

APPROVED BY
CITY COUNCIL

Petition No.: 2011-002
Petitioner: 521 Partners, LLC

JUL 18 2011

ORDINANCE NO. 4692-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

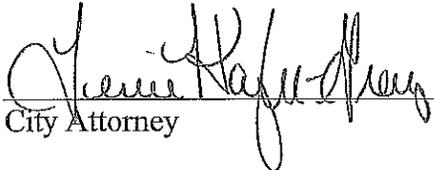
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from O-1(CD) to O-1(CD) S.P.A. (Site Plan Amendment).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

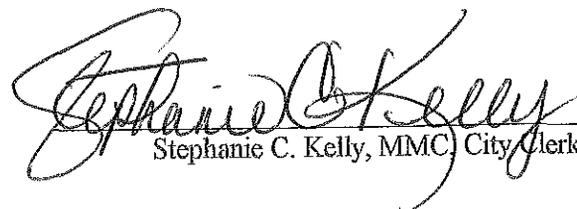


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 18th day of July, 2011, the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page(s)171-172.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2011.



Stephanie C. Kelly, MMC, City Clerk

July 18, 2011

Ordinance Book 57, Page 172

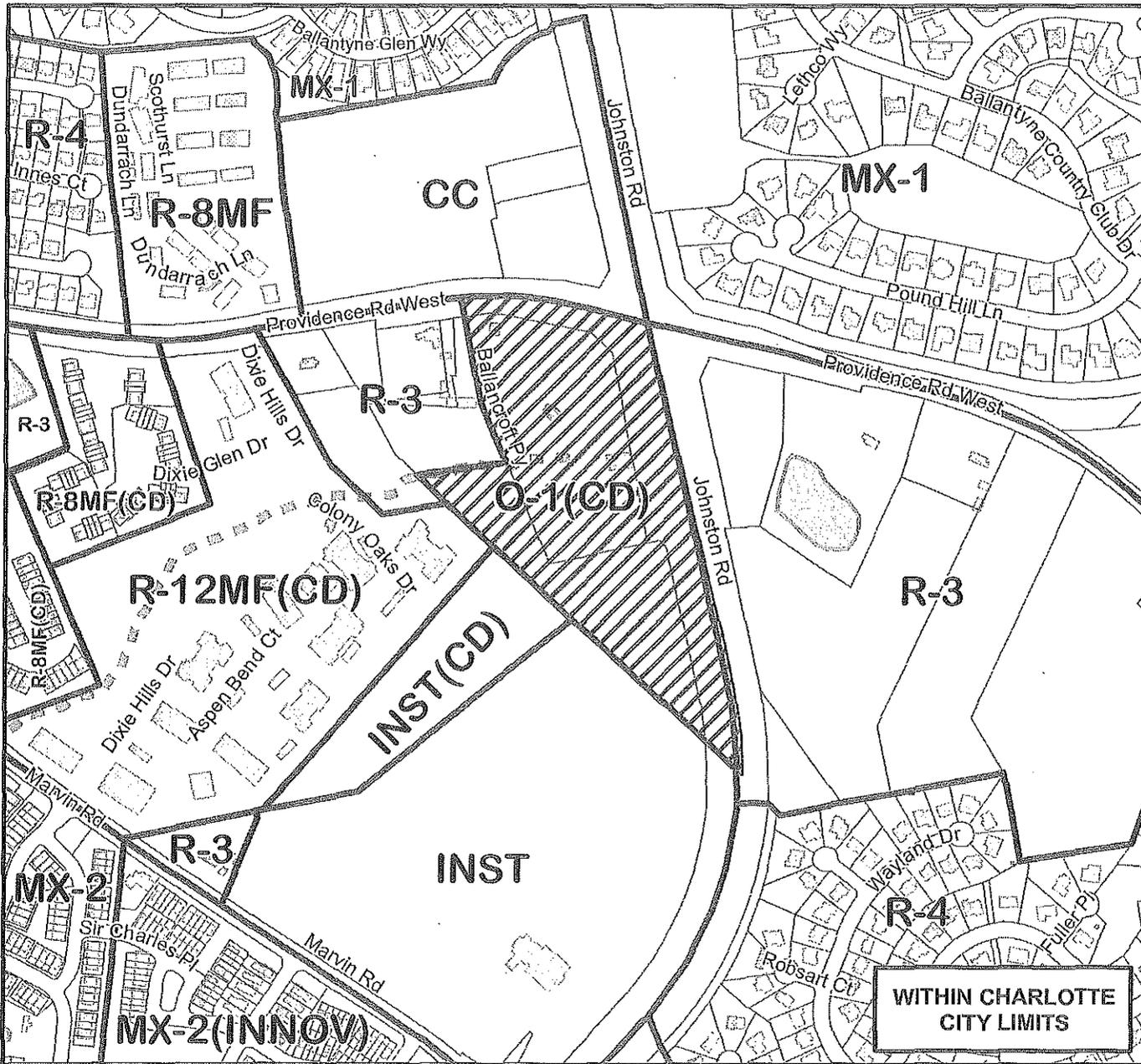
Petition #: 2011-002

Petitioner: 521 Partners, LLC

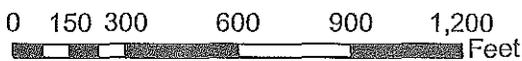
Zoning Classification (Existing): O-1(CD)
(Office, Conditional)

Zoning Classification (Requested): O-1(CD) S.P.A.
(Office, Conditional, Site Plan Amendment)

Acresage & Location : Approximately 12.54 acres located on the southwest corner at the intersection of Providence Road West and Johnston Road.



WITHIN CHARLOTTE CITY LIMITS



Zoning Map #(s) 182

Map Produced by the Charlotte-Mecklenburg Planning Department 10-29-2010

	Requested O-1(CD) S.P.A. from O-1(CD)		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

APPROVED BY
CITY COUNCIL

JUL 18 2011

Petition No.: 2011-028
Petitioner: Charlotte-Mecklenburg
Planning Department

CITY ZONE CHANGE

ORDINANCE NO. 4693-Z

ZONING REGULATIONS

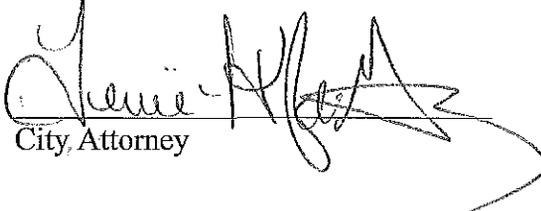
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing the property identified on the attached map from R-17MF(LWPA) and R-3(LWPA) on the Official Zoning Map, City of Charlotte, N.C.

SEE ATTACHED MAP

Section 2. That this ordinance shall become effective upon its adoption.

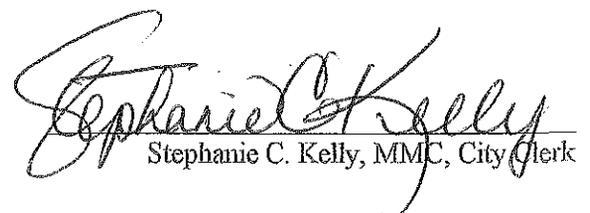
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 18th day of July, 2011, the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page(s)173-174.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2011.


Stephanie C. Kelly, MMC, City Clerk

Petitioner: Charlotte-Mecklenburg Planning Department

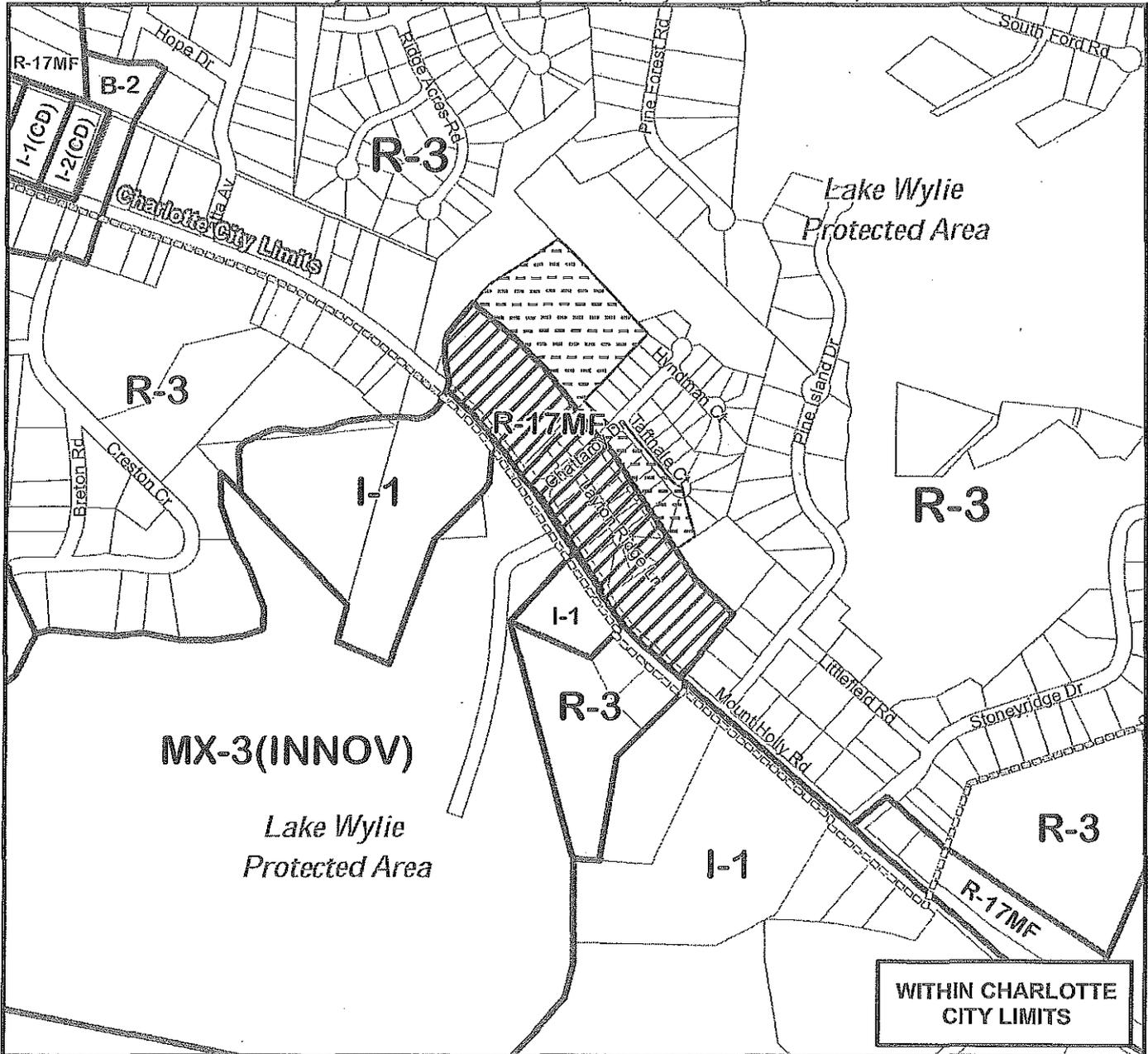
Zoning Classification (Existing): R-17MF (LWPA) and R-3 (LWPA)

(Multi-Family Residential, up to 17 dwelling units per acre, Lake Wylie Protected Area and Single Family Residential, up to 3 dwelling units per acre, Lake Wylie Protected Area)

Zoning Classification (Requested): R-8 (LWPA)

(Single Family Residential, up to 8 dwelling units per acre, Lake Wylie Protected Area)

Acreage & Location: Properties totaling approximately 17.29 acres generally fronting Mount Holly Road, Chattaroy Drive, Layton Ridge Lane, and Taftnale Court.



