

GENERAL DISTRICT REGULATIONS

§ 153.035 COMBINATION OF SUBSTANDARD LOTS.

In certain circumstances, substandard lots which have been previously recorded will be required to be combined for zoning purposes. At any time after the adoption of this chapter, if adjoining lots are in the same ownership and any of the lots are below chapter standards for lot width or lot area for the district in which it is located, then the adjoining lots will be required to be combined into one or more lots which do meet the minimum ordinance requirements and to be properly recorded. However, if the combination results in the creation of a single lot with more than one and one-half times the width and area than is required by this chapter then it may be divided into two lots of equal width and area.

('72 Code, § 24-1007) (Ord. 477, passed 2-8-88)

§ 153.036 ZONING AFFECTS EVERY BUILDING AND USE.

No building, structure, or land may be used or occupied, and no building, structure, or part thereof may be erected, constructed, reconstructed, moved, enlarged, or structurally altered unless in conformity with all the regulations of this chapter for the district in which it is located, except as otherwise provided by this chapter. However, the regulations in this chapter do not apply to bona fide farms as defined in § 153.007.

('72 Code, § 24-1009) (Ord. 477, passed 2-8-88) Penalty, see § 153.999

§ 153.037 ENCROACHMENT OF OPEN SPACE OR PUBLIC UTILITY EASEMENTS PROHIBITED.

No open space may be encroached upon or reduced in any manner, except to conform to yard, setback, off-street parking spaces, and such other regulations designated in this chapter. No public utility easement for water, sanitary sewer, or storm water, recorded in the Mecklenburg County Register of Deeds may be encroached upon by any structure, although such easement may be used for parking. ('72 Code, § 24-1010) (Ord. 477, passed 2-8-88) (Ord. 1127, passed 7-10-00) Penalty, see § 153.999

§ 153.038 PROHIBITED REDUCTION OF YARDS AND LOT AREA.

No lot existing at the time of passage of this chapter may be reduced in its dimensions or area below the minimum requirements of this chapter for the district in

which it is located unless specifically authorized by other provisions of this chapter.

('72 Code, § 24-1011) (Ord. 477, passed 2-8-88) Penalty, see § 153.999

§ 153.039 EVERY LOT MUST ABUT A STREET.

No building, structure, or use of land for any purpose except agricultural may be placed on a lot which does not abut a street. The following sections list exceptions to this rule.

(A) A one-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, is provided with access to a public street by an easement at least 15 feet in width for the exclusive use of the single-family dwelling, and the easement is maintained in a condition passable for emergency and service vehicles.

(B) A one-family semi-detached dwelling unit need not abut a street, provided that at least one unit of each dwelling group abuts a street and provided that access to each dwelling unit is made available via either a public right-of-way or private vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership.

(C) One-family attached dwelling units need not abut a street, provided that all portions of every dwelling unit are within 400 feet of a public or private street that furnishes direct access to the property and that access to each dwelling unit will be made available via either a public right-of-way or a private street or vehicular or pedestrian way owned by the individual unit owner in fee or in common ownership.

('72 Code, § 24-1012) (Ord. 477, passed 2-8-88) Penalty, see § 153.999

§ 153.040 FRACTIONAL REQUIREMENTS.

When any requirement of this chapter results in a fraction of a unit, a fraction of one-half or more will be considered a whole unit and a fraction of less than one-half will be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, a fraction of one-half or more will be considered a dwelling unit and a fraction of less than one-half will be disregarded.

('72 Code, § 24-1013) (Ord. 477, passed 2-8-88)

§ 153.050 ZONING DISTRICTS HIERARCHY ESTABLISHED.

The zoning districts established by this chapter are classified from highest to lowest in the following order.

R-20	0-15
R-15	0-9
R-12	B-1
R-9	B-2
R-VS	B-3
R-15MF	HUC
R-12MF	B-D
RU	AU
R/I	I-1
R-MH	I-2

R-PUD

(72 Code, § 24-1308) (Ord. 477, passed 2-8-88; Am. Ord. 775, passed 4-12-93; Ord. 945, passed 11-10-97)

§ 153.051 MODIFICATION OF DEVELOPMENT STANDARDS.

