

**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 10: OVERLAY DISTRICTS**

**1. PART 8: Pedestrian Overlay District**

- a. Amend Section 10.803, "Development Standards", subsection (8), "Screening", by adding a new subsection (c) that gives authority to the Planning Director to modify the screening requirements. The revised section shall read as follows:

**(8) Screening.**

- (a) All surface parking lots for more than 10 vehicles, service entrances or utility structures associated with a building, loading docks or spaces and outdoor storage of materials, stock and equipment must be screened from the abutting property and view from a public street or from a transitway as designated by an adopted plan. Such screening shall consist of either a 5-foot wide planting strip consisting of evergreen shrubbery according to the provisions of Section 12.303(2), or a 3-foot high minimum to a 3.5-foot high maximum solid and finished masonry wall or alternative as approved by the Planning Director. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum 3-foot wide planting strip. Screening may be reduced in height to 30 inches within sight triangles as required by the CDOT.
- (b) Dumpsters or trash handling areas must always be screened from adjacent property and from public view with a minimum 6-foot high solid and finished masonry wall with a solid and closeable gate. A solid wooden fence may be substituted if the dumpsters or trash handling areas are not visible from a public street or transitway. Dumpsters are not allowed in any required setback or yard space.

(c) The Planning Director shall have the authority to modify the screening requirements, including modification of the 5' wide planting strip, as long as the intent of this section is met.

- b. Amend Section 10.804, "Urban design standards", subsection (1)(f), "Streetscape Requirements" by permitting the Planning Director to modify the streetscape requirements for existing buildings if sufficient width does not exist to implement the streetscape requirements. The revised section shall read as follows:

(f) Streetscape Requirements. The streetscape requirements of the Pedestrian Overlay District (PED) are as follows:

- (1) Sidewalks and trees will be installed in accordance with a streetscape plan approved by the City Council
- (2) Trees must be planted in accordance with the "Charlotte Tree Ordinance" as per the "Charlotte-Mecklenburg Land Development Standards Manual".
- (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 and buildings.

- c. Amend Section 10.805, "Applicability", subsection "Exceptions to Applicability, subsection (a), "Change of Use, Non-Residential to Non-Residential With No Expansion", subsection (2) to clarify what requirements should be met. In addition, add a new subsection (3) to require the removal of any existing parking that may be in conflict with the provision of streetscape requirements. The revised text shall read as follows:

(a) Change of Use, Non-Residential to Non-Residential With No Expansion

- (1) A change of use in an existing building from a non-residential use to another non-residential use that does not require more than five (5) additional parking spaces based on the PED parking standards will require screening of existing and expanded parking. However, none of the other PED requirements will apply.
- (2) A change of use in an existing building from a non-residential use to another non-residential use that requires more than five (5) additional parking spaces based on the PED parking standards must

provide all of the additional required parking. Existing parking must comply with the parking lot screening requirements of PED. Any additional parking must conform to the requirements of Section 10.803(6), the PED, but none of the other PED requirements are applicable.

- (3) Remove any existing parking that may be in conflict with the provision of the streetscape requirements. Other non-conforming parking may remain.

d. Amend Section 10.805, “Applicability”, subsection “Exceptions to Applicability, subsection (d), “Expansions of more than (c) above”, to specifically list what requirements should be met. The revised text shall read as follows:

- (d) Expansions of more than (c) above:

~~The entire site must be brought up to the PED requirements, except any existing building which will become non-conforming may remain.~~

- (1) Implement streetscape requirements of Section 10.804(1)(f)
- (2) Remove any existing parking that may be in conflict with the provision of the streetscape requirements. Other non-conforming parking may remain.
- (3) Meet buffering and screening requirements of PED
- (4) Provide required parking of PED.
- (5) Provide a 5’ sidewalk connection between the building and the sidewalk on all adjoining public streets.

e. Amend Section 10.805, “Applicability”, subsection “Exceptions to Applicability, subsection (f), “Major façade improvements to existing buildings”, to remove the requirement that non-conforming parking must be removed, if located in the setback. In addition, clarify which streetscape improvements are required. The revised text shall read as follows:

- (f) Major facade improvements to existing buildings:

New exterior improvements (beyond paint and general maintenance such as roof or window repair or replacement) that exceed 25% of the current listed tax value of the entire property shall be subject to the following:

- (1) ~~Eliminate any non-conforming parking from the required setback. Such elimination will not require any additional parking even if the site is rendered non-conforming.~~

(2) Streetscape improvements (sidewalks, planting strips and trees) and screening according to the PED standards will be required.

f. Amend Section 10.805, “Applicability”, subsection “Exceptions to Applicability, subsection (h), “Removal of Required Buffer for Additional Parking” by clarifying that buffers or screening required by PED can not be removed. The revised text shall read as follows:

(h) Removal of Required Buffer for Additional Parking

If an existing buffer or screening area that is not required by PED, 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.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2008.