

Revised 5-11-15

Petition No. 2014-021
Petitioner: Charlotte-Mecklenburg Planning Department

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO. 5962

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 adding a new definition for "mobile produce market", in alphabetical order. The new definition shall read as follows:

Mobile produce market.

A mobile vehicle (excluding passenger cars), or trailer, commercially licensed by a Department of Motor Vehicles, from which fruits and vegetables (fresh or commercially prepared and packaged) are sold, excluding alcoholic beverages.

B. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Section 9.101, "Table of Uses" by making modifications to the Use Table under the headings, "Other Uses" (for principal uses) and "Accessory Uses and Structures" and as shown. The amended table shall read as follows:

PRINCIPAL USE										
Other Uses										
	R-3	R-4	R-5	R-6	R-8	R-8MF	R12MF	R17MF	R22MF	R-43MF
Outdoor fresh produce stands and mobile produce markets	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

PRINCIPAL USE											
Other Uses											
	UR-1	UR-2	UR-3	UR-C	MX-1	MX-2	MX-3	INST	O-1	O-2	O-3
Outdoor fresh produce stands and mobile produce markets	PC	PC	PC	PC							

PRINCIPAL USE										
Other Uses										
	RE-1	RE-2	RE-3	B-1	B-2	B-D	B-P	CC	NS	MUDD
Outdoor fresh produce stands and mobile produce markets	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

PRINCIPAL USE							
Other Uses							
	UMUD	TOD-R	TOD-E	TOD-M	U-I	I-1	I-2
Outdoor fresh produce stands and mobile produce markets	PC	PC	PC	PC	PC	PC	PC

2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.203, “Uses permitted under prescribed conditions”, by modifying item (12.1), “Outdoor fresh produce stands” by adding “and mobile produce market”. The revised entry shall read as follows:

(12.1) Outdoor fresh produce stands, and mobile produce market, subject to the regulations of Section 12.539.

3. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.204, “Uses permitted under prescribed conditions”, by adding “and mobile produce market” to item (17.1), “Outdoor fresh produce stands”. The revised entry shall read as follows:

(17.1) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

4. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.404, “Urban Residential Districts; uses permitted under prescribed conditions”, by modifying item (3.1), “Outdoors Fresh Produce Stands” by removing the “s” in “outdoors”, adding “and mobile produce market”. The revised entry shall read as follows:

(3.1) ~~Outdoors-Fresh Produce Stands~~, and Mobile Produce Market, subject to the regulations of Section 12.539.

5. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.503, “Uses permitted under prescribed conditions” by modifying item (13.1), “Outdoor fresh produce stands” by adding, “and mobile produce market”. The item is located in the wrong section. The deleted item is as follows:

(13.1) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

6. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions” by modifying item (14) titled, “Outdoor fresh produce stands” to include “and mobile produce market”. The revised item shall read as follows:

(14) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

7. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, “Uses permitted under prescribed conditions” by modifying item (20.2), “Outdoor fresh produce stands” to include “and mobile produce market”. The revised item shall reads as follows:

(20.2) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

8. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions” by 1) modifying item (26.1), “Outdoor fresh produce stands” by adding “mobile produce market” and 2) renumbering item (26.1) as (25.5) to place it in alphabetical order. The revised item shall read as follows:

~~(26.1-25.5)~~ Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

9. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions” by modifying “Outdoor fresh produce stands” by adding “mobile produce market”. The revised item shall read as follows:

Outdoor fresh produce stands and mobile fresh produce market, subject to the regulations of Section 12.539.

10. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions” by modifying item (14.4), “Outdoor fresh produce stands” by adding “mobile produce market. The revised item shall read as follows:

(14.4) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

11. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1003, “Urban Industrial District; uses permitted under prescribed conditions” by modifying item (6.01), “Outdoor fresh produce stands” by adding “mobile produce market”. The revised item shall read as follows:

(6.01) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

12. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, “Uses permitted under prescribed conditions” by modifying item (35.1), “Outdoor fresh produce stands” by adding “and mobile

produce market”. The revised item shall read as follows:

(35.1) Outdoor fresh produce stands, and mobile produce market, subject to the regulations of Section 12.539.

13. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, “Uses permitted under prescribed conditions” by modifying item (7.1), “Outdoor fresh produce stands” by adding “and mobile produce market”. The revised item shall read as follows:

(7.1) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

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

- a. Amend Section 11.203, “Uses permitted under prescribed conditions” by modifying item (12.1), “Outdoor fresh produce stands” by adding “and mobile produce market”. . The revised item shall read as follows:

(12.1) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

2. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.403, “Uses permitted under prescribed conditions” by amending item (8.1), “Outdoor fresh produce stands” by adding “and mobile produce market”. The revised item shall read as follows:

(8.1) Outdoor fresh produce stands and mobile produce market, subject to the regulations of Section 12.539.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Modify Section 12.539, “Outdoors Fresh Produce Stands” by removing the “s” in “outdoors” and modifying the section to include “mobile produce markets” and modifying the prescribed conditions. The revised section shall read as follows:

Section 12.539. Outdoors Fresh Produce Stands or Mobile Produce Market

Because Outdoors fresh produce stands and mobile fresh produce markets encourage greater consumption of fruits and vegetables, thereby improving the quality of life in the communities within the city and contributing to the nutritional health of the people of Charlotte, ~~they are treated as a special case in~~

~~the Charlotte Zoning Code. Regulations for these activities are specific.~~

Outdoors fresh produce stands and mobile produce market vendor(s) may sell all types of fresh produce, including but not limited to tomatoes, squash, corn, cucumbers, beans, berries, melons, apples, pears, peaches, citrus fruit, root vegetables, green vegetables, pie pumpkins, nuts, fresh herbs, or other fruits or vegetables. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products. Outdoor fresh produce stands or mobile produce markets are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519.

~~As a principal use, outdoor fresh produce stands are allowed in all zoning districts except residential, office and institutional zoning districts. As a principal use, outdoor fresh produce stands located in a permanent structure are subject to the standards of the underlying zoning district and the regulations of Chapter 4, "Development Approval".~~

~~However, if a permanent structure is not utilized, then the following prescribed conditions shall be met.~~

- ~~(1) — Each vendor selling fresh produce must obtain zoning permit(s) for the outdoor fresh produce stand(s) and any associated canopies or tents from the Zoning Administrator or designee. The permit for an outdoor fresh produce stand shall be valid from January 1 to December 31, unless a shorter duration is noted.~~
- ~~(2) — The owner of the property, if not the same as the outdoor fresh produce stand vendor(s), shall give written permission to each vendor.~~
- ~~(3) — Outdoor seasonal fresh produce stands may operate all year.~~
- ~~(4) — A zoning use placard must be posted in a visible location on the produce stand, while in use.~~
- ~~(5) — Temporary fabric covered canopies or tents are permitted, if removed daily.~~
- ~~(6) — The produce stand vendor is responsible for the removal of all trash and spoiled product on a daily basis, and, at the conclusion of the season or termination of the permit, the operator must remove all vestige of the operation, including, but not limited to, canopies, tents, tables, counters, coolers, trailers and signs.~~
- ~~(7) — All other applicable Federal, State and Local Codes shall be met for the use and items sold.~~

