

Petition #: 2007-141

Petitioner: Charlotte-Mecklenburg Planning Department

Revision 9-6-07, 9-7-07, 10-1-07, 10-3-07, 11-27-07

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 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: Definitions

- a. Amend Section 2.201, “Definitions”, to add a new definition for “valet parking service” in alphabetical order. The new definition shall read as follows:

Valet Parking Service.

A service or person who accepts temporary possession of a vehicle on the right-of-way or on private property, for the purpose of parking the vehicle for the operator or retrieving a parked vehicle and returning it to the operator, either on the right-of-way or on private property, regardless of whether a fee is charged.

B. CHAPTER 9: GENERAL DISTRICTS

1. PART 4: Urban Residential Districts.

- a. Amend Section 9.407, “Urban Residential Districts; development standards for various uses” by adding a new subsection (6) to read as follows:

- (6) Valet parking service standards for new construction and site reconfigurations permitted only in the UR-C zoning district.

If provided, a valet parking service (including drop-off areas, servicing areas, and parking areas) shall meet the following requirements:

- (a) The valet parking service can be located in the

following areas:

1. For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.

- (b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.
- (c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.
- (d) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

2. PART 5: Neighborhood Services District

- a. Amend Section 11.508, "Development Standards of General Applicability" by adding a new subsection (1) that shall read as follows:

- (1) Valet parking service standards for new construction and site reconfigurations.

If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

- (a) The valet parking service can be located in the following areas:

1. For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.

- (b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.
- (c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.
- (d) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

3. PART 8.5: Mixed-Use Development District.

- a. Amend Section 9.8506, "Mixed-Use Development District; urban design and development standards" by adding a new subsection (5) for valet parking standards. The new subsection shall read as follows:

- (5) Valet parking service standards for new construction and site reconfigurations.

If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

- (a) The valet parking service can be located in the following areas:
 1. For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or

thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.

2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.

(b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.

(c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.

(d) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

4. PART 9: Uptown Mixed Use District

a. Amend Section 9.905, "Uptown Mixed Use District; area, yard and height regulations" by modifying subsection (2) to add that fences are also prohibited from locating in the required setback. Also modify the text language to reduce unnecessary references. The revised subsection shall read as follows:

(2) Minimum setback: All new buildings or uses shall be 12 feet from the back of existing or proposed curb, or greater if required by a City Council adopted streetscape plan or the Charlotte Tree Ordinance. As a minimum, a 6-foot wide sidewalk along with a 6-foot planting strip is required along all streets unless otherwise specified by a City Council approved streetscape plan. However, if new construction incorporates an existing structure and such incorporation of the existing structure necessitates a reduction of the minimum setback ~~from the 12-foot requirement~~, then the ~~12-foot minimum~~ setback may be reduced as necessitated because of the incorporation of the existing structure into the new structure but under no circumstances shall the setback of any portion of the new structure be less than 8 feet from the back of the curb.

In addition all transformer vaults, utility structures, air vents, backflow preventers, fences, or any other similar devices, which may obstruct the sidewalk, must be behind the ~~12-foot~~ setback in order to leave the sidewalk clear for pedestrian circulation, with one exception for temporary fences. Temporary fencing shall be permitted in the setback around outdoor seating areas used for consumption of food and beverages, as long as adequate pedestrian circulation is maintained.

No doors shall be allowed to swing into ~~the~~ this 12-foot setback except emergency exit doors.

For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. The intent of this requirement is to assure the provision of adequate sidewalk and planting strips in all cases.

- b. Amend Section 9.906, “Uptown Mixed Use District; urban design and development standards” by adding a new subsection (10) that sets requirements if a valet parking service is provided. The new subsection shall read as follows:

(10) Valet parking service standards for new construction and site reconfigurations.

If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

(a) The valet parking service can be located in the following areas:

1. For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.
2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.

(b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.

(c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.

(d) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

5. PART 12: Transit Oriented Development Districts

- a. Amend Section 9.1209, "Urban Design Standards" by adding a new subsection (9) for valet parking standards. The new subsection shall read as follows:

(9) Valet parking service standards for new construction and site reconfigurations.

If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

(a) The valet parking service can be located in the following areas:

1. For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.

2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.

(b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.

(c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.

- (d) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

C. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: Pedestrian Overlay District

- a. Amend Section 10.804, "Urban design standards", subsection (1), "Design Standards", subsection (g), "Valet Parking Standards" by deleting the entire section (g) and replacing it with refined valet parking service standards as follows:

~~(g) — Valet Parking standards. 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.~~

~~(Petition No. 2002-147, § 10.804(g), 1/21/03)~~

- (g) Valet parking service standards for new construction and site reconfigurations.

If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

- (1) The valet parking service can be located in the following areas:

- a. For valet parking services that utilize the public

right-of-way, the service may be located at the back of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet parking service or to reduce the width of the required sidewalk or planting strip.

b. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.

(2) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.

(3) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.

(4) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

2. PART 9: Transit Supportive Overlay District.

a. Amend Section 10.908, "Urban design standards", by adding a new subsection (9) for valet parking standards. The new subsection shall read as follows:

(10) Valet parking service standards for new construction and site reconfigurations.

If provided, a valet parking service (including drop-off areas, servicing areas, and the parking areas) shall meet the following requirements:

(a) The valet parking service can be located in the following areas:

1. For valet parking services that utilize the public right-of-way, the service may be located at the face of the existing curb of a street or thoroughfare as long as the existing curb line is not modified to provide an inset for the valet

parking service or to reduce the width of the required sidewalk or planting strip.

2. On private property the valet parking service area shall be located to the side or rear of the structure or building, but shall not be located between the building and the street.

(b) The parking area for the valet parking service shall be incorporated into the parking lot or parking structure design, if provided.

(c) The valet parking service and associated structures shall not disrupt the flow of pedestrian and vehicular traffic.

(d) For valet parking services that are located on a public street or thoroughfare, or where the right-of-way is utilized by the service, a valet parking permit shall be obtained from the Charlotte Department of Transportation (CDOT). See the Charlotte Municipal Code, Article XII. "Valet Parking", Sections 19.321 through 19.325 for permit information and criteria.

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 _____, 2008, 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 _____, 2008.