WITHIN CHARLOTTE CITY LIMITS



Zoning Map #(s) 63, 66

Map Produced by the Charlotte-Mecklenburg Planning Department 7-1-2011

	Requested R-8 (LWPA) from R-17MF (LWPA)		FEMA flood plain
	Requested R-8 (LWPA) from R-3 (LWPA)		Watershed
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		
	Historic District		

APPROVED BY
CITY COUNCIL

Petition No.: 2011-030
Petitioner: Urbane Properties, LLC

JUL 18 2011

ORDINANCE NO. 4694-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

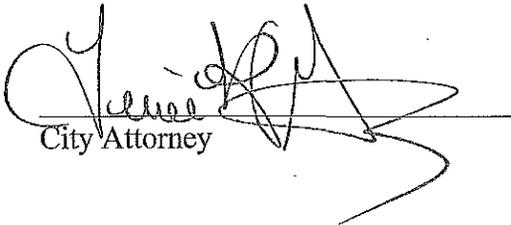
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from R-3 to INST(CD) 5-Year Vested Rights.

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

Section 3. That this ordinance shall become effective upon its adoption.

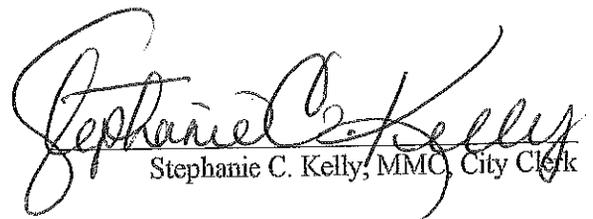
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 18th day of July, 2011, the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page(s) 175-176.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2011.


Stephanie C. Kelly, MMC, City Clerk

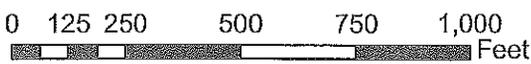
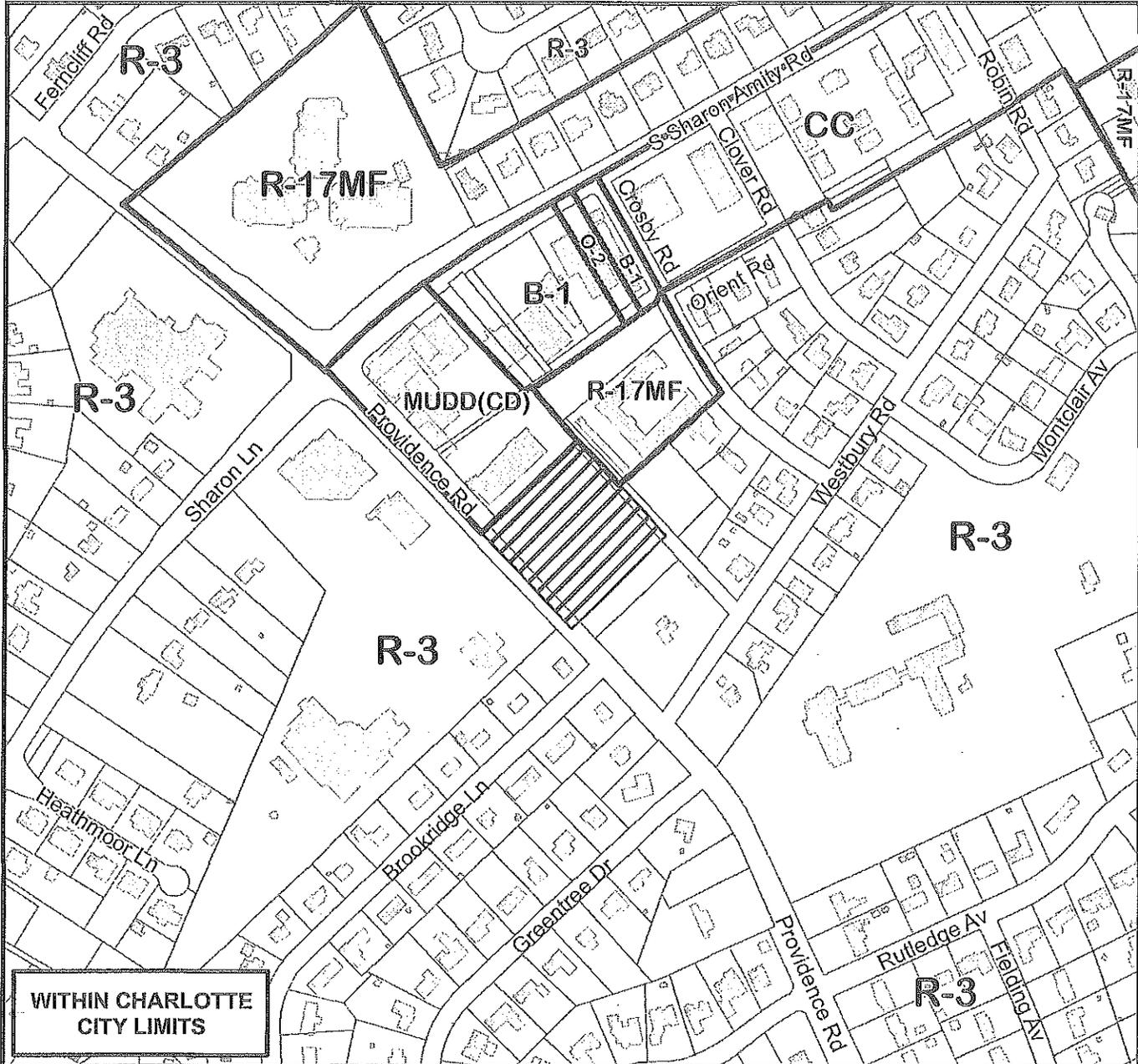
Petition #: **2011-030**

Petitioner: **Urbane Properties, LLC**

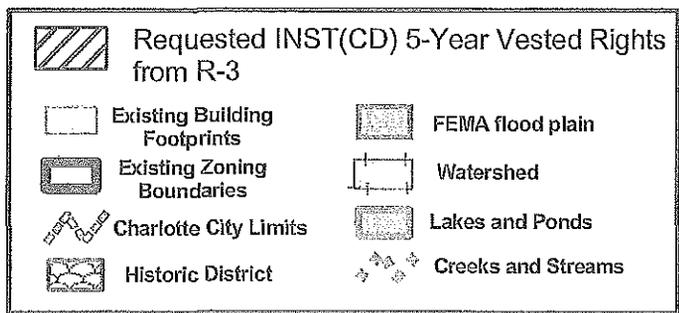
Zoning Classification (Existing): **R-3**
(Single Family Residential, up to 3 dwelling units per acre)

Zoning Classification (Requested): **INST(CD) 5-Year Vested Rights**
(Institutional, Conditional, Five-Year Vested Rights)

Acreage & Location : Approximately 2.27 acres located on the east side of Providence Road between South Sharon Amity Road and Westbury Road.



Zoning Map #(s) **124**



APPROVED BY
CITY COUNCIL

Petition No.: 2011-032
Petitioner: Robert W. Burkett

JUL 18 2011

ORDINANCE NO. 4695-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

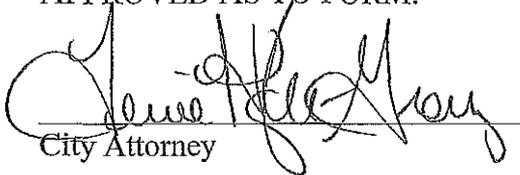
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from MX-2 to MX-2 S.P.A. (Site Plan Amendment).

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

Section 3. That this ordinance shall become effective upon its adoption.

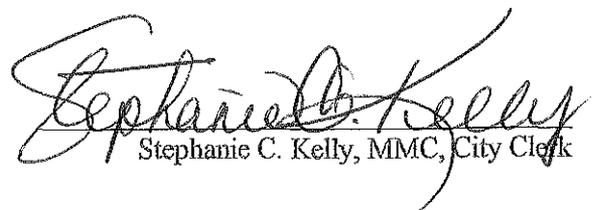
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 18th day of July, 2011, the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page(s)177-178.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2011.


Stephanie C. Kelly, MMC, City Clerk

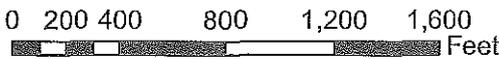
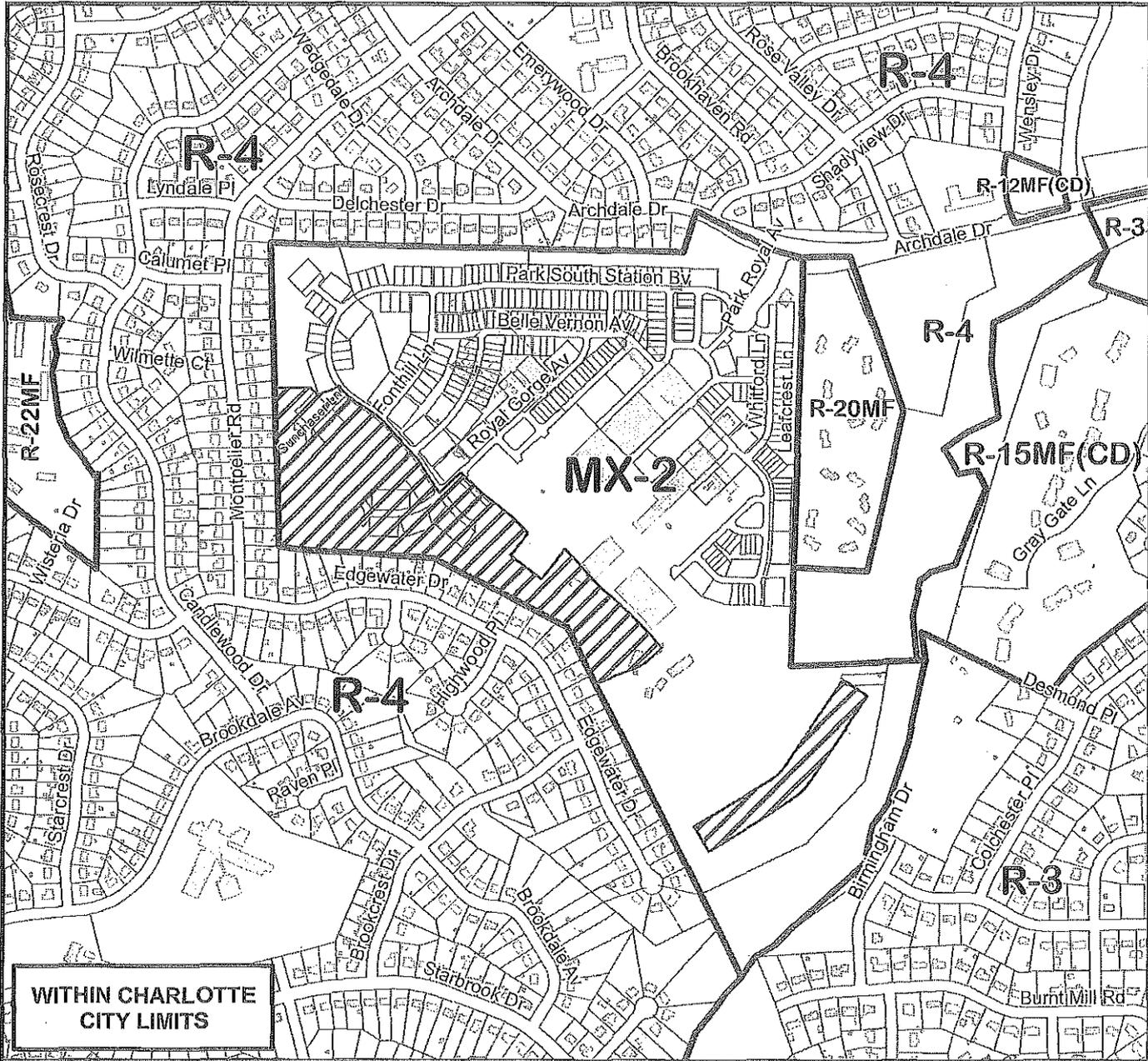
Petition #: **2011-032**

Petitioner: **Robert W. Burkett**

Zoning Classification (Existing): MX-2
 (Mixed Use)

Zoning Classification (Requested): MX-2 (S.P.A.)
 (Mixed Use, Site Plan Amendment)

Acreeage & Location : Approximately 20.16 acres located on the east and west side of Park South Station Boulevard south of Archdale Drive and generally bounded by Delchester Drive, Montpelier Road and Edgewater Drive.