~~As an accessory use, outdoor fresh produce stands are allowed in all zoning districts, subject to the following prescribed conditions:~~

- (1) — ~~Each vendor selling fresh produce must obtain zoning permit(s) for the outdoor fresh produce stand(s) and any associated canopies or tents from the Zoning Administrator or designee. The permit for an outdoor fresh produce stand shall be valid from January 1 to December 31, unless a shorter duration is noted.~~
- (2) — ~~Residential Districts: The use shall only be allowed in residential districts as an accessory use to a religious institution, school, university, college, or hospital located on a lot abutting a major thoroughfare, not to exceed 750 square feet of the lot area for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations.~~
- (3) — ~~Office and Institutional Districts: The use shall be allowed in institutional and office zoning districts as an accessory use to a religious institution, school, university, college, hospital or to an office use, not to exceed 1500 square feet of the lot for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations.~~
- (4) — ~~All other Districts: The use shall be allowed only on lot occupied by another non-residential use, and shall not exceed 1500 square feet of the lot for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations.~~
- (5) — ~~The owner of the property, if not the same as the outdoor fresh produce stand vendor(s), shall give written permission to each vendor.~~
- (6) — ~~Outdoor seasonal fresh produce stands may operate all year.~~
- (7) — ~~Five off-street parking spaces shall be provided for all outdoor fresh produce stand(s) on the same parcel. Shared parking agreements are permitted, as per Section 12.203~~
- (8) — ~~In the residential, office, or institutional zoning districts, no buildings are permitted in association with fresh produce stands.~~
- (9) — ~~Hours of operation shall be from one-half hour after sunrise to one-half hour after sunset.~~
- (10) — ~~Signage is only allowed on the stand. One identification sign not exceeding 15 square feet may be attached to the produce stand. This sign may remain in place throughout the sales season. No detached signs are allowed.~~
- (11) — ~~The setback for all sale items and parking shall the minimum setback approved on a conditional site plan, or the setback of the~~

district if there is not an approved site plan, but not less than 20 feet from the right-of-way.

- ~~(12) In all zoning districts, temporary fabric covered canopies or tents are permitted, if removed daily.~~
- ~~(13) A zoning use placard must be posted in a visible location on the produce stand, while in use.~~
- ~~(14) The produce stand vendor is responsible for the removal of all trash and spoiled product on a daily basis, and, at the conclusion of the season or termination of the permit, the operator must remove all vestige of the operation, including, but not limited to, canopies, tents, tables, counters, coolers, trailers and signs.~~
- ~~(15) Outdoor Fresh Produce Stand(s) or Periodic Retail Sales Event (either off premise), or Outdoor Seasonal Sales event may not occupy the same lot at the same time. Any change of use of the property requires a new permit, and any previous permit(s) become null and void.~~
- ~~(16) All other applicable Federal, State and Local Codes shall be met for the use and items sold.~~

1. Principal and accessory outdoor fresh produce stands and mobile produce markets are subject to the following prescribed conditions:

- (a) The property owner shall obtain a zoning permit for the outdoor fresh produce stand(s) or mobile produce market. The permit shall be valid for 365 consecutive days.
- (b) The owner of the property, or designated agent, shall give written permission to each vendor.
- (c) Two off-street parking spaces shall be provided for each outdoor fresh produce stand or mobile produce market, on the same parcel. Shared parking agreements are permitted, as per Section 12.203.
- (d) The lot must be a legal conforming lot .
- (e) The vendor is responsible for the removal of all trash and spoiled product on a daily basis.
- (f) The setback for all sale items and parking shall comply with the required minimum setback of the district, or any approved site plan, but shall not be less than 20 feet from the right-of-way. The use must also be located outside of any required buffer or sight distance triangle.

- (g) All other applicable Federal, State and Local Codes shall be met for the use and items sold.
- (h) Violations are subject to Section 8.105, "Citations". Violations may result in the revocation of the zoning use permit.

2. Principal outdoor fresh produce stand(s) or principal mobile produce markets are subject to the following additional prescribed conditions:

- (a) Allowed in the UR-C, RE-1, RE-2, RE-3, B-1, B-2, B-D, BP, CC, NS, MUDD, UMUD, TOD-E, TOD-M, U-I, I-1 and I-2 zoning districts and
- (b) Temporary fabric-covered canopies or tents are permitted if removed daily. Canopies or tents exceeding 12' in any dimension require a permit from Neighborhood & Business Services.

3. Accessory outdoor fresh produce stands or accessory mobile produce markets are subject to the following additional prescribed conditions:

- (a) Allowed in all zoning districts.
- (b) Outdoor fresh produce stand(s) or a mobile produce market may not occupy the same lot at the same time in the residential and institutional zoning districts.
- (c) Residential Districts: The outdoor fresh produce stand or mobile produce market shall only be allowed in residential districts as an accessory use to a religious institution, school, university, college, or hospital located on a lot abutting a major thoroughfare, minor thoroughfare or collector street, subject to the following additional prescribed conditions:
 - i. Outdoor fresh produce stand(s) may not exceed 750 square feet of the lot area for all stand(s) in the residential districts.
 - ii. If the mobile produce market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
 - iii. Hours of operation shall be from 7:00 a.m. to 9:00 p.m.
 - iv. One attached identification sign shall be allowed for each outdoor produce stand and shall not exceed 15 square feet.
 - v. Temporary fabric-covered canopies or tents are limited to one 12' X 12' tent in residential districts.

vi. Permanent buildings are not permitted.

(d) **Office and Institutional Districts:** Outdoor fresh produce stand(s) or a mobile produce market shall be allowed in institutional and office zoning districts as an accessory use to a religious institution, school, university, college, hospital or to an office use, subject to the following additional prescribed conditions:

i. Outdoor fresh produce stand(s) shall not exceed 1500 square feet of the lot for all stands.

ii. Permanent buildings are not permitted.

iii. One attached identification sign shall be allowed for each produce stand, not to exceed 15 square feet, in the institutional and office districts.

(e) **All Other Districts:** Outdoor fresh produce stand(s) or mobile produce markets are allowed as an accessory use to a non-residential use. Outdoor fresh produce stand(s) shall not exceed 1500 square feet of the lot for all stand(s).

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

Approved as to form:

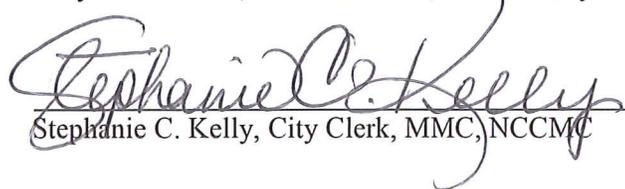

City Attorney

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 15th day of June, 2015, the reference having been made in Minute Book 138, and recorded in full in Ordinance Book 59, Page(s) 405-414.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of June, 2015.




