

FEB 15 2016

ORDINANCE NO. 7043

AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE - ZONING ORDINANCE

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 7: OFFICE DISTRICTS

- a. Add a new subsections (g) and (h) to Sec. 9.703 (12), "Hotels and motels". Limited revisions made to subsections (a) through (f):

(12) Hotels and motels, subject to the following prescribed conditions provided that:

- (a) All buildings, off-street parking and service areas will be separated by a Class B buffer from any abutting property located in a residential district, abutting residential use or low intensity institutional use (See Section 12.302);
- (b) Retail and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) as accessory uses may be located in a hotel or motel having a minimum of 75 rental units.
- (c) Gross floor area for ~~retail~~ Retail, Eating, Drinking and Entertainment Establishments (Type 1 and Type 2), and other entertainment activities will be limited to 75 square feet per rental unit. Ballrooms, conference rooms, meeting rooms and similar assembly facilities will not be included in determining gross floor area used for commercial purposes;
- (d) No merchandise or merchandise display window may be visible from outside the building;
- (e) No outside storage or display of merchandise will be permitted; and
- (f) One wall sign is permitted to identify all internal commercial uses, provided that the sign is no larger than 16 square feet.
- (g) Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
- (h) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in hotel or motel buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:

- i. Occupy no more than 20% of the gross floor area of the hotel or motel buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space, or on the top floor of any component of the structure so long as no more than 30% of the floor area provided is located on the roof.
  - ii. May only be located in a hotel or motel having a minimum of 75 rental units.
  - iii. Ground floor establishments may have entrances external to the building.
  - iv. Ground floor establishments may display merchandise.
  - v. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
  - vi. No outdoor seating/activity area for an Eating, Drinking, and Entertainment Establishment (Type 1 or Type 2) that is proposed to be located on the roof of a hotel or motel shall be located within 250 feet to the nearest property line of a vacant lot or a residential use (single family, duplex, triplex or quadraplex only) when located in a single family zoning district.
- b. Modify Section 9.703 (27), "Retail and Office establishments, Eating, Drinking and Entertainment Establishments and Indoor Recreation in multi-family buildings" by revising the text and adding a new subsection (b) as follows:
- (27) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments and Indoor Recreation in multi-family buildings ~~subject to the regulations of subsection 9.303(25).~~
- (a) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments (Type 1 only) and Indoor Recreation in multi-family buildings, subject to the regulations of subsection 9.303(25).
  - (b) Retail and Office Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) and Indoor Recreation in multi-family buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:
    - i. Occupy no more than 20% of the gross floor area of the multi-family buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.
    - ii. May only be located within multi-family buildings that contain at least 50 residential units.

- iii. Ground floor establishments may have entrances external to the building.
  - iv. Ground floor establishments may display merchandise.
  - v. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.
- c. Amend Sec. 9.703 (28), "Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings" by revising the text and adding a new subsection (b) as follows:

(28) Retail eEstablishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, provided that:

(a) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings, subject to the following prescribed conditions:

- ~~(a)~~i. The principal use of the lot is for offices;.
- ~~(b)~~ii. The principal use of the lot occupies at least 30,000 square feet of floor area;.
- ~~(c)~~iii. Retail establishments and Eating, Drinking and Entertainment Establishments, will occupy no more than 10 percent of the gross floor area of all buildings on the lot and under no circumstances shall exceed 25% of the ground floor area except an Eating, Drinking and Entertainment Establishments may occupy up to 50% of the ground floor area;.

~~Retail establishments and Eating, Drinking and Entertainment Establishments located in a Pedestrian Overlay District (PED) will occupy no more than 20% of the gross floor area on the lot and shall only be located on the ground floor.~~

- ~~(d)~~iv. ~~In all zoning districts, except PED, t~~The proposed use must be located within the same building as the principal use, and there will be no direct public entrance to the proposed use from outside the building, except for an Eating, Drinking and Entertainment Establishment. ~~In the PED zoning district, ground-floor retail establishments may have entrances external to the building~~
- ~~(e)~~v. No merchandise or display of merchandise will be visible from outside the building housing the proposed use; and
- ~~(f)~~vi. One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet.
- ~~(g)~~vii. Type 2 Eating, Drinking and Entertainment Establishments are subject to the regulations of Section 12.546.

(b) Retail Establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings located in a Pedestrian Overlay District (PED), subject to the following prescribed conditions:

- i. Occupy no more than 20% of the gross floor area of the office buildings located within the development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.
- ii. May only be located within office buildings that are part of a development with at least 30,000 square feet of office floor area.
- iii. Ground floor establishments may have entrances external to the building.
- iv. Ground floor establishments may display merchandise.
- v. Eating, Drinking and Entertainment Establishments (Type 2) are subject to the regulations of Section 12.546.

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

Approved as to form:

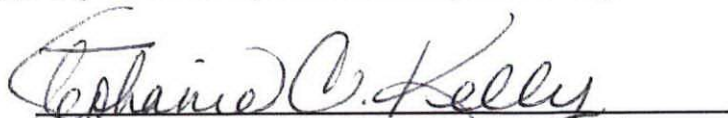


City Attorney

**CERTIFICATION**

I, Stephanie C. Kelly, 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 15<sup>th</sup> day of February, 2016, the reference having been made in Minute Book 140, and recorded in full in Ordinance Book 59, Page(s) 715-718.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15<sup>th</sup> day of February, 2016.



Stephanie C. Kelly, City Clerk, MMC, NCCMC