

Petition No: 2002-147
Petitioner: Charlotte Mecklenburg Planning Commission
City of Charlotte

**AN ORDINANCE AMENDING CHAPTER 9, PART 4;
CHAPTER 10, PART 8; CHAPTER 12, PART 4, AND
CHAPTER 13 OF THE CITY CODE – ZONING
ORDINANCE**

ORDINANCE NO. _____

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

Section 1: CHAPTER 10, Part 8, is hereby amended as follows:

1. Section 10.802(2), “ Uses” to be amended to read as follows:
 - (2) Drive-through service windows for offices must be located to the rear of the building, **and are limited to no more than four (4) drive-through stations, including lanes servicing Automatic Teller Machines (ATM’s).**

2. Section 10.803, “Development Standards”, first paragraph to be amended as follows:

The following PED Overlay standards and requirements have precedence over the underlying zoning district standards and requirements. The PED development standards shall apply to all buildings or uses in PED unless specified otherwise in Section 10.805.

3. Section 10.803(5), “Maximum height” to be amended to read as follows:
 - (5) Maximum height

The permitted height shall be determined by the distance of the structure from property used and/or zoned for residential purposes. The base height for this district is 40 feet. The building height may increase one foot in height, over 40 feet, for every 10 feet in distance from the property line of the nearest site used and/or zoned for residential purposes, except for property zoned PED, MUDD, or UMUD. **For purposes of this Ordinance, distances shall be measured in a straight line from the closest edge of the PED property to the nearest residentially used/zoned property.** The intent of this standard is to allow the height of a portion of a structure to increase as the distance from residential properties increases. The maximum height shall be 100 feet.

4. Section 10.803(6)(a), “Parking standards”: add an “Institutional” use category under the first paragraph of this section to read as follows:
 - (a) Permitted uses within this overlay district shall be required to provide off-street parking spaces for new uses as follows:

Religious institutions:	one (1) space per 8 seats
--------------------------------	----------------------------------

5. Section 10.803(6)(f), “Parking standards” to be amended to read as follows:
 - (f) All recessed on-street parking shall have a minimum width of 8’, **measured from face of curb.**

6. Section 10.803(6)(i), “Parking standards” to be amended to read as follows:
 - (i) The five-foot planting strip **or wall** required under Section **10.803(8)(a)** may be eliminated if abutting parking lots are combined or interconnected with vehicular and pedestrian access. **If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance.** Surface parking lots shall conform to the “Charlotte Tree Ordinance”.

7. Amend Section 10.804(e)(1), ““Signs, Banners, Flags and Pennants” to read as follows:
 - (1) Specifications for permanent signs shall be according to Section 13.108a, except for signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached, up to a maximum of 100 square feet. Wall signs may be increased by **10% per sign** in lieu of a ground mounted or monument sign.

8. Amend Section 10.804(f)(3), “Streetscape Requirements” to read as follows.
 3. The Planning Director with the **affirmative recommendation** of the City Arborist/Urban Forester shall have the authority to modify the above streetscape requirements, including the modification of the planting strip, sidewalk location and width in order to preserve existing trees.

9. Add a new Section 10.804(g), “Valet Parking Standards” to read as follows:
 - (g) **Valet parking may be incorporated into the parking plan, and shall be reviewed on a case-by-case basis. If utilized, the following requirements shall be met:**
 1. **Valet parking shall be located at the existing curb.**
 2. **Valet Parking plans shall be submitted to the Charlotte**

Department of Transportation (CDOT) for review. Approval of the valet parking plan shall be obtained from CDOT.

- 3. Valet parking is not permitted on streets or thoroughfares where on-street parking/loading is not permitted.**
- 4. No reduction in the width of the sidewalk or the planting strip is allowed for valet cutouts. If special valet parking is desired, it shall be incorporated into the parking lot or parking structure area.**

10. Amend Section 10.805(h), “Removal of Required Buffer or Screening for Additional Parking” to read as follows:

(h) Removal of Required Buffer for Additional Parking

If an existing buffer or screening area is removed for more than five (5) additional parking spaces, an equal number of existing non-conforming parking spaces within the established setback must be removed and replaced with landscaping, patios and/or other related amenities, in addition to the requirements of Section 10.804(1)(f). The additional parking must meet the requirements of this overlay district.

11. Eliminate Section 10.805(i), “Previously approved plans”.

Section 2: CHAPTER 9, Part 4, “Urban Residential Districts” is hereby amended as follows:

1. Amend Section 9.408(4), “Grade level parking” to read as follows:

- (4) Grade level parking and driveways. Grade level parking is subject to the requirements of Section 12.206(3) **excluding the requirement that off-street parking and driveways must be five (5) feet from any exterior lot line.**

Section 3: CHAPTER 12, is hereby amended as follows:

1. Amend Section 12.413, “Drive-in service windows” , to read as follows:

Section 12.413. Drive-in service windows.

A drive-in service window shall be permitted only as an accessory use in the **UMUD, NS, PED, MX-2, MX-3, Inst., RE-1, RE-2, O-1, O-2, O-3, B-1, B-2, BP, CC, I-1, and I-2** districts. **Drive-in service windows are not allowed in the UR-1, UR-2, UR-3, U-C or MUDD districts.**

Section 4: CHAPTER 13, is hereby amended as follows:

1. Amend the title of Section 13.108a, and the first sentence to read as follows:

Section 13.108a. Specifications for permanent signs in Uptown Mixed Use District **and Pedestrian Overlay District** requiring a permit.

The following are specifications applicable to the various permanent signs permitted in the Uptown Mixed Use District (UMUD) **and Pedestrian Overlay District (PED)**.

2. Delete the reference to “12-foot” in the following sentences: Section 13.108a(1) (d) and (e); Section 13.108a(2)(a) and (g); and in Section 13.108a(3)(c).

Section 5. 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 21st day of January, 2003, 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 _____, 2003.