

Petition No. 2012-054

Petitioner: Charlotte-Mecklenburg Planning Department

JUL 16 2012

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

- a. Amend Section 10.810, "Exceptions", subsection (a), "Change of Use, Non-Residential to Non-Residential With No Expansion", subsection (1) and (2) by clarifying the provision that requires provision of additional parking. All remaining subsections remain unchanged. The revised subsection shall read as follows:

(a) Change of Use, Non-Residential to Non-Residential With No Expansion

(1) A change of use in an existing building from a non-residential use to another non-residential use that, based on the PED standards, does not require more than five (5) additional parking spaces above what is already provided will require screening of existing and expanded parking. However, none of the other PED requirements will apply.

(2) A change of use in an existing building from a non-residential use to another non-residential use that, based on the PED standards, requires more than five (5) additional parking spaces above what is already provided shall meet the following requirements:

- a. Provide all of the additional required parking. Existing parking must comply with the parking lot screening requirements of PED. Any additional parking must conform to the PED parking standards.
- b. Meet the required streetscape standards.

None of the other PED requirements beyond those in this section, are applicable to the site.

b. Amend Section 10.813, “Urban design standards”, subsection (1), “Design standards”, subsection (c), “Structured Parking Facilities”, subsection (1), (2), and (3), by identifying the street type required for active uses, and removing references to “transitways”. Subsection (4) remains unchanged. The revised subsections shall read as follows:

- (1) The first floor of structured parking facilities fronting a public street Class III (major arterial), Class III-C (commercial arterial), Class IV (minor arterial), and a non-residential Class V (collector street) must be designed and/or used for active uses. These uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.
- (2) Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicular entrances and pedestrian access to the structure. In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade, they must be decorative and must be an integral part of the overall building design. These openings, as well as pedestrian and vehicular entrances, must be designed so that cars parked inside are not visible from the street.
- (3) The first floor of structured parking facilities fronting a Class VI (local street), or residential Class V (collector street) must either be available for commercial or residential space or have an architecturally articulated facade designed to screen the parking areas of the structure and to encourage pedestrian scale activity.
- (4) Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

Sr. Deputy Charlotte Johnson
City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO
HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted
by the City Council of the City of Charlotte, North Carolina, in regular session convened
on the 16th day of July, 2012, the reference having been made in Minute Book _____, and
recorded in full in Ordinance Book _____, Page(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this
____ day of _____, 2012.
