

March 20, 2006
Ordinance Book 54, Page 170

Petition No. 2005-85
Petitioner: James & Patricia Sack

APPROVED BY CITY COUNCIL
DATE 3/20/06

ORDINANCE NO. 3220-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-5 to UR-1(CD).

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.

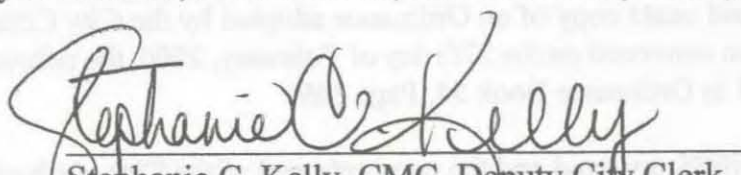
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 170-171.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

March 20, 2006

Ordinance Book 54, Page 171

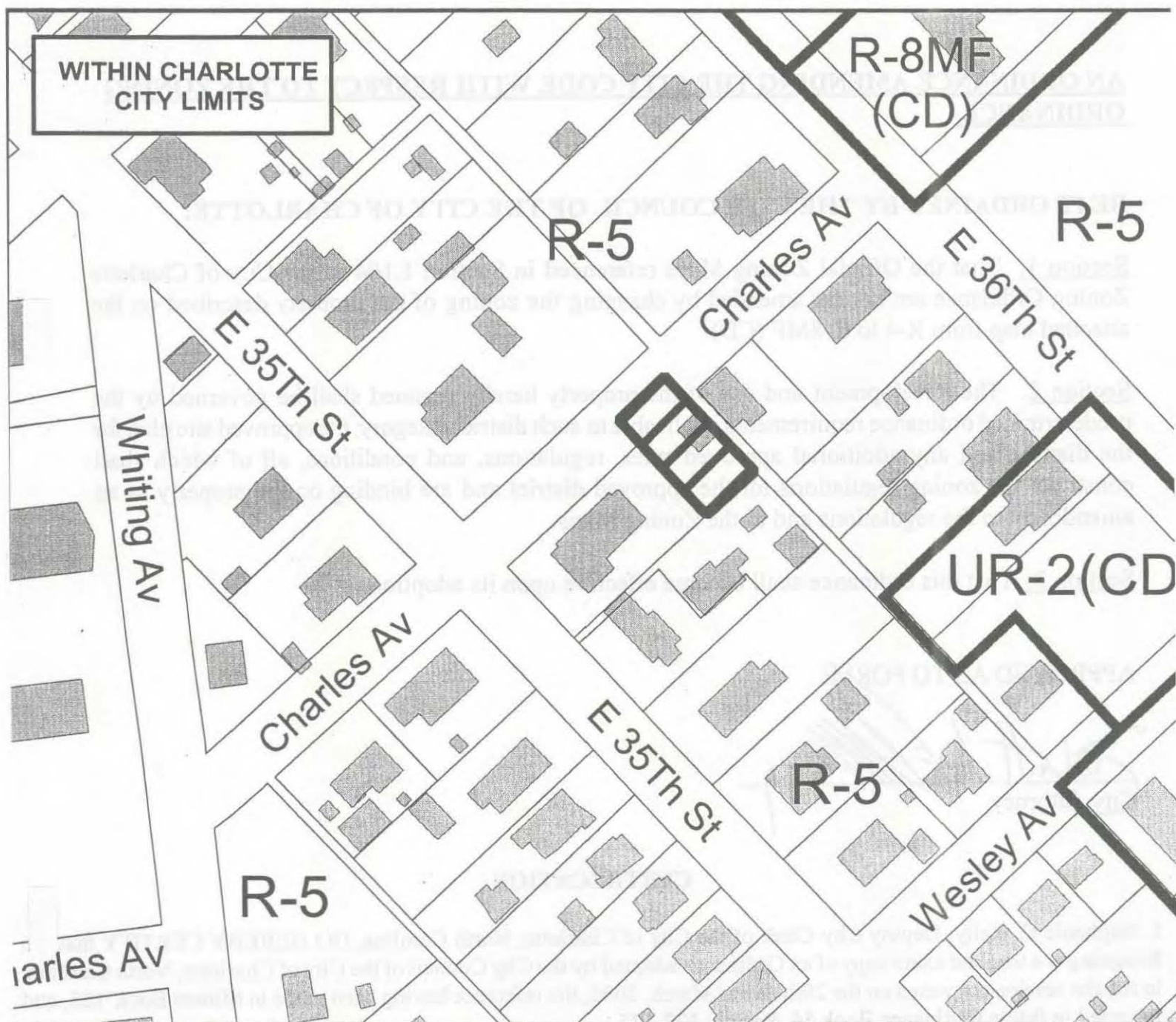
Petition #: **2005-085**

Petitioner: James and Patricia Sack

Zoning Classification (Existing): R-5
(Single Family Residential, up to 5 dwelling units per acre)

Zoning Classification (Requested): UR-1 (CD)
(Urban Residential, Conditional)

