

Petition #: 2015-099
Petitioner: Pappas Properties

ORDINANCE NO. _____

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 subsection (g) to Sec. 9.703 (12), "Hotels and motels" as follows:

(g) Retail establishments and Eating, Drinking and Entertainment Establishments (type 1 and 2) located in a Pedestrian Overlay District (PED) that are not accessory uses to the hotel or motel use shall meet the following prescribed conditions:

1. Occupy no more than 20% of the gross floor area of the hotel or motel building 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.

2. Ground floor establishments may have entrances external to the building.

3. Ground floor establishments may display merchandise.

4. Each individual Retail establishment and Eating, Drinking and Entertainment Establishment may have one wall sign not to exceed 16 square feet in area.

5. Any 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 comply with the following provision:

(a) Minimum 250-foot separation distance in the PED zoning district. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district, shall meet the separation distance standards established in an approved Pedscape Plan.

Distances shall be measured from the closest edge of any outdoor seating/activity area 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. Add a new subsection (a) and (b) to Sec. 9.703 (27), “Retail and office establishments, Eating, Drinking and Entertainment Establishments (type 1 and type 2) and indoor recreation in multi-family buildings” as follows:

(27) Retail and office establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) and indoor recreation in multi-family buildings, subject to the following prescribed conditions: ~~regulations of subsection 9.303(25).~~

(a) Retail and office establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) 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) shall meet the following prescribed conditions:

1. Occupy no more than 20% of the gross floor area of the multi-family building and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.
2. Ground floor establishments may have entrances external to the building.
3. Ground floor establishments may display merchandise.
4. Each individual Retail establishment and Eating, Drinking and Entertainment Establishment may have one wall sign not to exceed 16 square feet in area.
5. Any Eating, Drinking, and Entertainment Establishment (Type 1 or Type 2) that is proposed to be located in a multifamily building shall comply with the following provisions.
 - (a) Minimum 250-foot separation distance in the PED zoning district. The minimum required separation distance cannot be reduced as an optional provision through the rezoning process. Nightclub, bar, lounge and Type 2 Eating, Drinking and Entertainment Establishments located in a PED zoning district, shall meet the separation distance standards established in an approved Pedscape Plan.

Distances shall be measured from the closest edge of any outdoor seating/activity area 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.

6. May only be located within multi-family buildings that contain at least 50 residential units.

c. Amend Sec. 9.703 (28), “Retail establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office buildings”, by adding ‘mixed-use’ to the building types in the title and in subsection (a), and by amending subsection (c) by adding new language that relates to the location of retail space. The remaining subsections remain unchanged.

(28) Retail establishments and Eating, Drinking and Entertainment Establishments (Type 1 and Type 2) in office and mixed-use buildings, provided that:

- (a) The principal use of the lot is for office or mixed-use buildings;
- (b) The principal use of the lot occupies at least 30,000 square feet of floor area;
- (c) 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 or planned development 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 or planned development and shall only be located on the ground floor, or a mezzanine located within the ground floor tenant space.

- (d) In all zoning districts, except PED, 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) No merchandise or display of merchandise will be visible from outside the building housing the proposed use, except in PED; and
- (f) One wall sign is permitted to identify internal commercial uses, provided that the sign is no larger than 16 square feet. However, in PED, each individual retail establishment and Eating, Drinking and Entertainment Establishment may have one wall sign not to exceed 16 square feet in area.

- (g) Type 2 Eating, Drinking and Entertainment Establishments 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

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 _____ day of _____, 20____, 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 the _____ day of _____, 20__.