Stephanie C. Kelly, City Clerk, MMC, NCCMC

Petition #: 2014-097
Petitioner: Charlotte-Mecklenburg Planning Department

ORDINANCE NO. 5963

AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – ZONING ORDINANCE

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: Single Family Districts

- a. Confirm the addition of a footnote 7 reference to Section 9.205, "Development standards for single family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (b). Also confirm footnote 7 in its entirety.

(1) Density, area, yard and bulk regulations shall be as follows:

	<u>R-3</u>	<u>R-4</u>	<u>R-5</u>	<u>R-6</u>	<u>R-8</u>
(b) Maximum floor area ratio for nonresidential buildings ⁷	.50	.50	.50	.50	.50

FOOTNOTES TO CHART 9.205(1):

^{7.} A parking deck constructed as an accessory use to an institutional use will permit the allowable F.A.R. of the institutional use to be increased by 50 percent, provided that the parking deck meets the requirements of Section 12.212(2). Notwithstanding the foregoing, in no event shall the floor area ratio of accessory residential buildings to a principal institutional use exceed .50.

2. PART 3: Multi-Family Districts

- a. Confirm the addition of a footnote 9 reference to Section 9.305, "Development standards for multi-family districts", subsection (1), "Density, area, yard and bulk regulations", subsection (b). Also confirm footnote 9 in its entirety.

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

	<u>R-8MF</u>	<u>R-12MF</u>	<u>R-17MF</u>	<u>R-22MF</u>	<u>R-43MF</u>
(b) Maximum floor area ratio for nonresidential buildings ⁹	.50	.50	.50	.50	.50

FOOTNOTES TO CHART 9.205(1):

^{9.} A parking deck constructed as an accessory use to an institutional use will permit the allowable F.A.R. of the institutional use to be increased by 50 percent, provided that the parking deck meets the requirements of Section 12.212(2). Notwithstanding the foregoing, in no event shall the floor area ratio of accessory residential buildings to a principal institutional use exceed .50.

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: Off-street Parking and Loading

a. Confirm the reorganization and renumbering of Section 12.212, “Parking Deck Standards”, and the formatting of illustrations. Also confirm the addition of subsection (2) in its entirety, related to parking decks constructed as an accessory use to an institutional use in a single family or multi-family district. In addition, confirm the tree spacing requirements that have been updated to align with standards in the Tree Ordinance. And confirm the addition of subsection (d), titled, “Illustrations for Option A, B, and C” to Section 12.212(1).

Section 12.212. Parking deck standards.

This Section sets forth development standards to address parking decks as a principal or accessory use within any permitted zoning district, except the RE-1, RE-2, RE-3, MUDD, PED, TOD-R, TOD-E, TOD-M, TS, UI, UMUD, and UR districts.

(1) Development options, which range from planting requirements to architectural treatments are proposed to lessen the impact of parking decks upon the street environment. All parking decks, unless otherwise provided, shall conform to one of the following development options:

(a) Option A: Parking decks may be constructed to the following minimum standards indicated below and which are illustrated in Figure 12.212(a):

1. Parking decks shall have a minimum setback 30 feet from the public right-of-way and must meet any more restrictive setback or other yard requirements for the district;
2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot

clearance throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles;

3. A minimum 25-foot planting area shall be provided between the face of the parking deck and the sidewalk. The planting area shall be planted as follows:
 - (i) Large maturing trees shall be planted at a rate of 1 tree per 40 linear feet of street frontage and shall have a minimum caliper of 2 inches measured 6 inches above ground at time of planting.
 - (ii) Evergreen shrubs meeting the requirements of Section 12.302(9)(c) shall be planted along the face of the parking deck with a maximum spacing of 5 feet on center.
4. A minimum 5-foot wide sidewalk shall be provided with a minimum 6-foot wide planting strip between the sidewalk and the street.

(b) Option B: Parking decks may be constructed to the following standards, provided that the parking deck is architecturally treated in a manner that avoids a monolithic appearance. This should be accomplished by treating the facade of the deck as a streetwall and articulating it through a variety of building materials and finishing that gives the deck a pedestrian scale. Development standards are as follows:

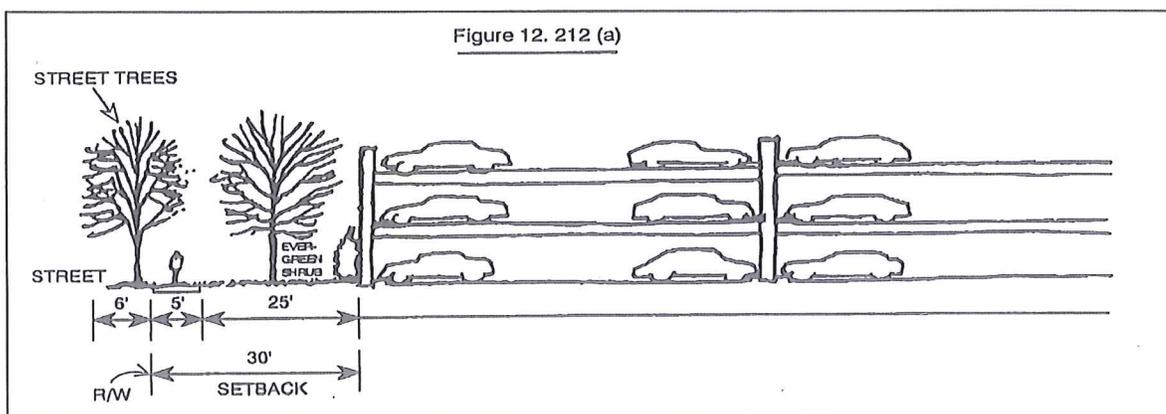
1. Parking decks shall be setback 20 feet (15 feet from back of curb in Neighborhood Service district) and meet all yard requirements for the district;
2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles;
3. The streetwall of the parking deck shall be treated in such a manner as to partially screen street level parking as well as to provide visual interest to the pedestrian. This can be accomplished through the use of articulated precast concrete panels, or ornamental grillwork as illustrated in Figure 12.212(b), or other means such as utilizing a variety of building materials such as brick or stone;
4. If more than two floors of parking are provided above street level, the third floor above street level and higher floors must be recessed at least 20 feet from the setback of the first and second floors as illustrated in Figure 12.212(c);
5. A minimum 12-foot wide planting area shall be provided between the sidewalk and the face of the deck. The planting area shall be planted with large maturing trees at a rate of one tree per 40 linear feet of street frontage or small maturing trees at the rate of 1 tree per 30 linear feet of street frontage;
6. A minimum 5-foot sidewalk shall be provided with a minimum 6-foot wide planting strip between the sidewalk and the street; and