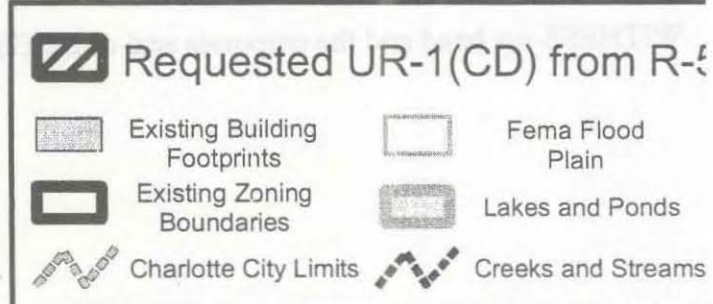
Acreage & Location : Approximately 0.086 located to the southeast of Charles Ave north of E. 35th St.



0 50 100 200 300 400 Feet

Zoning Map #(s) **89**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
08-17-2005



March 20, 2006
Ordinance Book 54, Page 172

Petition No. 2005-108
Petitioner: Maxfield Bowen

APPROVED BY CITY COUNCIL
DATE 3/20/06

ORDINANCE NO. 3221-Z

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

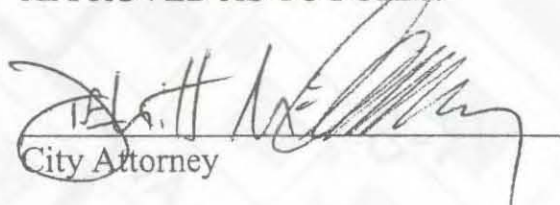
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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-4 to R-8MF (CD).

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.

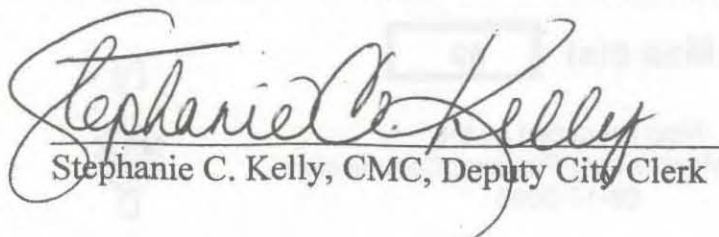
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