Within R-PUD and R-VS conditional districts approved or proposed under the provisions of this chapter, certain development standards may be modified by the Planning Board. This modification is allowed under the provisions of § 153.207 and includes the following standards.

- (A) Lot area.
- (B) Lot width.
- (C) Frontage on public street.
- (D) Setbacks and yards.
- (E) Building separation.
- (F) Height of fences and walls.
- (G) Off-street parking.
- (H) Open space.

(72 Code, § 24-1309) (Ord. 477, passed 2-8-88)

§ 153.052 USES PROHIBITED.

If a use or class of uses is not specifically permitted by this chapter in a district as a use by right or a use under prescribed conditions, then that use is prohibited in that district.

(72 Code, § 24-1623) (Ord. 477, passed 2-8-88; Am. Ord. 600, passed 7-10-89; Am. Ord. 613, passed 12-11-89) Penalty, see § 153.999

§ 153.053 INSTITUTIONAL USES IN RESIDENTIAL DISTRICTS.

(A) The following table establishes standards for the location and placement of institutional uses in residential districts not included in §§ 153.054(E)(2), 153.054(E)(3), 153.055(E)(5), and 153.055(E)(6).

	<i>R-9</i>	<i>R-12</i>	<i>R-20 R-15 RU</i>	<i>R-12MF</i>	<i>R-15MF R-20MF</i>
Minimum lot area	12,000	15,000	20,000	15,000	20,000
Minimum setback	30	35	40	35	40
Minimum lot width at set back	60	70	80	80	90
Minimum side and rear yard adjoining rural or residential	20	20	20	20	20
Minimum side and rear yard adjoining office, business, or industrial	10	10	10	10	10
Minimum unobstructed open space	60%	60%	60%	60%	60%
Maximum height	35 feet*	35 feet*	35 feet*	35 feet*	35 feet *

* Structures for institutional uses listed in § 153.053(B) below may exceed the maximum building height up to 40 feet provided that the required side and rear yards are increased one foot for each foot (or fraction thereof) in height over 35 feet.

(B) The development standards of § 153.053(A) apply to the following institutional uses when they are permitted by right or under prescribed conditions in the various single- or multi-family residential districts: arboretum; parks and playgrounds operated on a noncommercial basis for purposes of public recreation; fire stations; public libraries; nurseries and art galleries operated on a noncommercial basis; monasteries and convents; and police stations.

(C) Lighting of buildings, parking areas, accessory uses, and grounds shall be shielded so as to cast no glare upon adjacent properties and streets. Lighting of outdoor accessory uses, such as ballfields, shall not remain lighted after 11:00 p.m. or be turned on before 8:00 a.m.

(D) Any institutional use with one or more assembly rooms, any of which are over 200 seating capacity, or any use which regularly operates every weekday throughout the year and has 40 or more persons (child or adult) regularly in attendance, must be located on a road other than a minor residential street, and its main entrance must be on that non-minor residential street.

(E) Typical accessory uses to churches and synagogues are permitted by right subject to the dimensional standards established in §§ 153.054(E)(2), 153.054(E)(3), 153.055(E)(5), and 153.055(E)(6). Typical accessory uses may include but are not limited to day care centers, day nurseries, pre-schools, family life centers,

church offices excluding district or region administrative offices, gymnasium, book or tape library, ballfields, and basketball courts. Accessory uses within an enclosed structure may be in the principal building or in an accessory structure. Outdoor accessory uses shall not be located within the required setback or the outer 20 feet of a required side or rear yard.

(F) The tree and landscape regulations of § 153.075 are applicable for all institutional uses as listed in §§ 153.054(E)(2), (3), 153.055(E)(5), (6). ('72 Code, § 24-1626) (Ord. 477, passed 2-8-88; Am. Ord. 644, passed 11-5-90; Am. Ord. 792, passed 11-8-93) Penalty, see § 153.999