

Petition #: 2007-141

Petitioner: Charlotte-Mecklenburg Planning Department

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 9: Uptown Mixed Use District

- a. Amend Section 9.905, “Uptown Mixed Use District; area, yard and height regulations” by modifying subsection (2) to state that fences and similar devices are prohibited from locating in the required setback. The text is also modified to eliminate unnecessary descriptions. 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. 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 valet parking is to be provided. The new subsection shall read as follows:

(10) 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:

(a) Valet parking shall be located at the existing curb.

(b) 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.

(c) Valet parking is not permitted on streets or thoroughfares where on-street parking/loading is not permitted.

(d) 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.

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 _____, 2007, 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 _____, 2007.