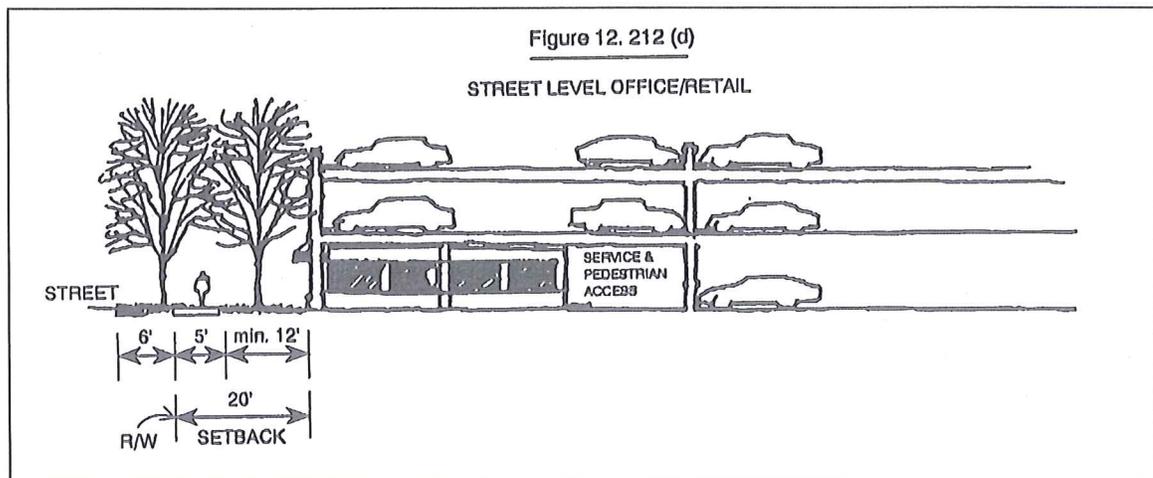
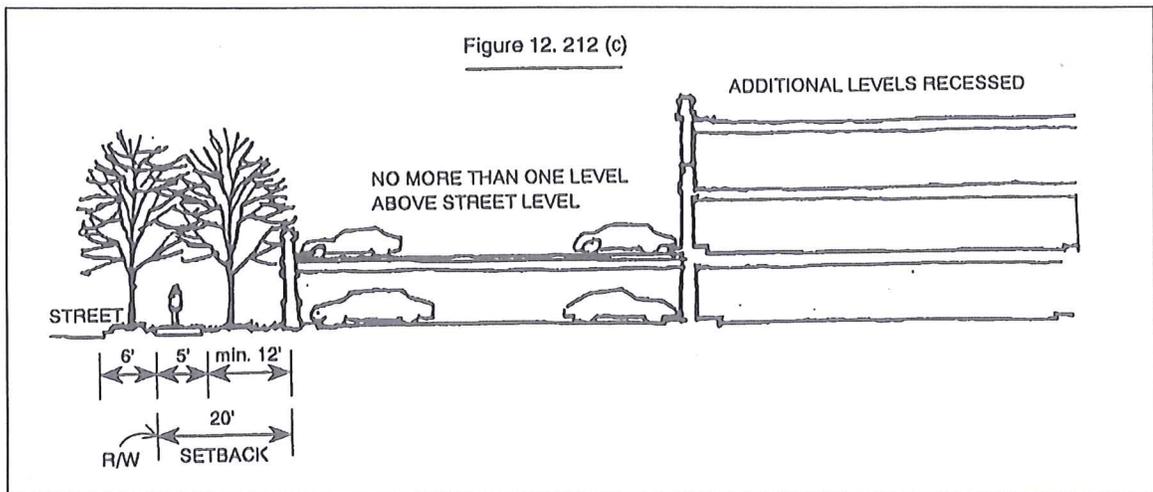
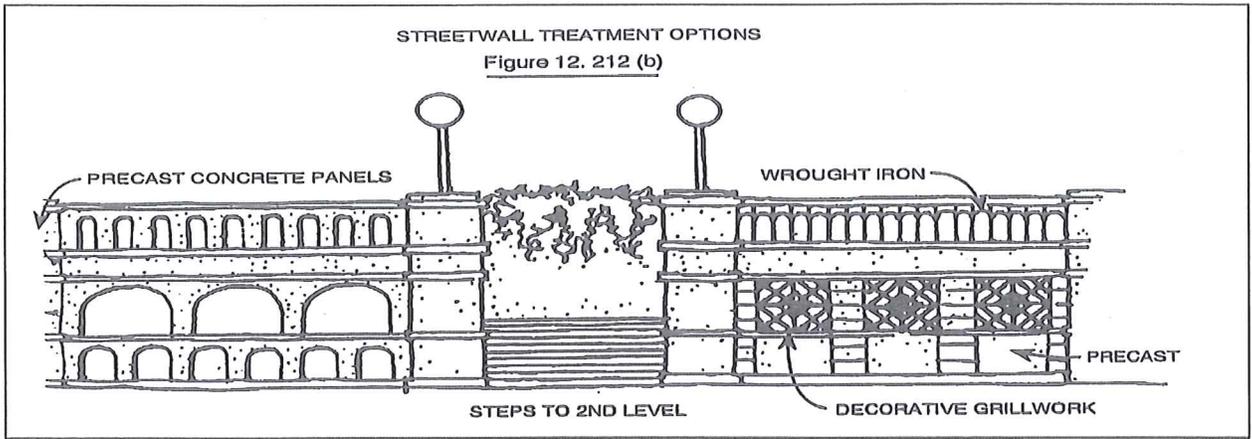
7. In the Neighborhood Services district, the 15 foot setback from the back of the curb shall consist of a minimum 6 foot wide planting strip and minimum 9 foot wide sidewalk behind the planting strip as illustrated in Figure 12.212(e). The planting strip shall be planted with large maturing trees at a rate of 1 tree per 40 feet of street frontage. If overhead utilities exist which cannot be relocated or placed underground, then small maturing trees shall be used at a rate of 1 tree per 30 linear feet of street frontage.

