

Petition No. 2011-047

Petitioner: Charlotte-Mecklenburg Planning Commission

**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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Add a new definition for “data centers” in Section 2.201, “Definitions”. Add the new definition in alphabetical order. The new definition shall read as follows:

Data center.

An establishment that serves as a data processing center and is used to house computer systems and associated components, such as telecommunications and storage systems, within an enclosed building. All areas that do not house computer systems and associated components that are used for business or professional services shall be deemed to be an office use.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Table 9.101, “Table of Uses” by adding “Data Centers” as a permitted use in the following zoning districts, under the “Office and Business Uses” category. The revised table insertion shall read as follows:

Office and Business Uses										
	O-1	O-2	O-3	RE-1	RE-2	RE-3	B-1	B-2	BD	BP
<u>Data Centers</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

Office and Business Uses									
	INST	MUDD	UMUD	UI	I-1	I-2	TOD-M	TOD-R	TOD-E
<u>Data Centers</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

2. PART 5: INSTITUTIONAL DISTRICTS

- a. Amend Section 9.502, “Uses permitted by right”, by adding a new item (4.5) titled, “Data centers” as a permitted use. The remaining uses shall remain unchanged. The New text shall read as follows:

Section 9.502. Uses permitted by right.

(4.5) Data centers

3. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.602, “Uses permitted by right”, by adding a new item (4.3) titled “Data Centers” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.602. Uses permitted by right.

(4.3) Data centers.

4. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.702, “Uses permitted by right”, by adding a new item (8.5) titled, “Data centers” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.702. Uses permitted by right.

(8.5) Data centers.

5. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.802, “Uses permitted by right”, by adding a new item (23.5) titled, “Data centers” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.802. Uses permitted by right.

(23.5) Data centers.

6. PART 8.5: MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.8502, “Uses permitted by right”, by adding a new item titled, “Data centers” in alphabetical order. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.8502. Uses permitted by right.

Data centers.

7. PART 9: UPTOWN MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.902, “Uses permitted by right”, by adding a new item (2.5) titled, “Data centers” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.902. Uses permitted by right.

(2.5) Data centers.

8. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1002, “Uses permitted by right”, by adding a new item (2.5) titled, “Data centers” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.1002. Uses permitted by right.

(2.5) Data centers.

9. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1102, “Uses permitted by right”, by adding a new item (21.5) titled, “Data centers” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.1102. Uses permitted by right.

(21.5) Data centers.

10. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1205, “Uses permitted by right”, by adding a new item (7.5) titled, “Data centers” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.1205. Uses permitted by right.

(7.5) Data centers.

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL STANDARDS

1. PART 2: OFF-STREET PARKING AND LOADING

- a. Amend Section 12.202, “Required number of off-street parking and bicycle spaces, Table 12.202, “Minimum required off-street parking spaces by use”, by adding a new line item for data centers in the “Office and Business Uses” category, under “Offices”. The revised entry shall read as follows:

Office and Business Uses			
Permitted Uses	Number of Auto Parking Spaces Required	Long-term Bicycle Parking Spaces Required	Short-term Bicycle Parking Spaces Required
<u>Data centers</u>	<u>1 space per 4,000 square feet of area used to house computer systems/components, plus 1 space per 300 square feet for all other areas.</u>	<u>2 for areas used to house computer systems/components, plus 1 per 10,000 square feet for all other uses, or 50 maximum spaces</u>	<u>None for area used to house computer systems/components, plus 1 per 40,000 square feet for all other areas, or 30 maximum spaces.</u>

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 _____, 2011, 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 _____, 2011.