March 20, 2006

Ordinance Book 54, Page 173

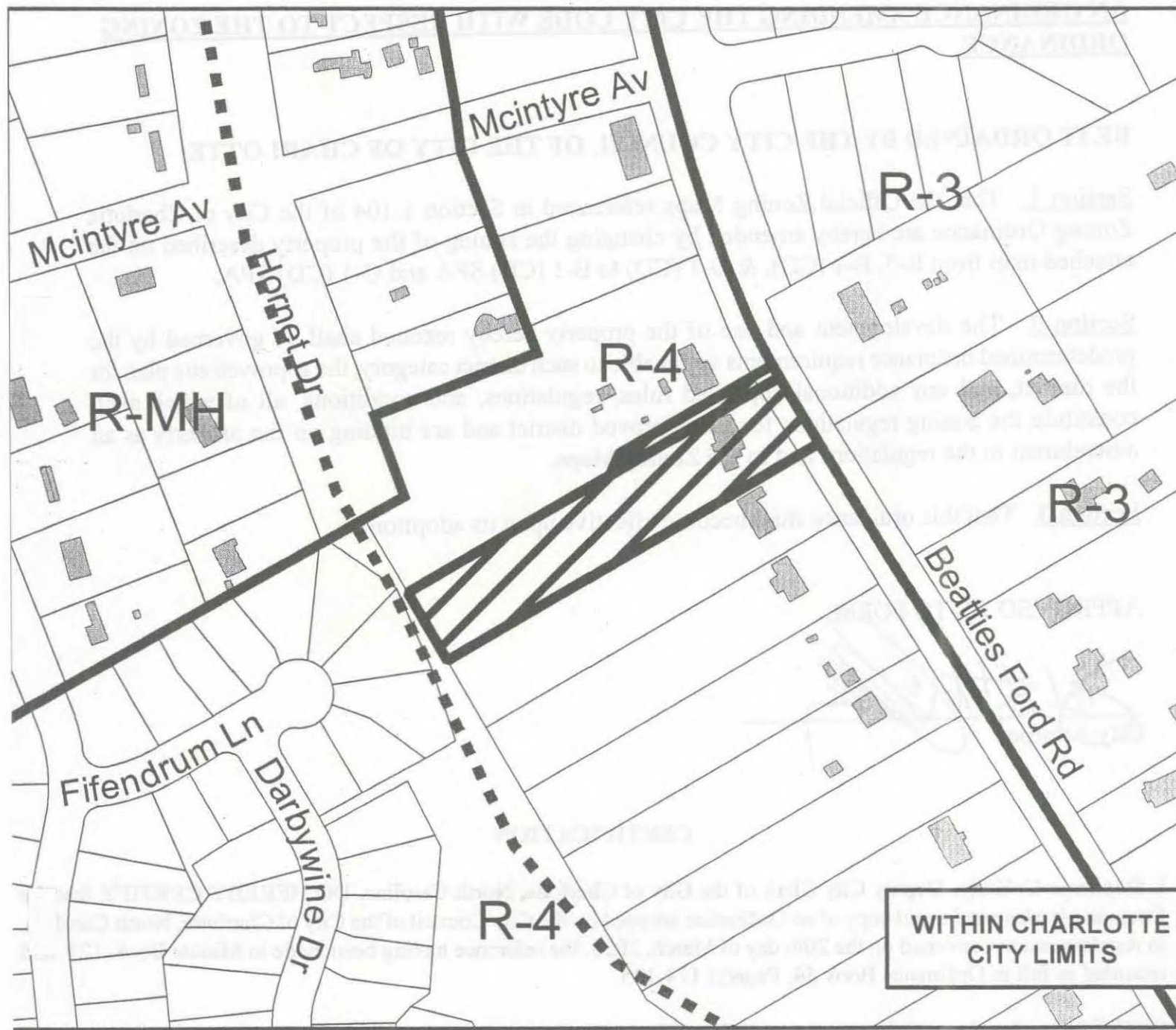
Petition #: **2005-108**

Petitioner: Maxfield Bowen

Zoning Classification (Existing): R-4
(Single-family Residential, up to 4 dwelling units per acre)

Zoning Classification (Requested): R-8 MF (CD)
(Multi-family Residential, up to 8 dwelling units per acre, Conditional)

Acreage & Location : Approximately 1.34 acres located on the west side of Beatties Ford Rd., south of McIntyre Ave.



0 75 150 300 450 600 Feet

Zoning Map #(s) **61**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
02-14-2006



	Requested R-8 MF (CD) from R-4		Fema Flood Plain
	Existing Building Footprints		Lakes and Ponds
	Existing Zoning Boundaries		Creeks and Streams
	Charlotte City Limits		

March 20, 2006

Ordinance Book 54, Page 174

Petition No. 2006-14

Petitioner: Merrifield Partners, LLC

APPROVED BY CITY COUNCIL

DATE 3/20/06

ORDINANCE NO. 3222-Z

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

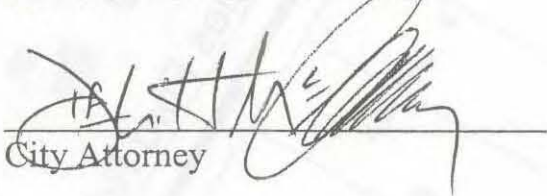
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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, B-1 (CD), & O-1 (CD) to B-1 (CD) SPA and O-1 (CD) SPA.