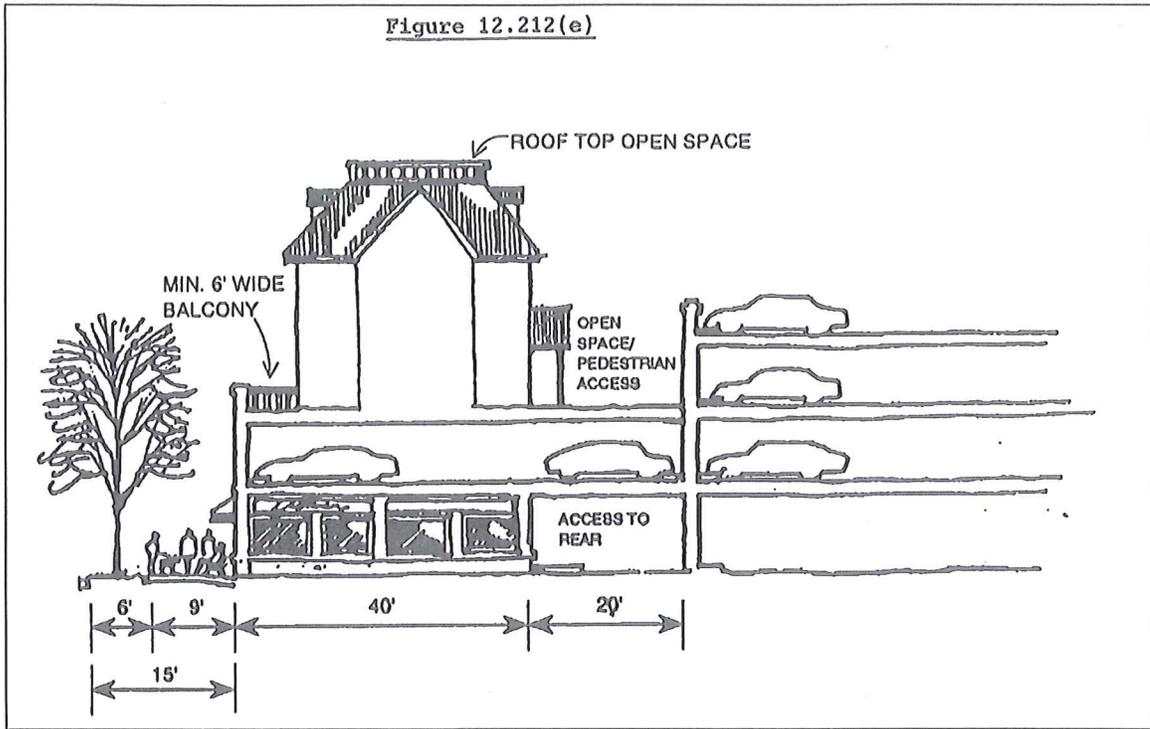
(c) Option C: Parking decks may be constructed to the following standards, provided that at least 50 percent of the street frontage of the first floor is used for retail or office use, as illustrated in Figures 12.212(d) and 12.212(e):

1. Parking deck shall be setback 20 feet (15 feet in the Neighborhood Service district);
2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles.
3. No more than two floors of parking are allowed above the street level use at the setback and subsequent floors shall be recessed a minimum of 20 feet;
4. A minimum 12 foot wide planting area shall be provided between the sidewalk and the face of the deck. The planting area shall be planted with large maturing trees at a rate of one tree per 40 linear feet of street frontage or small maturing trees at a rate of 1 tree per 30 linear feet of street frontage; and
5. In Neighborhood Services district, the 15-foot setback from the back of the curb shall consist of a minimum 6-foot wide planting strip and minimum of 8-foot wide sidewalk. The planting strip shall be planted with large maturing trees at a rate of one tree per 40 linear feet of street frontage. If overhead utilities exist and cannot be relocated or placed underground, then small maturing trees shall be used at a rate of 1 tree per 30 linear feet of street frontage.

(d) Illustrations for Option A, B, and C.







(2) Parking decks constructed as an accessory use to an institutional use in a single family (R-3, R-4, R-5, R-6, and R-8) or multi-family (R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF) residential district, will permit the allowable F.A.R. of the institutional use to be increased by 50 percent, provided that the parking deck meets the following standards:

- (a) The parking deck shall have a minimum setback of 50 feet from the edge of the public right-of-way. If the parking deck is below grade, the minimum setback of the zoning district shall apply.
- (b) Any required buffer shall be at least a minimum of 50 feet wide or greater, as per Section 12.302;
- (c) A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces, and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles;
- (d) A minimum 25-foot landscaped area shall be provided between the street facade of the parking deck and the sidewalk. The planting area shall consist of the following:
 - 1. Large maturing trees shall be planted at a rate of 1 tree per 40 linear feet of street frontage and shall have a minimum caliper of 2 inches measured 6 inches above ground at time of planting;
 - 2. Evergreen shrubs that meet the requirements of Section 12.302(9)(c) shall be planted along the street facade of the parking deck with a maximum spacing of 5 feet on center;

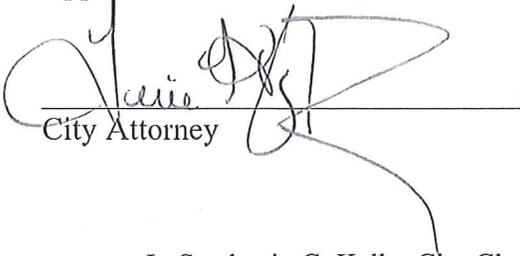
- (e) A minimum 5-foot sidewalk shall be provided with a minimum 6-foot planting strip between the sidewalk and the street;
- (f) The parking deck shall be designed so that motorized vehicles parked on all levels of the facility are screened from the street and from adjacent residentially zoned and/or used properties. This shall be accomplished by using decorative elements such as grillwork or louvers, as illustrated in Figure 12.212(b);
- (g) The façade of the deck adjacent to the street right-of-way or residentially zoned or used properties shall be designed with a pedestrian scale through the use of articulated precast concrete panels, decorative elements, or a variety of building materials such as brick or stone, as illustrated in Figure 12.212(b).

A parking deck will also permit the allowable F.A.R. to be increased by 50 percent if it meets the standards of subsections (a), (c), (d) and (e) above, and at least one of the following conditions are met:

- 1. The parking deck is located a minimum of 400 feet from the edge of the public right-of-way and from any vacant or residentially used property located in a single family or multi-family zoning district; or
- 2. The parking deck is obscured from view from the public right-of-way and any adjacent vacant or residentially used property located in a single family or multi-family zoning district by existing buildings and/or mature vegetation.

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 15th day of June, 2015, the reference having been made in Minute Book 138, and recorded in full in Ordinance Book 59, Page(s) 415-421.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of June, 2015.





 Stephanie C. Kelly, City Clerk, MMC, NCCMC

Petition #: 2015-048
Petitioner: Design Resource Group

Revised 5-29-15

ORDINANCE NO. 5964

**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 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: OFF STREET PARKING AND LOADING

- a. Amend Section 12.202A, "Bicycle parking standards", subsection (1)(b) by adding additional text related to short-term bicycle parking in the public right-of-way. All other subsections remain unchanged. The revised subsection shall read as follows:

Section 12.202A. Bicycle parking standards.

