

**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 1: RULES OF CONTRUCITON

- a. Amend Section 2.104, "Additions to existing development" by deleting references to the term "increment", and clarifying the intent of this section with substitute language. The revised section shall read as follows:

Section 2.104. Additions to existing development.

Whenever any ~~increment or~~ addition to existing development results in the total amount of development being greater than a threshold size identified in these regulations, the development shall be treated as a whole in determining the type of review and approval required under these regulations. For any single development which is later subdivided, each ~~increment of development~~ resulting lot of record will be treated as a whole.

B. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 4: COMMERCIAL CENTER DISRICT

- a. Amend Section 11.404, "Permitted accessory uses and structures" by adding accessory outdoor sales as a permitted use, under prescribed conditions, in the CC zoning district. This listing was omitted, and this text amendment will correct the fact that outdoor sales is a permitted accessory use as per Section 12.417. The revised section shall read as follows:

Section 11.404. Permitted accessory uses and structures.

The following uses shall be permitted in the CC district as accessory uses and structures, subject to applicable criteria in Chapter 12 of these regulations:

- (1) Accessory uses and structures clearly incidental and related to the permitted use or structure on the lot.
- (2) Drive-in windows as an accessory to the principal use, subject to the regulations of Section 12.413.

- (3) Dumpsters, trash handling areas and service entrances, subject to the regulations of Section 12.403.
 - (4) Land clearing and inert landfills (LCID): on site, subject to the regulations of Section 12.405.
 - (5) Outdoor lighting, subject to the regulations of Section 12.402.
 - (5A) Outdoor sales, accessory, subject to the regulations of Section 12.417.
 - (6) Petroleum storage, accessory to a permitted use or structure, subject to the Fire Prevention Code of the National Board of Underwriters.
 - (7) Petroleum storage, underground, accessory to permitted automotive stations, subject to the Fire Prevention Code of the National Board of Underwriters.
 - (8) Vending machines for cigarettes, candy, soft drinks and coin-operated laundries located within an enclosed building as an accessory to the uses in the principal building.
- b. Amend Section 11.405, "Development Standards", subsection (4) to clarify that the floor area ratio applies to a lot, not to the project area. The other subsections remain unchanged. The revised subsection (4) shall read as follows:

Section 11.405. Development standards.

- (4) In no event shall the amount of development on a lot of record ~~within the project area~~ exceed a floor-area-ratio of 1.0. If a parking deck is constructed as part of the development, the allowable floor area may be increased by 50 percent.

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 ____, 2009, 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 _____, 2009.