Zoning Map #(s) **134, 148**

	Requested MX-2 (S.P.A.) from MX-2
	Existing Building Footprints
	Existing Zoning Boundaries
	Charlotte City Limits
	Historic District
	FEMA flood plain
	Watershed
	Lakes and Ponds
	Creeks and Streams

APPROVED BY
CITY COUNCIL

Petition No.: 2011-034
Petitioner: Bank of the Ozarks

JUL 18 2011

ORDINANCE NO. 4696-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

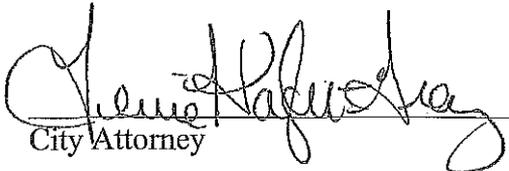
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That the Official Zoning Maps referenced in Section 1.104 of the City of Charlotte Zoning Ordinance are hereby amended by changing the zoning of the property described on the attached map from MUDD(CD) to MUDD-O.

Section 2. The development and use of the property hereby rezoned shall be governed by the predetermined ordinance requirements applicable to such district category, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

Section 3. That this ordinance shall become effective upon its adoption.

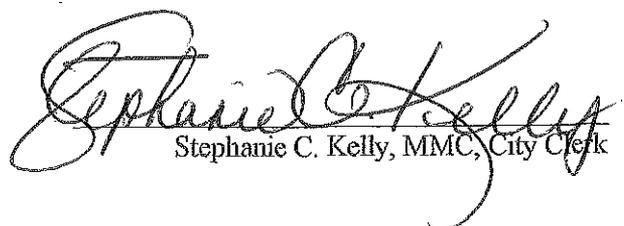
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 18th day of July, 2011, the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page(s)179-180.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of November, 2011.


Stephanie C. Kelly, MMC, City Clerk

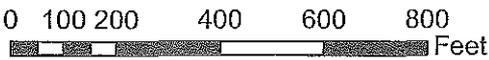
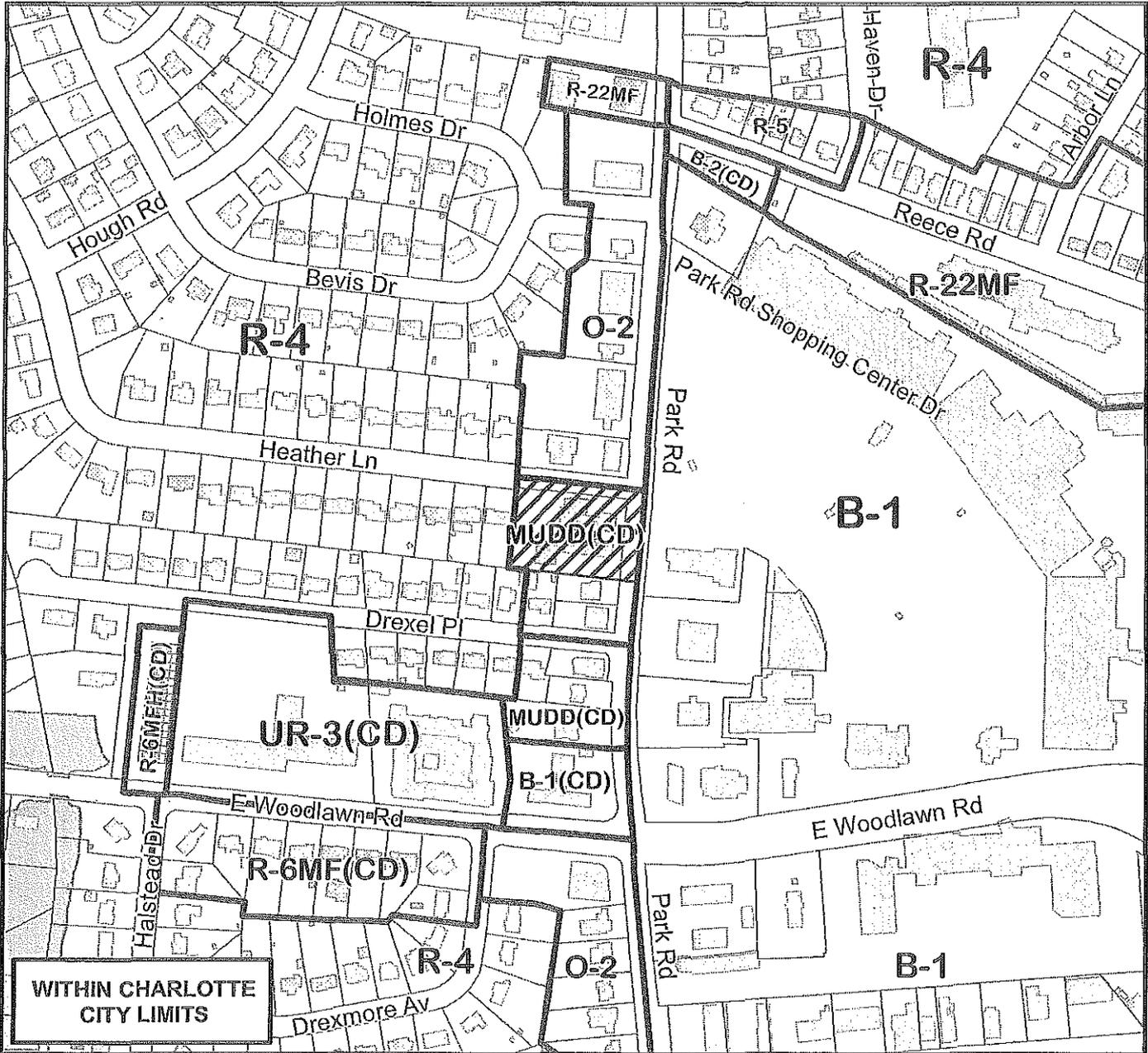
Petition #: 2011-034

Petitioner: Bank of the Ozarks

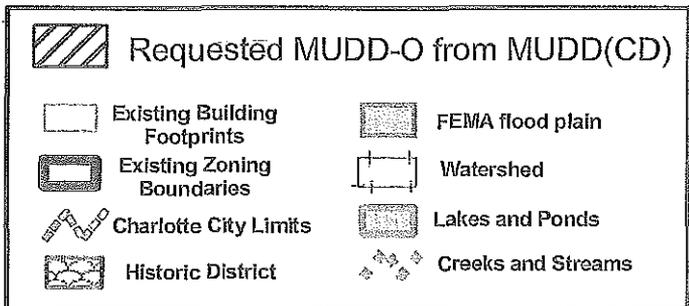
Zoning Classification (Existing): MUDD(CD)
(Mixed Use Development District, Conditional)

Zoning Classification (Requested): MUDD-O
(Mixed Use Development District, Optional)

Acresage & Location : Approximately 1.25 acres located on the southwest corner of Park Road and Heather Lane.



Zoning Map #(s) 125



**APPROVED BY
CITY COUNCIL**

Petition No. 2011-037
Petitioner: Charlotte-Mecklenburg Planning Department

JUL 18 2011

ORDINANCE #4697

**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 "supportive services" in alphabetical order, and to modify the definition of "single room occupancy residence". The remaining definitions shall remain unchanged. The new and revised definitions shall read as follows:

Section 2.201 Definitions.

Supportive Services.

Supportive services should include, but are not limited, to the provision of meals; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of, or refraining from, the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care.

Single Room Occupancy (SRO) residence

A site consisting of no more than three (3) buildings and containing at least eleven (11), but not more than one hundred and twenty (120) rooming units, which are available for rental occupancy for periods of thirty (30) days or longer. Single room occupancy residence developments must provide supportive services for individuals with special needs.

(Petition No. 2005-35 §2.201, 04/18/05)

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

- a. Amend Table 9.101, "Table of Uses" by 1) deleting "Single Room Occupancy Residences" from the "Institutional Use" category, and from the "Office and Business Uses" category in the TOD-R, TOD-E, TOD-M, UMUD, Institutional, B-2, U-I, and I-1 zoning districts, and then 2) re-adding "Single Room Occupancy Residences" as a permitted use with prescribed conditions in the UR-2, UR-3, UR-C, O-1, O-2, O-3, B-1, B-2, UMUD, TOD-R, TOD-E, and TOD-M zoning districts, under the "Residential Use" category. The revised table insertion shall read as follows:

Institutional Uses:			
	TOD-R	TOD-E	TOD-M

Office and Business Uses:					
	UMUD	Institutional	B-2	U-I	I-1

Residential Uses										
	UR-2	UR-3	UR-C	O-1	O-2	O-3	B-1	B-2	UMUD	TOD-R
Single room occupancy residences	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

Residential Uses:		
	TOD-E	TOD-M
Single room occupancy residences	PC	PC

2. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.404, "Urban Residential Districts: uses permitted under prescribed conditions", by adding a new subsection (5.1) titled "Single Room Occupancy (SRO) residences". The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.404 Urban Residential Districts: uses permitted under prescribed conditions.

(5.1) Single Room Occupancy (SRO) residences (UR-2, UR-3 & UR-C only), subject to the regulations of section 12.527.

3. PART 5: INSTITUTIONAL DISTRICTS

- a. Amend Section 9.503, "Uses permitted under prescribed conditions", by deleting subsection (20) "Single room occupancy (SRO) residences", and replacing it with the term, "RESERVED". The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.503 Uses permitted under prescribed conditions

(20) [RESERVED]

4. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, "Uses permitted under prescribed conditions", by adding a new subsection (29.6) titled "Single Room Occupancy (SRO) residences", The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.703 Uses permitted under prescribed conditions.

(29.6) Single Room Occupancy (SRO) residences, subject to the regulations of section 12.527.

5. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, "Uses permitted under prescribed conditions", by modifying subsection (33) titled "Single Room Occupancy (SRO) residences", by also allowing them in the B-1 zoning districts. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.803 Uses permitted under prescribed conditions.

(33) Single Room Occupancy (SRO) residences (B-1 and B-2 only), subject to the regulations of section 12.527.

6. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1003, "Urban Industrial District; uses permitted under prescribed conditions" by deleting "single room occupancy residences" from the list of uses, and replacing it with the term, "RESERVED".

Section 9.1003. Urban Industrial District; uses permitted under prescribed conditions.

(7) [RESERVED]

- a. Amend Section 9.1103, "Uses permitted under prescribed conditions", by deleting subsection (47) "Single Room Occupancy (SRO) residences" and replacing it with the term "RESERVED". The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.1103 Uses permitted under prescribed conditions

(47) [RESERVED]

C. CHAPTER 12: SUPPLEMENTAL DEVELOPMENT STANDARDS

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Amend Section 12.527, "Single Room Occupancy (SRO) residences", replacing the current text. The revised text shall read as follows:

Section 12.527. Single Room Occupancy (SRO) residences.

Single room occupancy (SRO) residences are permitted in the UR-2, UR-3, UR-C, O-1, O-2, O-3, B-1, B-2, UMUD, TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, and TOD-MO, districts subject to the standards of the individual district in addition to the following requirements. If any conflict should occur between the standards of the individual district and the following requirements, the following shall apply.