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.

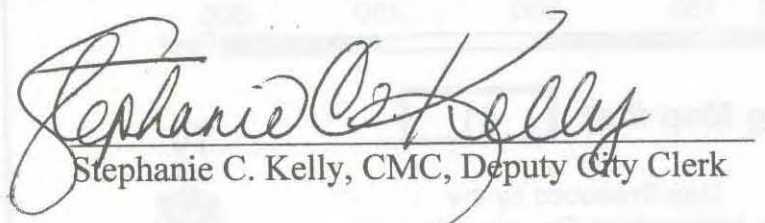
APPROVED AS TO FORM


City Attorney

CERTIFICATION

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WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

March 20, 2006

Ordinance Book 54, Page 175

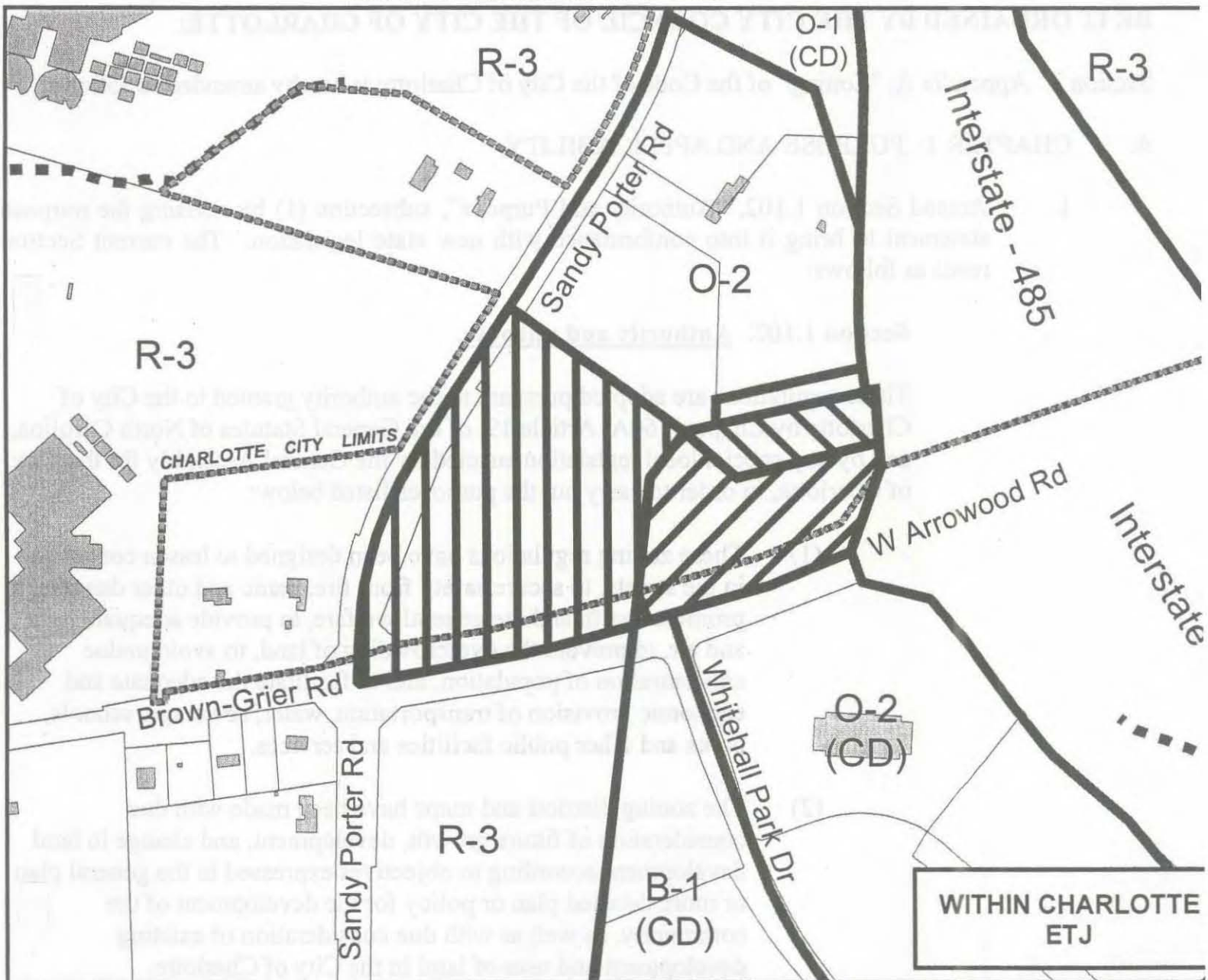
Petition #: **2006-014**

Petitioner: Merrifield Partners LLC

Zoning Classification (Existing): R-3 (Single-family Residential, Up to 3 dwelling units per acre) B-1(CD) (Neighborhood Business, Conditional) & O-1(CD) (Office, Conditional)

Zoning Classification (Requested): B-1(CD) (Neighborhood Business, Conditional) B-1(CD) SPA (Neighborhood Business, Conditional, Site Plan Amendment) & O-1(CD) SPA (Office, Conditional, Site Plan Amendment)

Acreage & Location : Approximately 12.83 acres located east of Sandy Porter Rd, north of West Arrowood Rd



0 125 250 500 750 1,000 Feet

Zoning Map #(s) **132**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
02-02-2006



- Requested B-1(CD) from R-3
- Requested B-1(CD) SPA from B-1 (CD)
- Requested O-1(CD) SPA from O-1 CD
- Existing Building Footprints
- Fema Flood Plain
- Existing Zoning Boundaries
- Lakes and Ponds
- Charlotte City Limits
- Creeks and Streams

March 20, 2006
Ordinance Book 54, Page 176

Petition No. 2006-016
Petitioner: Charlotte-Mecklenburg Planning Commission

APPROVED BY CITY COUNCIL

DATE 3/20/06

ORDINANCE NO. 3223

**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 1: PURPOSE AND APPLICABILITY

1. Amend Section 1.102, "Authority and Purpose", subsection (1) by revising the purpose statement to bring it into conformance with new state legislation. The current Section reads as follows:

Section 1.102. Authority and purpose.

These regulations are adopted pursuant to the authority granted to the City of Charlotte by Chapter 160A, Article 19, of the General Statutes of North Carolina, and by any special local legislation enacted by the General Assembly for the City of Charlotte, in order to carry out the purposes listed below:

- (1) These zoning regulations have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate and economic provision of transportation, water, sewerage, schools, parks and other public facilities and services.