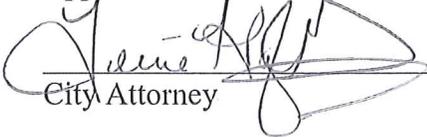
- (1) Short-term bicycle parking shall meet the following standards:
- (a) Covered spaces. If twenty (20) or more short-term bicycle spaces are required, then at least fifty (50) percent of the required short-term bicycle spaces shall be covered. Coverage may be provided under roof overhangs or awnings, in bicycle lockers or within or under other structures.
- (b) Location. Short-term bicycle parking should be located along a major building approach line and clearly visible from the approach. The rack area shall be no more than 120 feet from the entrance it serves, or as close as the nearest non-handicap, off-street auto parking space, whichever is farther. Rack area(s) should be clearly visible from the entrance they serve and should be provided near each actively used entrance. In general, multiple buildings should not be served with a combined, distant rack area. It is preferred to place smaller rack areas in locations that are more convenient.

Short-term bicycle parking may be located within the public right-of-way and/or within the required setback in the UR-1, UR-2, UR-3, UR-C, RE-3, MUDD, UMUD, NS, PED, TOD-R, TOD-E, TOD-M, and UI zoning districts, subject to the following additional requirements:

1. The short-term bicycle parking shall not obstruct the required sidewalks, movement from on-street parking to the required sidewalks, or impact the minimum planting area or spacing requirements for street trees or required screening.
2. Bicycle parking may be located in a the public right-of-way subject to approval by the Charlotte Department of Transportation (CDOT) or the North Carolina Department of Transportation (NCDOT). If bicycle parking is not approved, then the required parking must be located entirely on the site.
3. There shall be no more than 5 required short-term bicycle parking spaces per 100 linear feet of street frontage. Additional bicycle parking beyond the required amount can exceed the 5 short-term bicycle parking spaces per 100 linear feet of street frontage requirement.

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

Approved as to form:

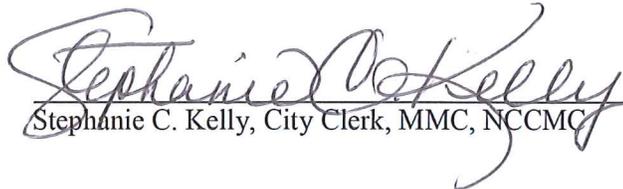


 City Attorney

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 15th day of June, 2015, the reference having been made in Minute Book 138, and recorded in full in Ordinance Book 59, Page(s) 422-423.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of June, 2015.



 Stephanie C. Kelly, City Clerk, MMC, NCCMC



Petition No.: 2015-052
Petitioner: NR Pinehurst Property Owner LLC

ORDINANCE NO. 5965-Z

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

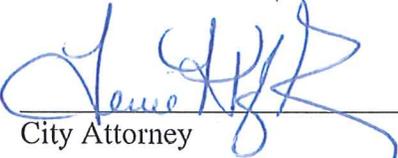
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-17MF(CD) (Multi-Family Residential, Conditional) to R-17MF(CD) SPA (Multi-Family Residential, Conditional, Site Plan Amendment) with 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:



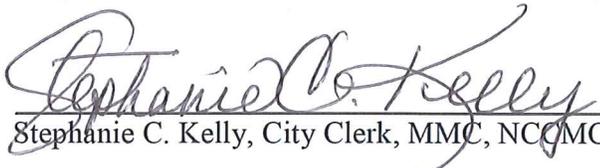
City Attorney

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 15th day of June, 2015, the reference having been made in Minute Book 138, and recorded in full in Ordinance Book 59, Page(s) 424-425.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of June, 2015.





Stephanie C. Kelly, City Clerk, MMC, NCCMC

Petition #: **2015-052**

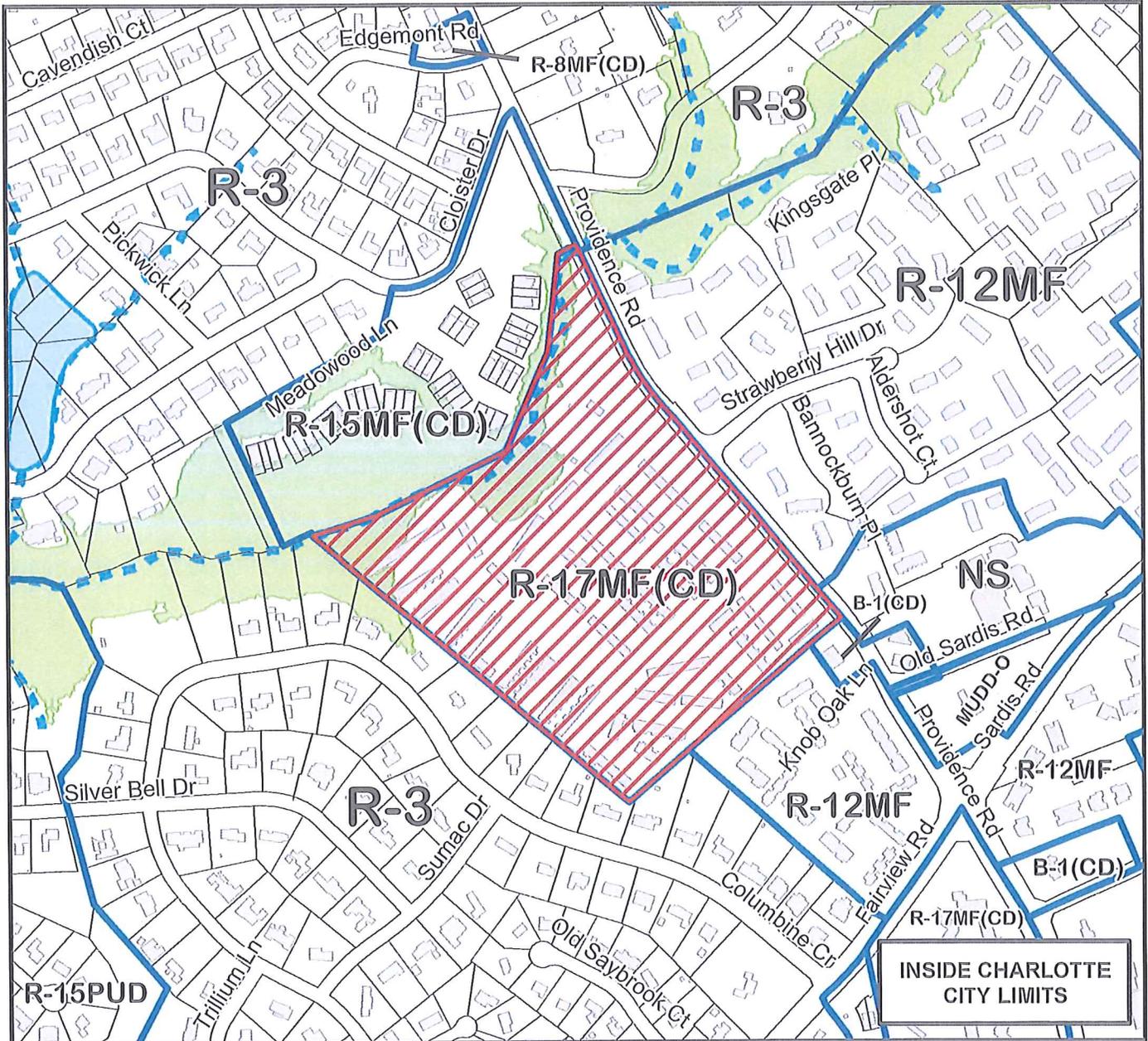
Ordinance No. 5265-Z

Petitioner: **NR Pinehurst Property Owner, LLC**

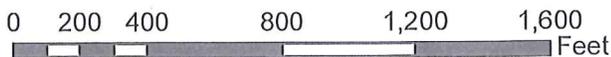
Zoning Classification (Existing): **R-17MF(CD)**
(Multi-Family, Residential, Conditional)

Zoning Classification (Requested): **R-17MF(CD) SPA 5-Year Vested Rights**
(Multi-Family, Residential, Conditional, Site Plan Amendment, Five Year Vested Rights)

Acres & Location: Approximately 36.10 acres located on the west side of Providence Road between Cloister Drive and Knob Oak Lane and across from Strawberry Hill Drive.