- (1) Minimum Rooming Unit Size: Rooming units shall be a minimum of eighty (80) square feet, not to exceed four-hundred fifty (450) square feet total.
- (2) Rooming Unit Capacity: Rooming units in single room occupancy residences shall be limited to one (1) occupant per room.
- (3) Minimum Common Space: The building shall contain common space such as recreation areas, lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five (5) square feet per rooming unit, but totaling not less than two hundred and fifty (250) square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens shall not be counted as common space.
- (4) Operation: Rooming units in each building must be accessed through one primary location. On-site management shall be provided on a twenty-four (24) hour basis per building. Adequate on-site management includes having an employee on premises twenty-four hours a day. The employee must be accessible to residents, law enforcement personnel, and any other individuals who need to establish communication upon or about the premises. Adequate on-site management also requires that the employee has the authority to exercise control over the premises to ensure that

the use of the premises does not result in littering, nuisance activities, noise, or other activities that interfere with the peaceful enjoyment and use of surrounding properties.

Cleaning services shall be provided and utilities shall be mass metered.

- (5) Number of rooming units permitted: The number of rooming units permitted shall be based upon the maximum non-residential Floor Area Ratio (FAR) of the zoning district where located with a maximum of 120 and a minimum of 11 rooming units per site.
- (6) Off-Street Parking Requirements: 0.20 space per rooming unit - may be reduced by 50% within a quarter mile of transit line.
- (7) Signs: Any signage which identifies the use shall be in accordance with Section 13.109(1)(c) of the City of Charlotte Zoning Ordinance.
- (8) Buffers: All buildings, outdoor active recreation facilities, and off-street parking and service areas will be separated by a Class B buffer from any abutting property zoned or used for single-family residential use. (*Petition No. 2003-90 §12.527, 10/20/03*)
- (9) Proximity: Single room occupancy residence sites shall maintain a minimum separation distance of one-half (0.5) mile from any other single room occupancy residence site, measured from the closest property line of each development.
- (10) Expansions of Existing, Legal Conforming Single Room Occupancy Residences: Any legally conforming single room occupancy residence that exists as of the adoption of these regulations (July 18, 2011) shall be allowed to expand consistent with Section 12.527, including existing, legal conforming single room occupancy residences located in the Institutional, Urban Industrial, and Industrial zoning districts.

Section 2. That this ordinance shall become effective upon its adoption.

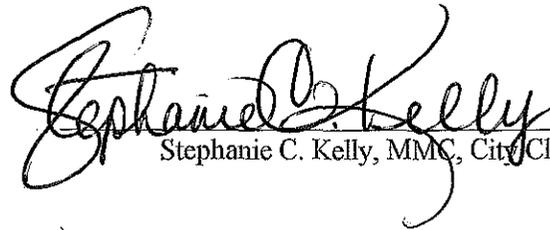
Approved as to form:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 18th of July, 2011, the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page(s) 181-186.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of August, 2011.


Stephanie C. Kelly, MMC, City Clerk

**APPROVED BY
CITY COUNCIL**

Petition #: 2011-038
Petitioner: Charlotte-Mecklenburg Planning Commission

JUL 18 2011

ORDINANCE NO. 4698

**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

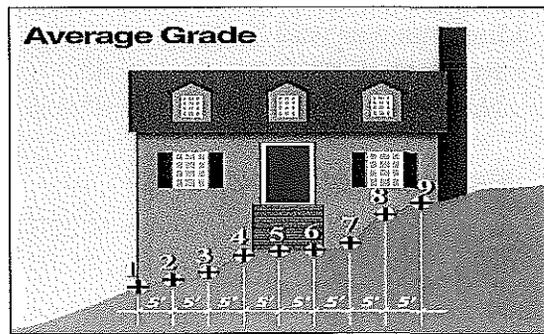
- a. Amend Section 2.201, "Definitions" by modifying the definition of "height" and adding a new definition for "average grade". The revised and new definitions shall read as follows:

Height.

The vertical distance between the average grade at the base of a structure and the highest part of the structure, but not including firewalls, chimneys, sky lights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building and any device (no more than five feet in height) used to screen only the immediate area around a roof top structure or equipment.

Average grade.

The average grade is calculated by adding the lowest point and highest point along the base of the structure and dividing the total by two. Each building elevation along a building line will have an average grade. The average grade along a building line may also be calculated by adding all points, at five-foot intervals, starting at the corner along the base of the building and dividing the total by the number of points.



B. CHAPTER 7: NONCONFORMITIES

1. Amend Section 7.103, "Nonconforming structures", item (7) by modifying the length of time a permit may be issued for residential structures damaged or destroyed by acts of God, as a result of this text amendment. The remaining items shall remain unchanged. The revised item (7) shall read as follows:

(7) Where a nonconforming structure is destroyed or damaged by fire, flood, wind, other act(s) of God, the structure may be repaired or restored to its original dimensions and conditions as long as a building permit for the repair or restoration is issued within 12 months of the date of the damage. Any residential building lawfully existing on the date the height restrictions of petition 2011-038 became effective (January 1, 2012) may be repaired or restored to its original height dimensions as long as a building permit for the repair or restoration is issued within 24 months of the date the building was destroyed or damaged.

C. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: SINGLE FAMILY DISTRICTS

a. Amend Section 9.205(1)(f) , "Minimum side yards", and (g) "Minimum rear yards" by creating separate yard requirements for nonresidential buildings within single family zoning districts. Also modify subsection (j), "Maximum height" to refer to Table 9.205(1)(j) to indicate a base maximum average height and a maximum height for both residential and nonresidential buildings. All remaining subsections remain unchanged. The revised subsections shall read as follows:

Section 9.205. Development standards for single family districts.

All uses and structures permitted in the R-3, R-4, R-5, R-6 and R-8 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

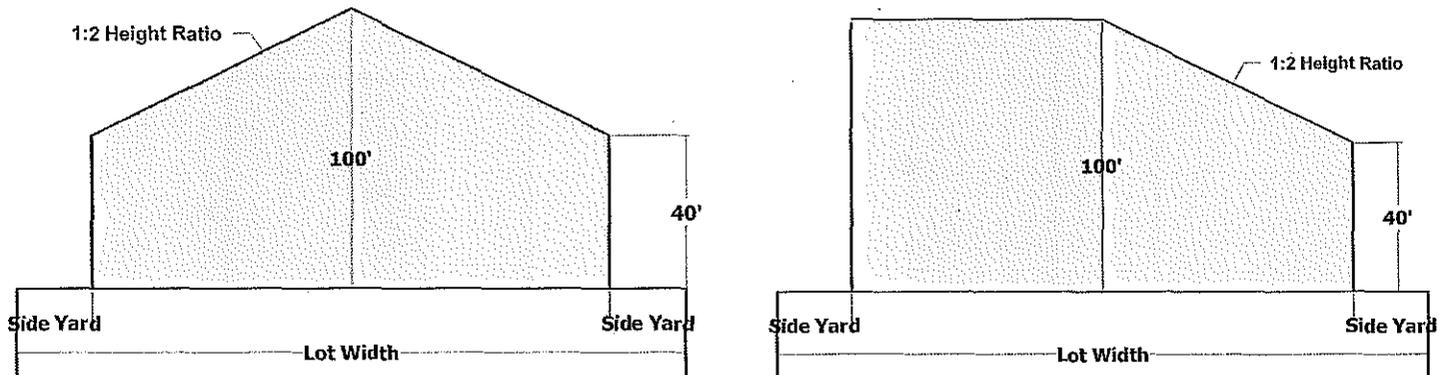
	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(f) Minimum side yard (feet) ⁴					
- Residential	6	5	5	5	5
- Non-residential	20	20	20	20	20
(g) Minimum rear yard (feet)					
- Residential	45	40	35	30	20
- Non-residential	45	40	35	35	35
(j) Maximum height (feet)	-----See Tables Below-----				

Table 9.205(1)(j)(B)

MAXIMUM HEIGHT FOR NONRESIDENTIAL BUILDINGS⁶			
Adjacent* Zoning District(s) and Use	Base Maximum Average Height (feet)	Maximum Height from Lowest Point to Highest Point of the Building (feet)	Height Ratio
R-3, R-4, R-5, R-6, & R-8 with a residential use	40' - Measured at the required setback side, and rear yard line	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundary(s) adjacent to a single family zoning district
R-3, R-4, R-5, R-6, & R-8 with a non-residential use	N/A	100'	N/A
All other zoning districts with any use	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

Maximum Building Envelope Examples for Table 9.205(1)(j)(B) – Nonresidential Buildings



b. Amend Section 9.205(1), footnote #6 by deleting the first two sentences. The remaining footnotes remain unchanged. The revised footnote shall read as follows:

6. Height requirements for other permitted structures are set forth in Section 12.108.

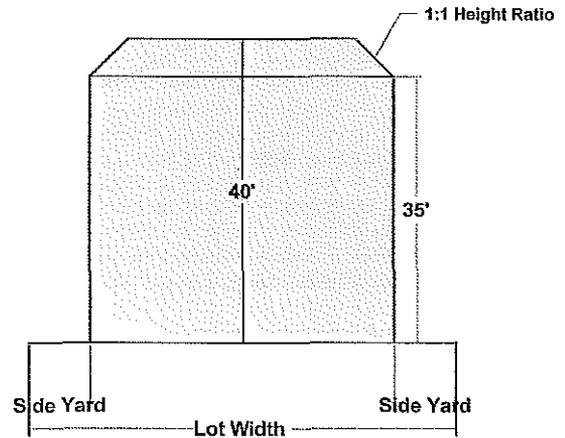
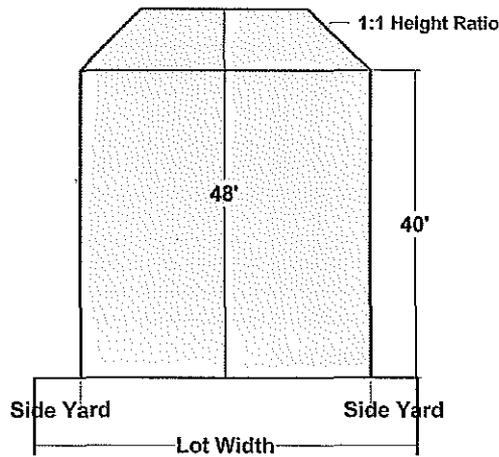
2. PART 3: MULTI-FAMILY DISTRICTS

a. Amend Section 9.305, "Development standards for multi-family districts", subsection (1), "Area, yard and bulk regulations", subsection (f), "Minimum side yards" by rearranging the categories, modifying the side yard requirements and adding new categories. Also modify subsection (j) "Maximum height" to refer to Table 9.305(1)(j) to indicate a base maximum average height and a maximum height for both residential and nonresidential buildings. All remaining subsections remain unchanged. The revised sections shall read as follows:

Table 9.205(1)(j)(A)

MAXIMUM HEIGHT FOR RESIDENTIAL USES⁶			
Type of Use	Base Maximum Average Height (feet)	Maximum Average Height at the Front Building Line (feet)	Height Ratio
All Residential Uses	<ul style="list-style-type: none"> • R-3 and R-4: 40' - Measured at the required side yard line. • R-5, R-6, and R-8: 35' - Measured at the required side yard line. 	<ul style="list-style-type: none"> • R-3 and R-4: 48' • R-5, R-6, and R-8: 40' 	One additional foot of height is allowed for each additional one foot in distance the portion of the building is from the required side yard line.