- (2) The zoning districts and maps have been made with due consideration of future growth, development, and change in land development according to objectives expressed in the general plan or more detailed plan or policy for the development of the community, as well as with due consideration of existing development and uses of land in the City of Charlotte.
- (3) These regulations and districts represent reasonable consideration of the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties. This

is balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

The revised section shall read as follows:

Section 1.102. Authority and purpose.

These regulations are adopted pursuant to the authority granted to the City of Charlotte by Chapter 160A, Article 19, of the General Statutes of North Carolina and by any special local legislation enacted by the General Assembly for the City of Charlotte, in order to carry out the purposes listed below:

- (1) These zoning regulations have been designed to promote the public health, safety, and general welfare. To that end, the regulations address, among other things, the following public purposes: to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks and other public facilities and services.
- (2) The zoning districts and maps have been made with due consideration of future growth, development, and change in land development according to objectives expressed in the general plan or more detailed plan or policy for the development of the community, as well as with due consideration of existing development and uses of land in the City of Charlotte.
- (3) These regulations and districts represent reasonable consideration of the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties. This is balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting

B. CHAPTER 3: DECISION MAKING AND ADMINISTRATIVE BODIES

1. PART 3: BOARD OF ADJUSTMENT

- (a) Amend Section 3.101, "Powers and duties", subsection (2) to add that Council shall not vote on any matter where the outcome will have a direct, substantial, and readily identifiable financial impact on the member. The current section reads as follows:

Section 3.101. Powers and duties.