Map Produced by the Charlotte-Mecklenburg Planning Department, 3-18-2015.



Zoning Map #(s)

136

	Requested R-17MF(CD) SPA 5-Year Vested Rights from R-17MF(CD)		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District

Petition No.: 2015-055
Petitioner: Providence Road Farms, LLC

ORDINANCE NO. 5966-Z

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

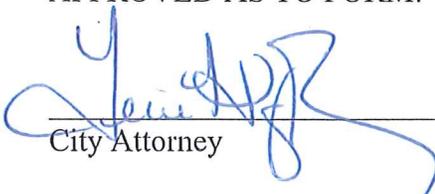
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-O (Mixed-Use Development, Optional) with 5-Year Vested Rights to MUDD-O SPA (Mixed-Use Development, Optional, Site Plan Amendment) with 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:

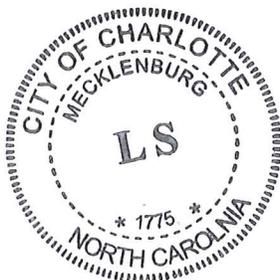


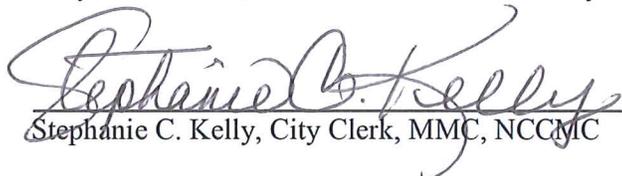
City Attorney

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 15th day of June, 2015, the reference having been made in Minute Book 138, and recorded in full in Ordinance Book 59, Page(s) 426-427.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of June, 2015.





Stephanie C. Kelly, City Clerk, MMC, NCCMC

Petition #: **2015-055**

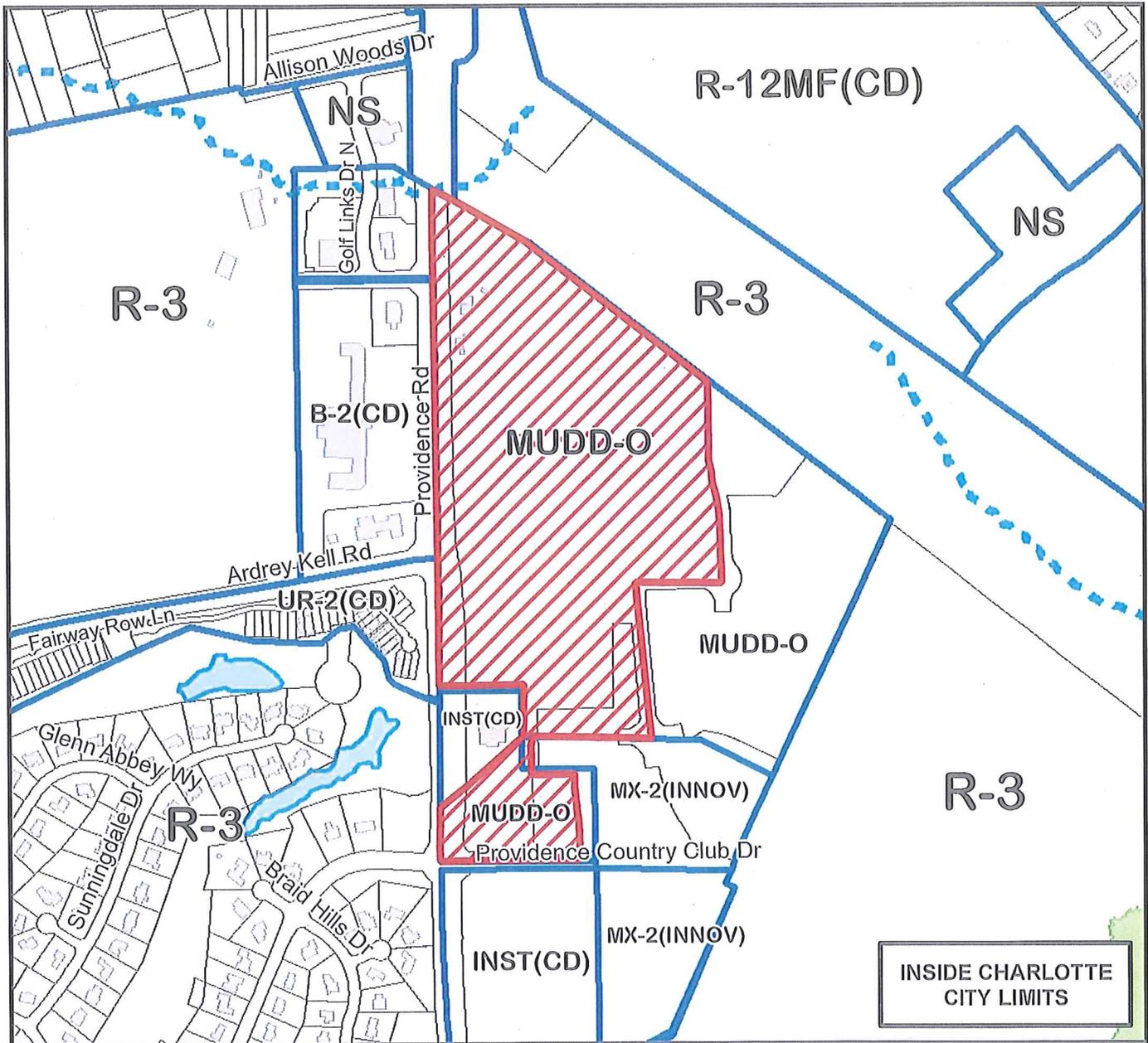
Ordinance No. 5966-Z

Petitioner: **Providence Road Farms, LLC**

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

Zoning Classification (Requested): **MUDD-O SPA 5-Year Vested Rights**
(Mixed Use Development District, Optional, Site Plan Amendment, Five Year Vested Rights)

Acreage & Location: Approximately 47.55 acres located on the east side of Providence Road between Providence Country Club Drive and Allison Woods Drive and across from Ardrey Kell Road.