Maximum Building Envelope Examples for Table 9.205(1)(j)(A) – Residential Uses



R-8MF R-12MF R-17MF R-22MF R-43MF

(f) Minimum side yard (feet) ⁴					
- Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- Planned multi-family developments adjoining single family developed or zoned land ⁵	20	20	10	10	10
- Non-residential buildings adjoining single family zoning districts	20	20	20	20	20
- All other planned multi-family developments and all other nonresidential buildings ⁵	10	10	10	5	5

(j) Maximum height (feet)

-----See Tables Below-----

Table 9.305(1)(j)(A)

MAXIMUM HEIGHT FOR RESIDENTIAL BUILDINGS IN R-8MF AND R-12MF ZONING DISTRICTS ⁷			
Building Type	Base Maximum Average Height (feet)	Maximum Average Height at the Front Building Line (feet)	Height Ratio
Residential	40' Measured at the required side yard line.	48'	One additional foot of height is allowed for each additional one foot in distance the portion of the building is from the required side yard line.

Maximum Building Envelope Example for Table 9.305(1)(j)(A) – Residential Buildings in R-8MF and R-12MF

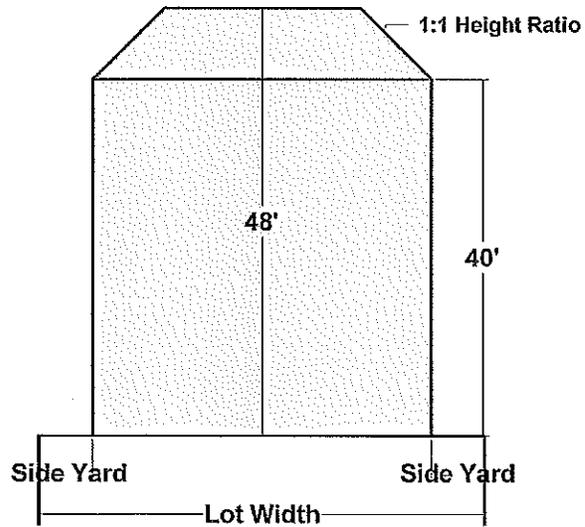


Table 9.305(1)(j)(B)

MAXIMUM HEIGHT FOR RESIDENTIAL BUILDINGS IN R-17MF, R-22MF, and R-43MF⁷			
Adjacent* Zoning District(s) and Use	Base Maximum Average Height (feet)	Maximum Height from the Lowest Point to the Highest Point of the Building (feet)	Height Ratio
R-3, R-4, R-5, R-6, & R-8 with a residential use *	40' Measured at the required setback, side and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundary(s) adjacent to a single family zoning district
R-3, R-4, R-5, R-6, & R-8 with a non-residential use	N/A	100'	N/A
All other zoning districts with any use	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

Maximum Building Envelope Examples for Table 9.305(1)(j)(B) – Residential Buildings in R-17MF, R-22MF and R-43MF

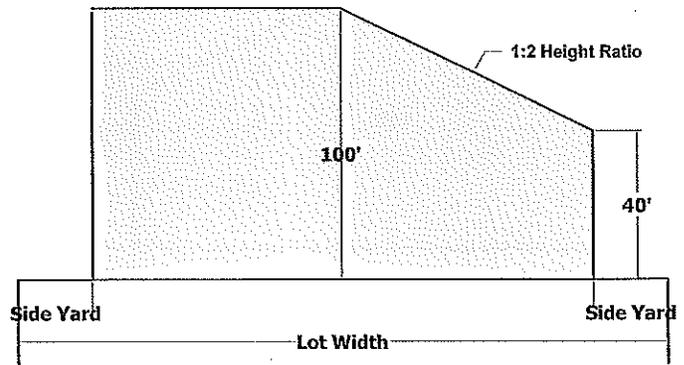
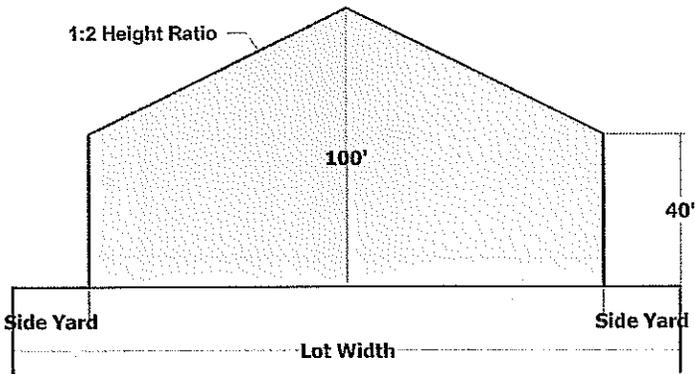
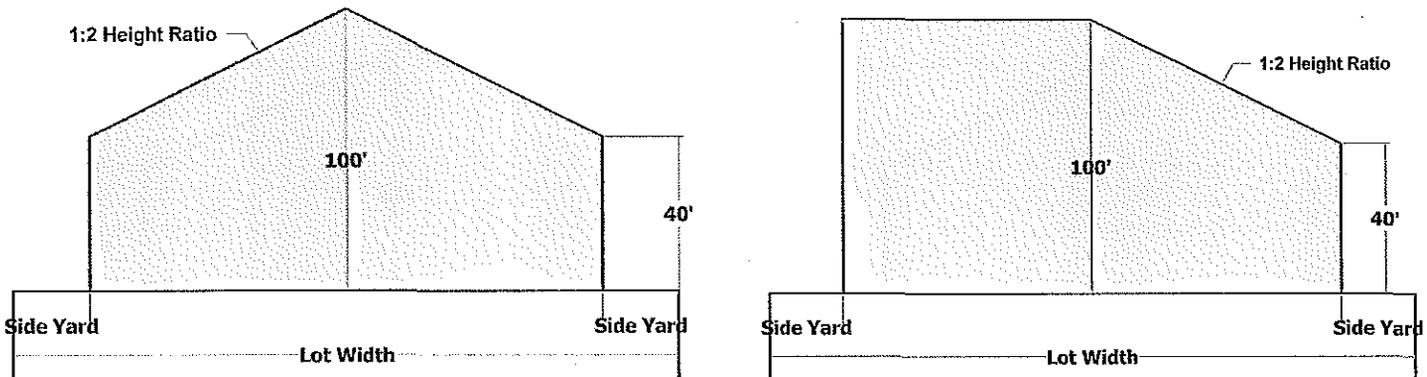


Table 9.305(1)(j)(C)

MAXIMUM HEIGHT FOR NONRESIDENTIAL BUILDINGS IN ALL MULTI-FAMILY DISTRICTS⁷			
Adjacent* Zoning District (s) and Use	Base Maximum Average Height (feet)	Maximum Height from the Lowest Point to the Highest Point of the Building (feet)	Height Ratio
R-3, R-4, R-5, R-6, & R-8 with a residential use	40' - Measured at the required setback, side, and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side and rear yard lines located along all boundary(s) adjacent to a single family zoning district
R-3, R-4, R-5, R-6, & R-8 with a non-residential use	N/A	100'	N/A
All other zoning districts with any use	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

Maximum Building Envelope Examples for Table 9.305(1)(j)(C) – Nonresidential Buildings in Multi-Family Districts



- b. Amend Section 9.305(1), footnote 7 by deleting the first three sentences. The revised section shall read as follows:

FOOTNOTES TO CHART 9.305(1):

⁷ Height requirements for other permitted structures are set forth in Section 12.108.

3. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (1), “UR-1”, subsection “Maximum height (feet)” by adding a new Table 9.406(1) that modifies the height regulations. The remaining text remains unchanged. The

revised subsection shall read as follows:

- (1) UR-1: Dimensional requirements for the UR-1 district are listed below:

Maximum height (feet) -----See Tables Below-----

Table 9.406(1)(A)

MAXIMUM HEIGHT FOR RESIDENTIAL BUILDINGS IN UR-1²			
Building Type	Base Maximum Average Height (feet)	Maximum Average Height at the Front Building Line (feet)	Height Ratio
Residential	40' - Measured at the required side yard line.	48'	One additional foot of height is allowed for each additional one foot in distance the portion of the building is from the required side yard line.

Maximum Building Envelope Example for Table 9.406(1)(A) – Residential Buildings in UR-1

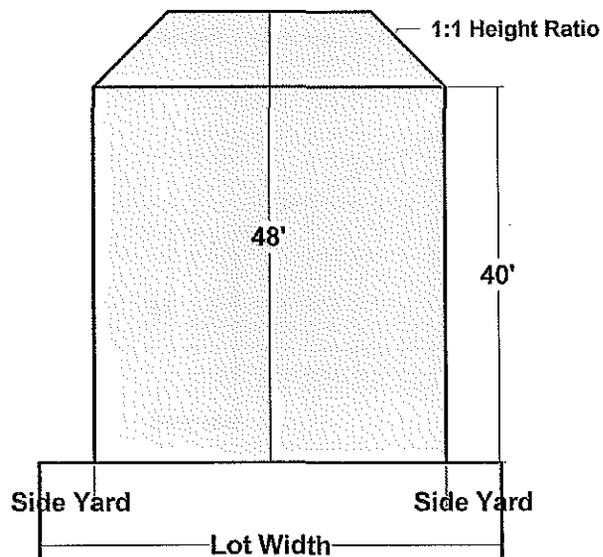
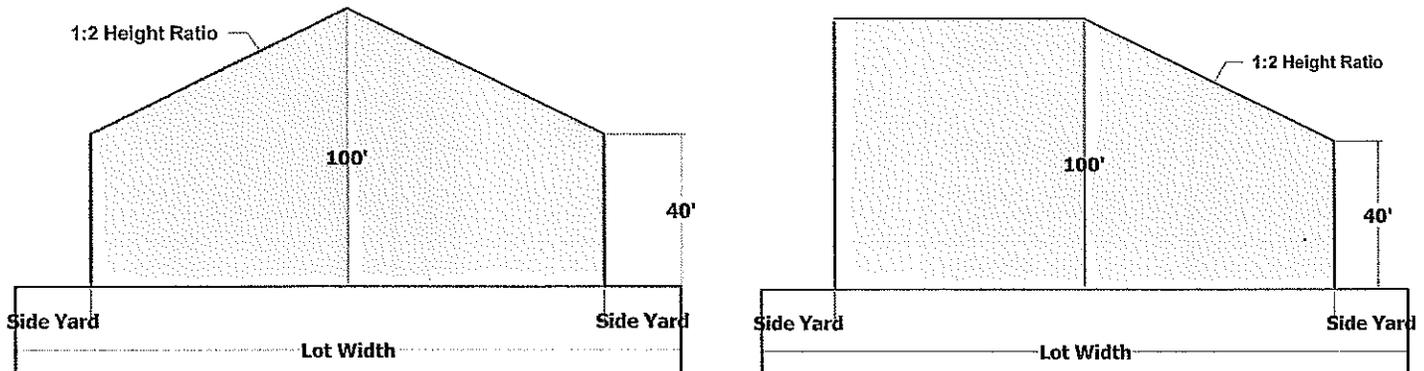


Table 9.406(1)(B)

MAXIMUM HEIGHT FOR NONRESIDENTIAL BUILDINGS IN UR-1 ²			
Adjacent* Zoning District(s) and Use	Base Maximum Average Height (feet)	Maximum Height from the Lowest Point to the Highest Point of the Building (feet)	Height Ratio
R-3, R-4, R-5, R-6, & R-8 with a residential use	40' - Measured at the required setback, side, and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side and rear yard lines located along all boundary(s) adjacent to a single family zoning district.
R-3, R-4, R-5, R-6, & R-8 with a non-residential use	N/A	100'	N/A
All other zoning districts with any use	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

Maximum Building Envelope Examples for Table 9.406(1)(B) – Nonresidential Buildings in UR-1



- b. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (1), “UR-1”, footnote 2 by deleting the first sentence and providing a cross-reference to Chapter 12. The remaining footnotes remain unchanged. The revised footnote shall read as follows:

² Height requirements for other permitted structures are set forth in Section 12.108.