The City Council shall have the following powers and duties to be carried out in accordance with these regulations, which include, but are not limited to, the following:

- (1) To initiate and make amendments to the text of these regulations and to the Zoning Maps.
- (2) To hear, review, and adopt or reject amendments to the text of these regulations and to the Zoning Maps.
- (3) To take such other action not delegated to the Planning Commission or Board of Adjustment as the City Council may deem desirable and necessary to implement the provisions of these regulations.

The revised section shall read as follows:

Section 3.101. Powers and duties.

The City Council shall have the following powers and duties to be carried out in accordance with these regulations, which include, but are not limited to, the following:

- (1) To initiate and make amendments to the text of these regulations and to the Zoning Maps.
- (2) To hear, review, and adopt or reject amendments to the text of these regulations and to the Zoning Maps. A City Council member shall not vote on any rezoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable impact on the member.
- (3) To take such other action not delegated to the Planning Commission or Board of Adjustment as the City Council may deem desirable and necessary to implement the provisions of these regulations.

- (b) Amend Section 3.203, "Meetings, hearings, and procedures" by adding a new subsection (6) that states Planning Commission members shall not vote on an matter where the outcome will have a direct, substantial, and readily identifiable financial impact on the member. The current section reads as follows:

Section 3.203. Meetings, hearings, and procedures.

- (1) All meetings and hearings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Planning Commission in accordance with these regulations and in accordance with the Interlocal Cooperation Agreement of July 2, 1984, as it may be amended from time to time.
- (2) Any rules of procedure adopted by the Planning Commission shall be kept on file by the Planning Commission.
- (3) No meeting or business shall be conducted by the Planning Commission without a quorum, as defined for the Planning Commission and its committees by the Interlocal Cooperation Agreement of July 2, 1984, as it may be amended from time to time.
- (4) In the event that a quorum is not present at any meeting of the Planning Commission, the meeting shall be rescheduled by the Chairman to a date certain, as soon as is practical and in accordance with applicable rules of the Commission.
- (5) The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating the fact that a member is absent or excused from voting under the rules of the Commission, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Planning Commission as public records.

The revised section shall read as follows:

Section 3.203. Meetings, hearings, and procedures.

- (1) All meetings and hearings shall be open to the public as required by law and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Planning Commission in accordance with these regulations and in accordance with the Interlocal Cooperation Agreement of July 2, 1984, as

may be amended from time to time.

- (2) Any rules of procedure adopted by the Planning Commission shall be kept on file by the Planning Commission.
- (3) No meeting or business shall be conducted by the Planning Commission without a quorum, as defined for the Planning Commission and its committees by the Interlocal Cooperation Agreement of July 2, 1984, as it may be amended from time to time.
- (4) In the event that a quorum is not present at any meeting of the Planning Commission, the meeting shall be rescheduled by the Chairman to a date certain, as soon as is practical and in accordance with applicable rules of the Commission.
- (5) The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating the fact that a member is absent or excused from voting under the rules of the Commission, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Planning Commission as public records.
- (6) Planning Commission members shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

- (c) Amend Section 3.301, "Powers and duties" by adding a new subsection (6) to note that use variances are not permitted. The current entire section reads as follows, with the addition of a new subsection (6):

Section 3.301. Powers and duties.

The Zoning Board of Adjustment shall have the following powers and duties to be carried out in accordance with these regulations which include, but are not limited to, the following:

- (1) To hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator.
- (2) To hear and decide petitions for variances from these regulations in accordance with the provisions of Section 5.108.

- (3) To adopt such rules of procedure necessary for the administration of its responsibilities not inconsistent with these regulations.
- (4) To assume any other duties assigned by the City Council.
- (5) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Districts except as provided in this section. The Board of Adjustment shall have jurisdiction with respect to conditional districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional district plans on matters related to ordinance provisions which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. At no time shall the Board of Adjustment have authority to consider a variance relating to the number of or size of permissible signs in a conditional district.
- (6) The Board of Adjustment shall not have authority to grant variances for use changes.

