a Class C buffer from any abutting property used and/or zoned residential, as per the requirements of Section 12.302;
 - (b) The use will be located on a lot that fronts a collector, minor thoroughfare or major thoroughfare; and
 - (c) Primary vehicular access to the use will not be provided by way of a residential local (Class VI) street.

- (d) The use contains not more than thirty thousand (30,000) square feet.

Section 9.205. Development standards for single family districts.

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (1) Area, yard and bulk regulations shall be as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(a) Maximum Residential Density (Dwelling (units per acre) ¹)	3.0	4.0	5.0	6.0	8.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) ²					
- Detached dwellings	10,000*	8,000*	6,000	4,500	3,500
- Duplex dwellings	16,000**	13,000**	10,000**	8,000**	6,500**
- Triplex dwellings					9,500**
- Quadraplex dwellings					11,500**
- Nonresidential buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Residential dwellings	70	60	50	40	40
- Nonresidential buildings	70	70	70	70	70
(e) Minimum setback (feet) ³	30	30	20	20	20
(f) Minimum side yard (feet) ⁴	6	5	5	5	5
(g) Minimum rear yard (feet)	45	40	35	30	20
(h) Minimum open space (%) ⁵	65	65	65	60	50
(i) Maximum height (feet) ⁶	40	40	40	40	40

* Also, see Section 9.205(2)

**If land is sold with an attached dwelling, the minimum sub lot size must be sufficient to accommodate the dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.205(1):

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.
(Petition No. 2001-128, § 9.205(1.1), 11-19-01)
2. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection (4) of this Section. For subdivisions of 5 acres or less, the requirements in subsection (2) of this Section shall apply.
3. For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection (4) of this Section.
4. For subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection (4) of this Section.
5. Religious institutions may have a minimum open space of 25%.
6. A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of 40 feet. However, a building which abuts a residential use or zoning district may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

- (2) Small Subdivisions. Subdivisions of 5 acres or less shall adhere to the following minimum lot area requirements in the R-3 and R-4 districts only:

	<u>R-3</u>	<u>R-4</u>
(a) Minimum lot area (square feet)		
- Detached dwelling	12,000	9,000

- (3) Buffers and Screening. Nonresidential development in the single family residential districts shall comply with applicable buffer and screening

requirements in Chapter 12, Part 3.

- (4) Special subdivision lot and yard requirements. The following provisions apply to any residential subdivision of 10 or more lots approved on or after the effective date of these regulations:
- (a) The minimum lot size of any lots within a subdivision may be reduced by 10%, provided that the average size of all lots is at least equal to the minimum lot size for the zoning district, and the total number of lots does not exceed the number that would be allowed if all lots were the minimum size for the zoning district. Other lot size reductions may be applicable, subject to Section 12.105 and subsection (5) of this Section;
 - (b) Development on each lot need not meet the minimum setback requirement for the district in which such lot is located, if the average setback of all lots along a street within a subdivision meet the minimum setback requirement for the district. In no event, shall a structure be located any closer than 20 feet to the right-of-way. The setback for each lot shall be shown on the final plat;
 - (c) The minimum side yard may be reduced for a principal building or structure to 5 feet, provided a minimum building separation is maintained between the principal buildings or structures on adjoining lots that is equal to at least two times the minimum side yard required for the district;
 - (d) A zero lot line, z-lots, and angled z-lots may be permitted where the building line is on one side of the lot line in a residential district used for single family detached dwellings, provided that:
 - (i) Any wall constructed on the side lot line must be a solid windowless wall. If there is an offset of the wall from the lot line of more than 6 inches, the offset must be at least 6 feet;
 - (ii) The minimum building separation between the sides of adjacent dwellings shall be at least two times the minimum side yard required for the district;
 - (iii) A 5-foot maintenance easement and a maximum eave encroachment of 2 feet within the maintenance easement must be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance;
 - (iv) Preliminary subdivision plans submitted to the Planning Commission must indicate the proposed location and configuration

of dwellings, driveways and parking arrangements for each lot. A draft of the proposed encroachment and maintenance easements must be submitted for review;

(v) Zero side yards established under these standards must be continuous along the length of the building. There must be either the lot line wall or a solid wall or fence at least 6 feet high along the lot line adjacent to the building between the established setback and the established rear yard. The wall or fence is used in those cases where the building may be offset as allowed under these standards; and

(e) Notwithstanding Subdivisions (a), (b), (c), or (d) above, any development on a lot that abuts a street defining the outer boundary of the subdivision, or that abuts a lot which is not within the subdivision, shall meet the minimum yard requirements of the zoning district in relation to that street or abutting lot.

(5) Cluster Development. Cluster Development, as defined in 2.201, is permitted in all single family residential districts, except the R-8, in accordance with the following regulations:

(a) A cluster development need not meet the minimum lot area and lot width requirements set out in subsection 9.205(1), provided that the development does not exceed the maximum residential density for the district, and provided that each lot meets the minimum lot area and lot width requirements set forth in Table 9.205(5);

Table 9.205(5)

Zoning Districts	Maximum Dwelling Units Per Acre	Minimum Lot Area (Square feet)	Minimum Lot Width (Feet)	Minimum Rear Yard (Ft.) Interior Lots*
R-3	3.0	8,000	60	30
R-4	4.0	6,000	50	30
R-5	5.0	4,500	40	20
R-6	6.0	3,500	40	20

*Minimum rear yards forming the outer boundary of a cluster must conform to the minimum of subsection 9.205(1)(g) for the district in which the development is located.

- (b) Development qualifying under this subsection need not meet the minimum yard requirements of subsection 9.205(1) if it complies with the requirements of subsection (4) above.
- (c) Cluster development shall have common open space set aside in accordance with the following requirements:
 - (i) At least 10 percent of the total area of the development shall be set aside as common open space;
 - (ii) All common open space shall be set aside and improved no later than the date on which certificates of occupancy are issued for the first 75 percent of the total number of dwelling units to be constructed within the project area;
 - (iii) No more than 50 percent of the required common open space shall be covered by water;
 - (iv) Any structures located in any common open space shall be accessory to the recreational use of the space;
 - (v) The required common open space shall be planned and improved so that it is accessible and usable by persons living in the project area. However, common open space containing natural features worthy of preservation may be left unimproved;
 - (vi) All of the common open space required under this Section shall be either conveyed to the City of Charlotte, if the City agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the development, or with respect to outdoor recreation facilities to the owner or operator, thereof; and
 - (vii) Any conveyance to a homeowners association shall be subject to restrictive covenants and easements reviewed by the Planning Director and recorded and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before any homes are sold, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local, taxes on common open space and recreational facilities owned by it, and any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication or organization document. The covenants and

easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continued maintenance of any common open space and recreational facilities.

CROSS-REFERENCES

- (6) Signs. Signs are permitted in all single family residential districts in accordance with Chapter 13.
- (7) Parking and Loading. Development of any use in a single family residential district must conform to the parking and loading standards in Chapter 12, Part 2.
- (8) Applicable buffer requirements may require a larger side or rear yard than the minimum in some districts. See Chapter 12, Part 3. Also, setbacks and yards, which are larger than the minimum, may be required along certain streets subject to the regulations in Section 12.103.