- c. Amend Section 9.406 “Urban Residential Districts; area, yard and height regulations”, subsection (2), “UR-2”, subsection “Maximum height (feet)” by adding a new Table 9.406(2) that modifies the height regulations. The remaining text remains unchanged. The revised subsection shall read as follows:

(2) UR-2: Dimensional requirements for the UR-2 district are listed below:

Maximum height (feet)

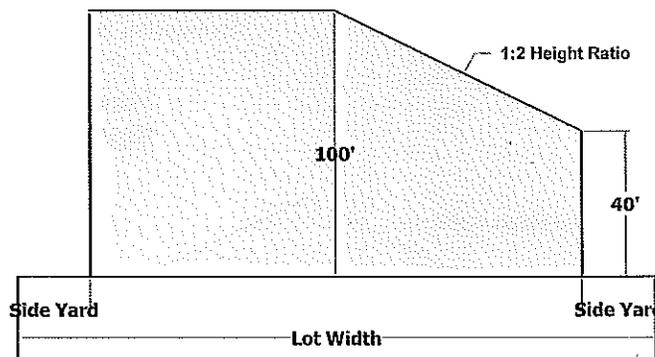
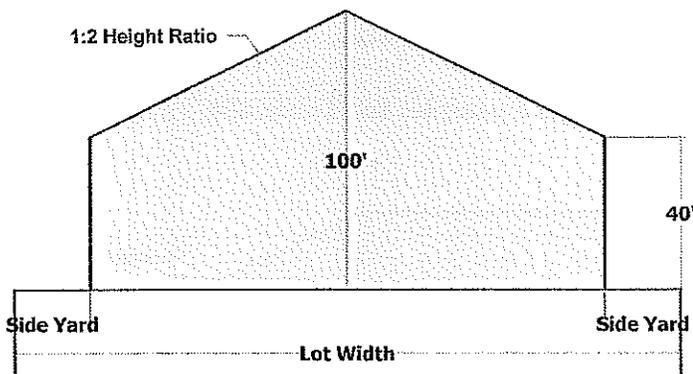
-----See Table Below-----

Table 9.406(2)(A)

MAXIMUM HEIGHT FOR BUILDINGS IN UR-2 ¹			
Adjacent* Zoning District(s) and Use	Base Maximum Average Height (feet)	Maximum Height from Lowest Point to Highest Point of the Building (feet)	Height Ratio
R-3, R-4, R-5, R-6, & R-8 with a residential use	40' - Measured at the required setback, side, and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundary(s) adjacent to a single family zoning district.
R-3, R-4, R-5, R-6, & R-8 with a non-residential use	N/A	100'	N/A
All other zoning districts with any use	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

Maximum Building Envelope Examples for Table 9.406(2)(A) – Buildings in UR-2



- d. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (2), “UR-2”, footnote 1 by deleting the first sentence and replacing it with a cross-reference to Chapter 12. The remaining footnotes remain unchanged. The revised footnote shall read as follows:

¹ Height requirements for other permitted structures are set forth in Section 12.108.

- e. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”,

subsection (3), “UR-3”, subsection “Maximum height (feet)” by adding a new Table 9.406(3) that modifies the height regulations. The remaining text remains unchanged. The revised subsection shall read as follows:

- (3) UR-3: Dimensional requirements for the UR-3 district are listed below:

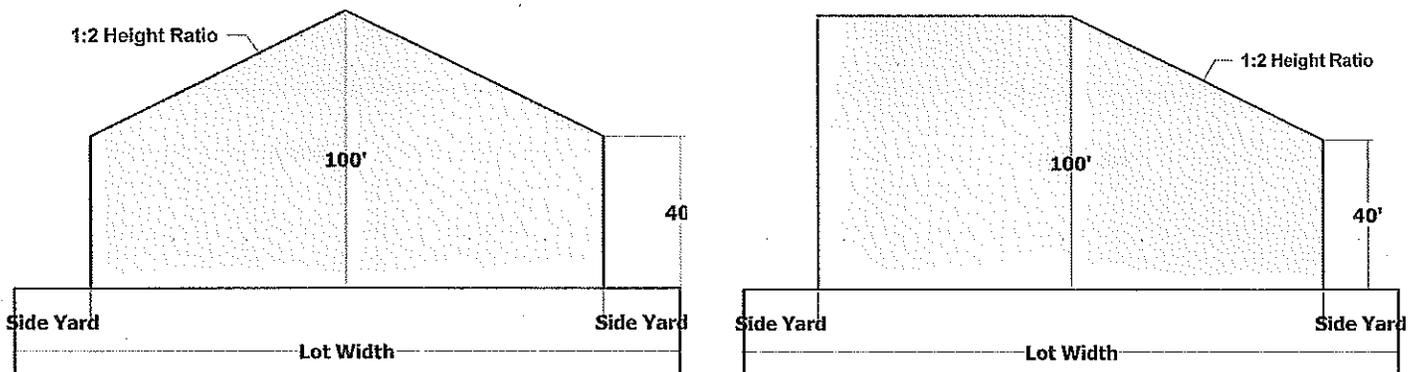
Maximum height (feet) -----See Table Below)-----

Table 9.406(3)(A)

MAXIMUM HEIGHT FOR BUILDINGS IN UR-3¹			
Adjacent* Zoning District(s) and Use	Base Maximum Average Height (feet)	Maximum Height from Lowest Point to Highest Point of the Building (feet)	Height Ratio
R-3, R-4, R-5, R-6, & R-8 with a residential use	40' - Measured at the required setback, side, and rear yard lines	100'	One additional foot of height is allowed for every additional two feet in distance the portion of the building is from the required setback, side, and rear yard lines located along all boundary(s) adjacent to a single family zoning district.
R-3, R-4, R-5, R-6, & R-8 with a non-residential use	N/A	100'	N/A
All other zoning districts with any use	N/A	100'	N/A

*Exemption for street rights-of-way that exceed 100 feet in width.

Maximum Building Envelope Examples for Table 406(3)(A) – Buildings in UR-3



- f. Amend Section 9.406, “Urban Residential Districts; area, yard and height regulations”, subsection (3), “UR-3”, footnote 1 by deleting the first sentence and replacing it with a cross-reference to Chapter 12. The remaining footnotes remain unchanged. The revised footnote shall read as follows:

¹ Height requirements for other permitted structures are set forth in Section 12.108.

D. CHAPTER 11. CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED USE DISTRICTS (MX-1, MX-2, and MX-3)

- a. Amend Section 11.205, "Development standards for MX-1, MX-2, and MX-3 districts" by adding a new subsection (4) and (5) setting maximum height regulations. The remaining subsections shall remain unchanged. The new subsections shall read as follows:

Section 11.205. Development standards for MX-1, MX-2 and MX-3 districts.

- (4) Single family, duplex, triplex, and quadraplex residential development within the MX districts shall meet the R-3 residential base maximum average height and the maximum average height listed in Section 9.205 for the residential portion only.
- (5) Multi-family residential development within the MX-1 district shall meet the R-8MF base maximum average height and the maximum average height regulations listed in Table 9.305(1)(j)(A) for the multi-family residential portion only. Multi-family residential development within the MX-2 and MX-3 districts, shall meet the R-17MF base maximum average height and maximum height regulations listed in Table 9.305(1)(j)(B) for the multi-family residential portion only.
- b. Amend Section 11.208, "Innovative development standards" by adding a new item (12), titled, "Height". The remaining numbered items remain unchanged. The new item shall read as follows:

(12) Height.

E. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 1: SUPPLEMENTAL DEVELOPMENT STANDARDS

- a. Amend Section 12.106, "Uses and structures prohibited and allowed in required setbacks and yards", by modifying subsection (2)(a) to address the height requirements for accessory structures for residential uses in certain districts. The revised text shall read as follows:

- (2) (a) No accessory structures, including architectural features, as cited in five (5) below, shall be located within any setback or side yard required of these regulations, or located within three (3) feet of a lot line in the established rear yard. No accessory structure shall be located within any established setback in any residential district, except as otherwise provided. If an accessory structure exceeds a height of 24 feet in the

single-family, multi-family, urban residential and mixed use districts, it must be located at least 15 feet from the rear and side property lines. In all zoning districts, except as provided for in Section 12.108, if the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard of the principal structure and be located at least 15 feet from the rear property line. In addition, no accessory structure shall exceed the total square footage of the heated area located on the first floor of the principal structure.

(Petition No. 2009-079, § 12.106(2)(a), 1/19/10)

This section notwithstanding, no elderly or disabled housing, guest houses, or employee quarters shall be located within 15 feet of a rear property line or along any side property line within the required side yard dimension. In the RE-1, RE-2, and BP districts, a security gate or guard station may be located within the required setback. Piers, docks, and other water-dependent accessory structures may be located in any required setback or yard on lots, which abut a body of water. A fence, wall, mailbox, utility pole, light-pole, or patio at grade, paths, walkways, or berm may be located in any required setback or yard. Signs may be located in a required setback or yard provided that they are in accordance with Chapter 13 of these regulations. Bus stops shelters may be located in any setback or yard, which abuts a street in accordance with Section 12.513.

- b. Amend Section 12.108, "Height limitations" by updating the height regulations for buildings located in the residential zoning districts. Subsections (6), (7) and (8) shall remain unchanged. The revised section shall read as follows:

Section 12.108. Height limitations.

Height limitations are established to allow maximum development potential without adversely impacting the character of established single family neighborhoods and ensuring the development respects and complements the surrounding development.

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

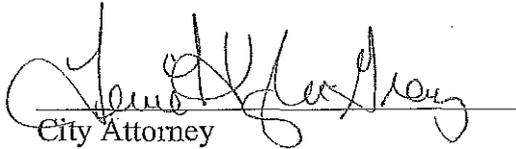
- (1) A building that is not in or adjacent to a residential district, may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet of building height in excess of the 40 feet.
- (2) A building located in any zoning district, except the residential districts, which abuts a residential use or residential zoning district shall not be erected to a height in excess of 40 feet, unless the side and/or rear yard abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.
- (3) Reserved.
- (4) The height limitations established in subsection (1) above shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways,

tanks, heating, ventilation and air-conditioning equipment, firewalls, chimneys, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

- (5) The following structures are permitted above the height limit on lots in the research, institutional, office, business, and industrial districts which do not abut lots in any residential district: towers, steeples, flagpoles, firewalls, water tanks or similar structures. If this type of structure is on a lot, which abuts a residential district, then the part of the structure above the height limit must be separated from any such abutting lot line by a distance equal to its height measured from the ground.
- (9) The height limitations established in this section shall not apply to structures located in the PED, UI, UMUD or UR-C, districts unless the districts are located next to a single family use or district as provided for in Chapter 9, Parts 4, 9 and 10.

Section 2. That this ordinance shall become effective January 1, 2012.

Approved as to form:

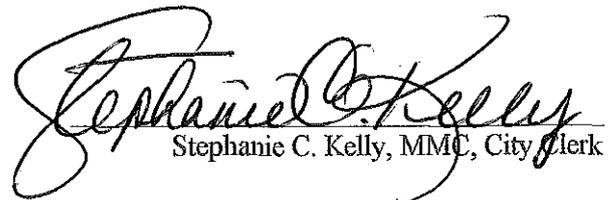


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, 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 18th of July, 2011, the reference having been made in Minute Book 132, and recorded in full in Ordinance Book 57, Page(s) 187-201.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 16th day of August, 2011.