Map Produced by the Charlotte-Mecklenburg Planning Department, 5-5-2015.



Zoning Map #(s)

180

	Requested MUDD-O SPA 5-Year Vested Rights from MUDD-O		FEMA flood plain
	Existing Building Footprints		Watershed
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams
	Pedestrian Overlay		Historic District

Petition No.: 2015-056
Petitioner: DPJ Residential, LLC

ORDINANCE NO. 5967-Z

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

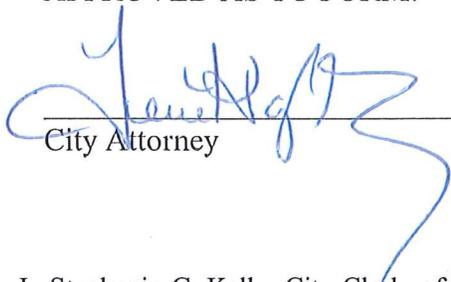
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 B-1 (Neighborhood Business) and MUDD(CD) (Mixed-Use Development, Conditional) to MUDD(CD) (Mixed-Use Development, Conditional) and MUDD(CD) SPA (Mixed-Use Development, Conditional, 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:



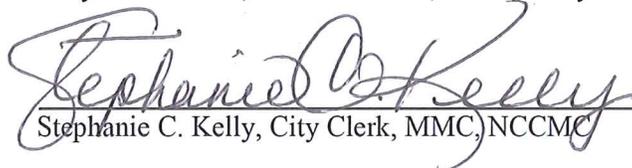
City Attorney

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 15th day of June, 2015, the reference having been made in Minute Book 138, and recorded in full in Ordinance Book 59, Page(s) 428-429.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this 15th day of June, 2015.





Stephanie C. Kelly, City Clerk, MMC, NCCMC

Petition #: **2015-056**

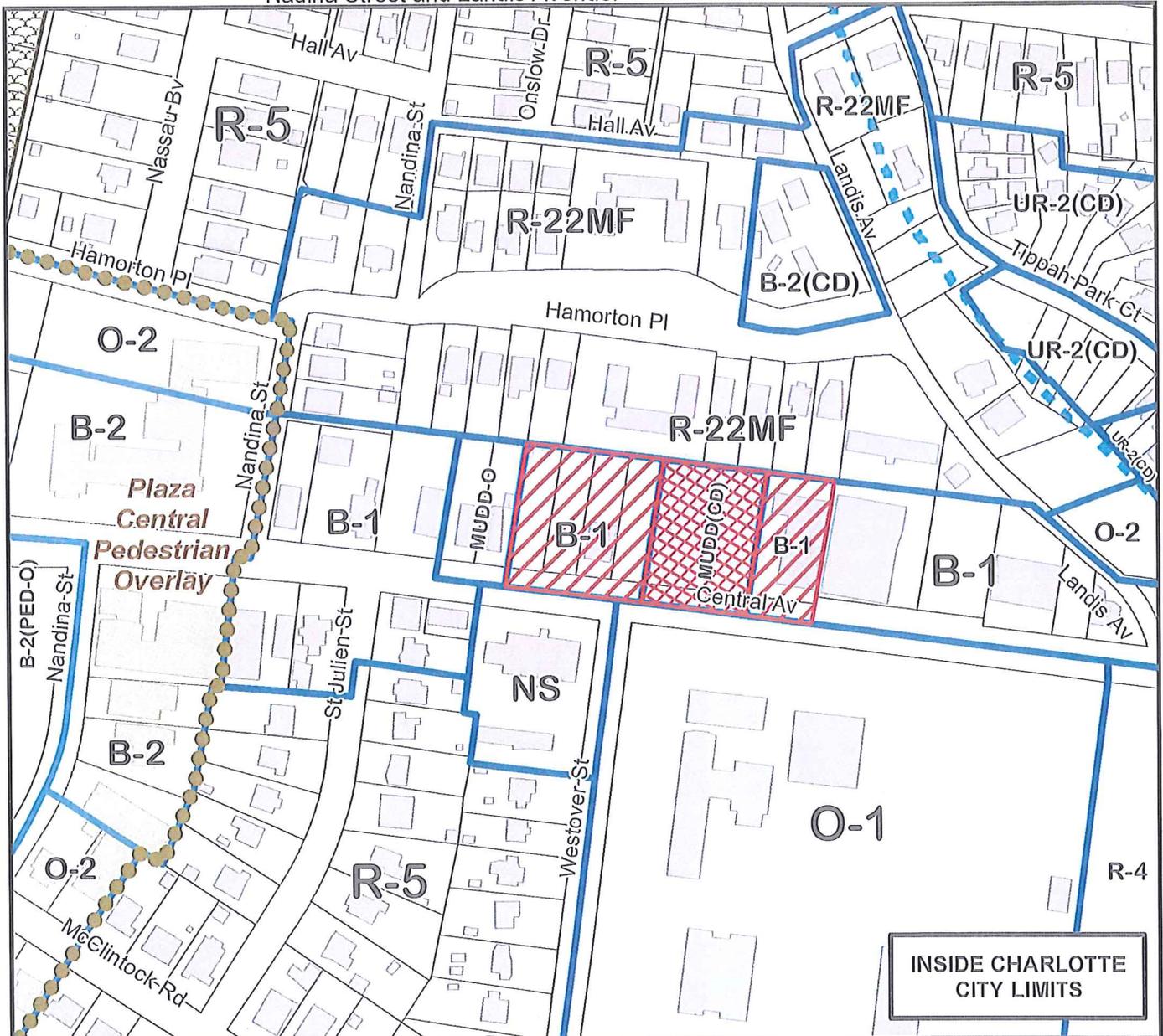
Ordinance No. 5967-Z

Petitioner: **DPJ Residential, LLC**

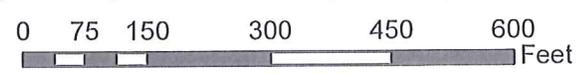
Zoning Classification (Existing): **B-1 & MUDD(CD)**
(Neighborhood Business and Mixed Use Development District, Conditional)

Zoning Classification (Requested): **MUDD(CD) & MUDD(CD) SPA**
(Mixed Use Development District, Conditional and Mixed Use Development District, Conditional, Site Plan Amendment)

Acresage & Location: Approximately 1.92 acres located on the north side of Central Avenue between Nadina Street and Landis Avenue.



Map Produced by the Charlotte-Mecklenburg Planning Department, 3-18-2015.



Zoning Map #(s)
101

- Requested MUDD(CD) from B-1
- Requested MUDD(CD) SPA from MUDD(CD)
- Existing Building Footprints
- Existing Zoning Boundaries
- Charlotte City Limits
- Pedestrian Overlay
- FEMA flood plain
- Watershed
- Lakes and Ponds
- Creeks and Streams
- Historic District