Stephanie C. Kelly, MMC, City Clerk

**APPROVED BY
CITY COUNCIL**

Petition #: 2011-039
Petitioner: Charlotte-Mecklenburg Planning Commission

JUL 18 2011

ORDINANCE #4699

**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. TABLE OF CONTENTS

- a. Amend the Table of Contents section related to Chapter 10, Part 8, "Pedestrian Overlay District" and add the new page number references. The text shall read as follows:

Part 8: Pedestrian Overlay District

10.801. Purpose.....	10-
10.802. Applicability	10-
10.803. Administrative Approval.....	10-
10.804. Board of Adjustment.....	10-
10.805. Pedestrian Overlay District (Optional); Purpose	10-
10.806. Pedestrian Overlay District (Optional); Application	10-
10.807. Pedestrian Overlay District (Optional); Review and Approval.....	10-
10.808. Pedestrian Overlay District (Optional); Effect of Approval; Alterations.....	10-
10.809. Preliminary review.....	10-
10.810. Exceptions.....	10-
10.811. Uses.....	10-
10.812. Development standards.....	10-
10.813. Urban design standards	10-

B. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by adding new definitions for "Active Uses", "Outdoor Storage" and "Urban Open Space". The new definitions shall read as follows:

Active Uses

Uses that are permitted by right or under prescribed conditions except parking.

Outdoor Storage

The temporary or permanent storage of products, supplies, and equipment located outside of a building. Outdoor storage of any type is considered an accessory use.

Urban Open Space

Spaces for private or public congregation and recreational opportunities designed to be easily observed from the street, pedestrian circulation areas or common areas.

C. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: PEDESTRIAN OVERLAY DISTRICT

Delete Chapter 10, Part 8 in its entirety. Replace with the following text. The regulations have been reorganized and renumbered. For ease of understanding the modifications, new inserted text is shown with underlining, while text proposed for deletion is shown with strikethroughs.

Section 10.801. Purpose.

The purpose of the Pedestrian Overlay District (PED) is to reestablish an urban fabric by promoting a mixture of uses in a pedestrian-oriented setting of moderate intensity and to support economic development along business corridors. The district encourages the reuse of existing structures, particularly those that contribute to the unique character or history of the area. The standards also encourage high quality design, mixed use development, the use of public transit, and development, which complements adjacent neighborhoods.

Section 10.802. Applicability.

The PED will be applied to selected corridors as an overlay to existing zoning districts, but will not be applicable to the Mixed Use Development District (MUDD), Uptown Mixed Use District (UMUD), and the Neighborhood Services District (NS). If the regulations and standards of this Pedestrian Overlay District conflict with those of the underlying district, those of this overlay district shall apply, with one exception. If the regulations and standards of this Pedestrian Overlay District conflict with those of an Historic Overlay District, then Historic Overlay District regulations and standards for exterior features as described in Section 10.204 shall take precedence over the PED regulations and standards. (*Petition No. 2007-119, § 10.805, 11/19/07*)

A PED is not established until a rezoning petition is approved designating the boundaries for the particular corridor and a streetscape plan is approved by the City Council. The designated PED shall be shown on the official zoning maps. The development and urban design standards for a PED are stated in Sections 10.812 and 10.813 respectively.

Section 10.803. Administrative Approval.

To offer some degree of flexibility the Planning Director, or designee, has the authority to administratively alter any of the development and urban design standards by 5% in this overlay district. If administrative approval is for parking, the Planning Director, or designee, will only grant this approval after consulting with CDOT. On matters that do not involve quantitative measurements, the Planning Director, or designee, may also make minor alterations if it is determined that such changes would be an innovative design approach to development and/or would be in keeping with the general intent of the PED.

Administrative approvals shall be considered under the following circumstances:

- (1) Incorporation of existing buildings, trees, topographic features, or other existing elements consistent with the PED intent;
- (2) Provision of urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the PED, or;
- (3) Difficulty implementing PED standards due to site constraints such as lot configuration, lot size, lot width, mature trees, topography, number of streets or other physical constraints.

Section 10.804. Board of Adjustment.

The Board of Adjustment shall have no jurisdiction to grant variances from the development and urban design standards of Sections 10.812 and 10.813. A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to Section 10.803 or as a result of a Council-approved Pedestrian Overlay District (Optional). The Board shall have no jurisdiction with respect to an interpretation of, or decision about, Section 10.812 or 10.813 development and urban design standards except as a result of notice of zoning violation for which an appeal can be filed to the Board.

Section 10.805. Pedestrian Overlay District (Optional); Purpose.

The Pedestrian Overlay District (PED) establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development, which does not meet the minimum standards of the PED.

The Pedestrian Overlay District (Optional), or PED-O, is established to provide a mechanism to review and address new development concepts, innovative designs, special problems, public/private ventures, and other unique proposals or circumstances, which cannot be accommodated by the standards of the PED. It also serves as a mechanism for altering or modifying of these minimum standards as they relate to a specific development.

The PED standards form the basic framework as guidelines that will be used to evaluate a PED-O proposal, but any of the standards in the PED may be modified in the approval of the PED-O application.

Section 10.806. Pedestrian Overlay District (Optional); Application.

Petitions for a zoning map amendment to establish a PED-O should be submitted to the Charlotte-Mecklenburg Planning Department. A PED-O classification will be considered only upon application of the owner of the subject property or his duly authorized agent. Applications must be accompanied by a schematic plan and by any supporting text that becomes a part of the amending ordinance.

Section 10.807. Pedestrian Overlay District (Optional); Review and Approval.

The establishment of the Pedestrian Overlay District (Optional) shall be in accordance with the procedures of Section 6, Part 2: Conditional Zoning Districts. The City Council will also consider the extent to which the basic standards of the PED are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications.

Section 10.808. Pedestrian Overlay District (Optional); Effect of Approval; Alterations.

Changes to approved plans and conditions of development will be treated the same as changes to the Zoning Map and will be processed in accordance with the procedures in Section 10.803, "Administrative Approval".

Section 10.809. Preliminary review.

Applicants planning any development or redevelopment in a PED area are required to meet with the Charlotte-Mecklenburg Planning staff, Engineering and Property Management Department, and Charlotte Department of Transportation at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. The Pedestrian Overlay District (Optional) process does not exempt applicants from this preliminary review. Building permits will not be issued until the Planning Department staff approves the proposal as in conformance with this ordinance.

Section 10.810. Exceptions.

New development within areas designated as PED is subject to the development and urban design standards of PED, with the following exceptions:

- (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.

- (5) Provide a 5' sidewalk between the building and the sidewalk on all adjoining public streets.

(e) Creation or expansion of outdoor seating

- (1) Creation or expansion of outdoor seating is not considered an expansion of the building area.
- (2) Additional parking spaces shall not be required unless such outdoor seating requires more than 5 added spaces based on the PED parking standards. Any additional parking must conform to the requirements of the PED, but none of the other PED requirements are applicable.
- (3) Outdoor seating within an existing right-of-way or public sidewalk easement must have an encroachment agreement approved by the CDOT.

(f) Additional parking for existing development

No additional parking areas may be developed in the established setback.

(g) Removal of Required Buffer for Additional Parking

If an existing buffer or screening area 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 10.812(1)(g). The additional parking must meet the requirements of this overlay district. (*Petition No. 2002-147, § 10.805(h), 1/21/03*)

Section 10.811. Uses

The uses permitted in the PED shall include those permitted by right and under prescribed conditions in the underlying district, except outdoor storage, outdoor advertising signs, and drive-through service windows for restaurants or retail uses. All permitted accessory uses will also be allowed except drive-thru windows for restaurants and retail establishments and outdoor advertising signs. (*Petition No. 2009-011, § 10.802, 02/16/09*)

In addition the following uses shall be permitted subject to the following requirements:

- (1) Dwellings, mixed use, subject to the standards of PED.
- (2) Drive-through service windows for offices must be located to the rear of the building, and are limited to no more than four (4) drive-through stations, including lanes servicing Automatic Teller Machines (ATM's).
(*Petition No. 2002-147, § 10.802(2), 01-21-03*)

- (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 and streetscape improvements. Existing parking must comply with the parking lot screening requirements of PED. Any additional parking must conform to the requirements of the PED, but none of the other PED requirements are applicable.

(b) Change from a Residential Use to a Non-Residential Use With No Expansion
(Petition No. 2009-011, § 10.805(b), 02/16/09)

If a residential use is changed to a non-residential use with no expansion, the use is exempt from the PED requirements except the following shall apply:

- (1) Implement streetscape requirements of Section 10.813(1)(g).
- (2) Remove any existing parking that may be in conflict with the provision of the streetscape requirements of Section 10.813(1)(g).
- (3) Meet buffering and screening requirements of Section 10.812(4) and (5).
- (4) Provide required parking as per Section 10.812(2).
- (5) Provide a 5' sidewalk connection between the building and the sidewalk on all adjoining public streets.

(c) Expansions of less than 25% of the building area or 1,000 square feet, whichever is less, are exempt from the PED requirements except:

- (1) Such expansion must meet the minimum setback, yard and height requirements of PED.
- (2) Provide any required additional parking according to the PED standards for the amount of the expansion.
- (3) The amount of expansion is cumulative as of the adoption of this text amendment (July 18, 2011).

(d) Expansions of more than 25% or 1000 square feet, whichever is less:
(Petition No. 2009-011, § 10.805(d), 02/16/09)

- (1) Implement streetscape requirements of Section 10.813(1)(g).
- (2) Remove any existing parking that may be in conflict with the provision of the streetscape requirements of Section 10.813(1)(g).
- (3) Meet buffering and screening requirements of Section 10.812(4) and (5).
- (4) Provide required parking as per Section 10.812(2).

- (3) Nightclubs, bars and lounges as a principal use, shall be subject to the standards of this overlay district, and be at least 400 feet from any residential use in a residential district or from a residential district. This separation distance may be reduced by a streetscape plan approved by the City Council.
- (4) Off street parking lots, that are not an accessory use, with 5 or more spaces shall be subject to the PED streetscape and screening standards.

The following use, which is not permitted in the underlying district, shall be permitted:

- (1) Residential uses in an underlying industrial district, subject to the standards of this overlay district.

Section 10.812. Development standards.

The following PED Overlay standards and requirements have precedence over the underlying zoning district standards and requirements, with one exception. If the regulations of PED conflict with those of a Historic Overlay District, then Historic Overlay District regulations and standards for exterior features as described in Section 10.204 shall take precedence over the PED regulations and standards. The PED development standards shall apply to all buildings or uses in PED unless specified otherwise in Section 10.802.

(Petition No. 2007-119, § 10.803, 11/19/07)

- (1) Areas, yard and bulk regulations shall be as follows:

Table 10.812(1)

Minimum Lot Area	None
Maximum Floor Area Ratio (FAR)	None
Minimum Setback (feet) ¹⁻⁶	Varies
Minimum Side Yard (feet)	
-Abutting residential use or zoning	5 feet
-All other conditions	None
Minimum Rear Yard (feet)	
-Abutting residential use or zoning	20 feet
-All other conditions	5 feet
Base Height	40 feet
Maximum Height (feet) ⁷⁻⁹	100 feet

Table 10.812(2) Footnotes

Setback Footnotes	
¹Minimum Building Setback	<p>For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented.</p> <p>The minimum building setback will be specified in a streetscape plan approved by the City Council. The minimum setback will be measured from the back of all existing or future curbs, whichever is greater.</p>

	<p>If new construction incorporates an existing structure located within the required setback, the Charlotte Department of Transportation (CDOT) and Planning Department staff may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb.</p> <p>If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined by CDOT in conjunction with the Planning Department staff.</p>
² Architectural Features	For new development across a local (public or private) street from, or abutting on the same side of a local street as, existing single family zoning (R-3, R-4, R-5, R-6, and R-8), one story screened or open air porches and stoops may encroach into the setback up to 8 feet, but shall be located behind the required sidewalk. Architectural features such as eaves, steps and cornices may encroach up to 3 feet into the setback.
³ Charlotte Tree Ordinance	The "Charlotte Tree Ordinance" will be applicable in addition to any approved streetscape plan.
⁴ Doorways	No new doors shall be allowed to swing into the minimum setback, except for emergency exit doors.
⁵ Utilities	All above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits shall be located behind the minimum setback, except as allowed by any City right-of-way ordinances.
⁶ Fences	Fences and walls may also be located in the setback, behind the required sidewalk, but shall not exceed 3 feet in height above grade. All fences and walls shall be constructed in a durable fashion of brick, stone, other finished masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof.
Height Footnotes	
⁷ Base Height	<p>The base height for this district is 40 feet.</p> <p>For new development across a local (public or private) street from existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the minimum setback line. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the minimum setback line.</p> <p>For new development abutting on the same side of a local (public or private) street as existing single family zoning (R-3, R-4, R-5, R-6, and R-8), the 40' base height shall be measured at the required yard. The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from the required yard.</p> <p>For all other parcels, the permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single family residential district (R-3, R-4, R-5, R-6, and R-8). The height may increase one foot in height, over 40 feet, for every 10 feet in distance the portion of the building is from single family zoning district(s).</p>
⁸ Maximum Height	The permitted maximum height shall be determined by the distance from the building to the boundary line of the nearest single-family residential district.
⁹ Proximity to Single Family Zoning	For buildings located across the street from single family zoning the height shall be measured from the setback line of the PED zoned property.

(2) Parking standards

Provisions for parking and loading shall conform to the general requirements of CHAPTER 12, PART 2, OFF-STREET PARKING AND LOADING, except as provided for in this section.

Table 10.812(3) Number of Parking Spaces

Use	Minimum/Maximum Number of Parking Spaces
Hotels and motels	Minimum 0.5 spaces per room
Religious institutions	Maximum One (1) space per 8 seats <i>(Petition No. 2002-147, § 10.803(6)(a), 01-21-03)</i>
Residential	Minimum One (1) space per dwelling unit. Minimum .25 spaces per unit for Multi-Family Elderly or Disabled
Restaurants/Nightclubs	Minimum One (1) space per 125 square feet
All Other Non-Residential Uses	Minimum One (1) space per 600 square feet

- (a) The required number of parking spaces for any building within the district, including mixed use buildings, is the sum total of the requirements for each use in the building calculated separately.
- (b) A 25% parking reduction is allowed if the property is located within 400 feet of a parking facility available to the general public. (Such facility must provide at least 25% of the parking spaces for public use.) This section in combination with Section 12.202(2) allows for no more than a total of 25% parking reduction.
- (c) No surface parking or maneuvering space is permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.
- (d) Underground parking structures are permitted, except within any required setback.
- (e) On-street parking or recessed parking entirely within the public right-of-way is permitted in locations approved by the Charlotte Department of Transportation (CDOT). Such parking may be counted toward meeting the minimum number of parking spaces as required by this ordinance if they are located on the same side(s) of the street and abutting the use.

In the event that the City or State removes any parking that was allowed to count toward the minimum requirement, the existing use will not be required to make up the difference and will not be made non-conforming.

- (f) Reserved.

- (g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the Director of Engineering and Property Management, and the Zoning Administrator.
(Petition No. 2005-78, § 10.803(6)(g), 06/20/05)
- (i) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required planting strips. Parking and driveways located to the side of the primary structure may cover no more than 35% of the total lot width.
- (j) The five-foot planting strip or wall as required under Section 10.812(4)(a) may be eliminated between abutting parking lots that are combined or interconnected with vehicular and pedestrian access. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. Surface parking lots shall conform to the “Charlotte Tree Ordinance”.
(Petition No. 2002-147, § 10.803(6)(i), 1/21/03)
- (k) The bicycle parking standards of Section 12.202 and Section 12.202A are applicable in this district.
(Petition No. 2005-013, § 10.803(6)(j), 3/21/05)
- (l) For multi-family buildings (three or more units) located across from or adjacent to single family zoning on local streets:
 - (1) Parking pads and driveways for individual multi-family residential units shall not be permitted along public or private streets, except for corner lots and lots at least fifty (50) feet in width.
 - (2) Corner lots may have driveway access to a public street from the side yard.
 - (3) Shared driveways accessing multiple garages or parking areas, and garages or parking areas accessed by alleys are permitted if the garages are to the rear of the structure.
 - (4) Front-loaded garages may be approved by the Planning Director if site shape, environmental and/or topographic challenges exist that present significant site constraints.
- (3) Loading standards
 - (a) Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Part must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely

within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These parking spaces must be a minimum of 10 feet by 25 feet and be provided in accordance with the following:

Non-residential uses with gross floor area:

Less than 50,000 square feet:	None required
50,000 – 150,000 square feet:	One (1) space
Each additional 100,000 square feet:	One (1) space

Existing buildings without expansion are exempt from these loading standards.

- (b) No loading spaces may be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas. It is the intent that these driveways are as nearly perpendicular to the street right-of-way as possible.
- (c) Loading and service areas shall not be located across from single family zoning or abutting single family zoning on the same side of the street.

(4) 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, or his or her authorized designee, 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.
(Petition No. 2009-011, § 10.803(8)(c), 02/16/09)

(5) Buffers.

- (a) All uses in the PED, other than single-family detached units, must provide buffering along all edges abutting residential districts. In addition, uses in PED, which are separated from a residential district by an alley of 25 feet or less, must also provide buffering along all edges abutting the alley. However, multi-family developments abutting multi-family uses or undeveloped multi-family zoning districts are exempt from this buffering requirement.
- (b) Such buffering shall consist of a 10-foot wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials will be provided at a minimum of six (6) trees and twenty (20) shrubs per 100 linear feet in accordance with Section 12.302(9)(b), (c), (d) and (e). The 10-foot wide planting strip may be reduced to 8 feet and the shrubs need not be planted if a masonry wall with a minimum height of 6 to 8 feet in a side yard or 8 to 10 feet in a rear yard is installed. This buffering area may be interrupted with a gate/pedestrian access way to an adjacent site.

(6) Outdoor lighting.

- (a) The maximum height of the light source (light bulb) detached from a building shall be 20 feet.
- (b) All outdoor lighting will be screened in such a way that the light source cannot be seen from any adjacent residentially used or zoned property.

(7) Urban open spaces.

- (a) All new development on lots one acre or more in size must provide urban open space.
- (b) Private open space is defined as an area that is:
 - (1) Accessible and visible to residents, tenants, and/or users of the development.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Located on the ground floor or first level of the development, a roof or terrace level, balconies, patios, in an interior courtyard area of the development, or a combination of these locations.
 - (4) Out of doors, or in the open air (may be under a roof or canopy).
- (c) Public urban open space is defined as an area that is:
 - (1) Accessible and open to the public.

- (2) Improved with seating, plantings, or other amenities.
 - (3) Visible and accessible from the street or public pedestrian areas.
 - (4) Located on the ground floor or no more than five feet above or five feet below ground level.
 - (5) Out of doors, or in the open air (may be under a roof or canopy).
- (d) All required open space shall be located behind the sidewalk and on private property.
- (e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

Table 10.812(4) Open space

Use	Private open space	Public open space
Residential use	1 sq. ft./100 sq. ft. gross floor area <i>or</i> 1 sq. ft./200 sq. ft. lot area, whichever is greater.	None required.
Non-residential use	None required.	1 sq. ft./100 sq. ft. gross floor area <i>or</i> 1 sq. ft./200 sq. ft. lot area, whichever is greater.

Section 10.813 Urban design standards.

(1) Design Standards.

All buildings and uses developed in this overlay district must meet the following minimum standards:

- (a) Street Walls. The first floor of all buildings must be designed to encourage and complement pedestrian-scale interest and activity.
- (1) The first floor of all buildings fronting a public street must be designed and/or used for active uses. These uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.
 - (2) Expanses of blank walls may not exceed 20 feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation.

When this approach is not feasible architectural elements must be used on the building facade at street level. Elements may include, but are not limited to: molding; string courses; belt courses;

changes in material or color; architectural lighting; works of art; display areas, porches, or stoops.

- (3) Ventilation grates or emergency exit doors located at the first floor level in the building facade oriented to any public street must be decorative.

- (b) Street walls across from or next to single family. For buildings across from single family zoning or abutting single family zoning on the same side of the street the following standards shall be met:

- (1) Roof line variation every 30 feet is required. This can be accomplished by using vertical offset in ridge lines, gables, cornices, dormers, roof top patios, material changes, and/or other architectural features such as trellises, portals or porches.
- (2) Porches, if provided, shall be at least 6 feet in depth. A porch is defined as a covered platform, usually having a separate roof, at an entrance to a building.
- (3) Entrances that face the street for ground floor units shall be provided. No more than four ground floor units shall be allowed to utilize the same entrance.
- (4) Façade variations shall be provided that visually separate individual units. This can be accomplished through measures such as window arrangement and size variation, unit entrance design, roof variation, material changes, and/or offset wall planes.

- (c) Structured Parking Facilities. Structured parking facilities must be designed to encourage and complement pedestrian scale interest and activity.

- (1) The first floor of structured parking facilities fronting a public street must be designed and/or used for active uses. These uses must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 50% of the length of the first floor building elevation along the first floor street frontage.
- (2) Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicular entrances and pedestrian access to the structure. In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade, they must be decorative and must be an integral part of the overall building design. These openings, as well as pedestrian and vehicular entrances, must be designed so that cars parked inside are not visible from the street or transitway.

- (3) The remainder of the street or transitway level frontage must be either available for commercial or residential space or an architecturally articulated facade designed to screen the parking areas of the structure and to encourage pedestrian scale activity. If fronting on a Class III (major arterial) or Class IV (minor arterial) street the portion of the first level along the thoroughfare frontage must be available for retail, office, or residential space.
 - (4) Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers.
- (d) Canopies. Canopies, awnings and similar appurtenances are encouraged at the entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building to within two (2) feet of the back of the curb. Supports for these canopies are not allowed in the minimum setback. If this extension would reach into the public right-of-way, an encroachment agreement from the City or State is required.
- (e) Building Entrances.
- (1) At least one operable pedestrian entrance per building must face a street or transitway and be distinguishable from the rest of the building. Such entrances must be recessed into the face of the building with a minimum 15 square foot area to provide a sense of entry and to add variety to the streetscape. No new doors will be allowed to swing into the minimum setback, except for emergency exit doors.
 - (2) Single family and townhouse units are only required to have an entrance on one building façade fronting a street. On corner lots, single family dwellings and town homes may provide one main entrance oriented to the corner or facing either of the streets.
 - (3) To provide a level of comfort and security for residents on the first floor of residential buildings on major thoroughfares, the first floor shall be visually and physically separated from the sidewalk. Examples include increasing the setback, installing additional landscaping, raising or lowering the first floor or other methods.
- (f) Signs, Banners, Flags and Pennants. Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:
- (1) Specifications for permanent signs shall be according to Section

13.108a, except for signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed 5% of building wall area to which the sign is attached, up to a maximum of 100 square feet. Wall signs may be increased by 10% per sign in lieu of a ground mounted or monument sign.

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

- (2) No permanent detached pole signs shall be permitted in PED.
- (3) Ground mounted or monument signs are allowed as follows:
 - a. Not to exceed 5 feet in height and 20 square feet in area.
 - b. Located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
 - c. Signs must be located a minimum of 14 feet from the existing or future curb, whichever is greater.
- (4) No outdoor advertising signs will be permitted.
- (5) Marquee and message center signs are allowed.
- (6) Signs are allowed to project nine (9) feet into the required setback or one-half the width of the required setback, whichever is less. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.

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

(Petition No. 2009-011, § 10.804(1)(f), 02/16/09)

- (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, or his or her authorized designee, 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.