C. CHAPTER 5: APPEALS AND VARIANCES

1. Amend Section 5.101, "Authority of City of Charlotte", subsections (2) and (3) updating the text with regards to new legislation, in particular the fact that conditions must be related to the conditions and circumstances for which the variance is sought. The current section reads as follows:

Section 5.101. Authority of City of Charlotte.

- (1) The Board of Adjustment shall have the authority to hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator.
- (2) The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations which relate to uses of land or the establishment, extension, or use of structures.
- (3) The Board of Adjustment shall have the authority to impose reasonable conditions and safeguards that the Board judges ought

to be made on the lot involved with respect to the uses of land and the establishment, extension, or use of structures.

- (4) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Zoning Districts except as provided in this section. The Board of Adjustment shall have jurisdiction with respect to conditional zoning districts if the request pertains to a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional zoning district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional zoning district plans on matters related to ordinance provisions which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. At no time shall the Board of Adjustment have authority to consider a variance relating to the number of or size of permissible signs in a conditional zoning district.
- (5) Pursuant to G.S. §160A-388(b) and (d), the Board of Adjustment only has the statutory authority to grant or to deny variances and to determine if the zoning administrator correctly or incorrectly interpreted and applied the zoning ordinance in rendering a decision. The Board of Adjustment does not have jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.

The revised Section shall read as follows:

Section 5.101. Authority of City of Charlotte.

- (1) The Board of Adjustment shall have the authority to hear and decide appeals from and to review any specific order, requirement, decision, or determination made under these regulations by the Zoning Administrator.
- (2) The Board of Adjustment shall have the authority to hear and decide petitions for variances from the requirements of these regulations so that the spirit of the ordinance is observed, public safety and welfare secured, and substantial justice done.
- (3) The Board of Adjustment shall have the authority to impose reasonable and appropriate conditions and safeguards that the Board judges to be reasonably related to the condition or circumstance that gives rise to the need for a variance.
- (4) The Board of Adjustment shall not have jurisdiction with respect to Section 6.201 Conditional Zoning Districts except as provided in this section. The Board of Adjustment shall have jurisdiction

with respect to conditional zoning districts if the request pertains a variance from specified minimum requirements of the zoning ordinance and is filed with the Board prior to the approval of a conditional zoning district. In addition the Board of Adjustment may also hear and decide on various petitions for approved conditional zoning district plans on matters related to ordinance provisions which are not associated with specifically approved conditions of the plan that are more restrictive than minimum ordinance requirements. At no time shall the Board of Adjustment have authority to consider a variance relating to the number of or size of permissible signs in a conditional zoning district.

- (5) Pursuant to G.S. §160A-388(b) and (d), the Board of Adjustment only has the statutory authority to grant or to deny variances and determine if the zoning administrator correctly or incorrectly interpreted and applied the zoning ordinance in rendering a decision. The Board of Adjustment does not have jurisdiction to address or rule upon constitutional and federal and state statutory issues or any other legal issues beyond its statutory authority.

D. CHAPTER 6: AMENDMENTS

1. PART 1: PROVISIONS OF GENERAL APPLICABILITY

- (a) Amend Section 6.110, "Hearing", subsection (3) by adding the requirement that the Planning Commission (Zoning Committee) shall advise and comment whether the proposed rezoning petition is consistent with adopted plans. The current text reads as follows:

Section 6.110. Hearing.

- (1) No amendment shall be adopted until after the City Council has held a public hearing on the proposed amendment.
- (2) The hearing shall be conducted in accordance with rules and procedures adopted by City Council.
- (3) No proposed amendment shall be approved until the Planning Commission has made its recommendations, or 30 days after the public hearing, whichever shall first occur. If the Planning Commission does not make a recommendation within 30 days after the petition has been referred to it, then the Planning Commission shall be considered to have made a favorable recommendation, unless action was taken to defer.

The revised text shall read as follows:

Section 6.110. Hearing.

- (1) No amendment shall be adopted until after the City Council has held a public hearing on the proposed amendment.
- (2) The hearing shall be conducted in accordance with rules and procedures adopted by City Council.
- (3) No proposed amendment shall be approved until the Planning Commission has made its written recommendations, or 30 days after the public hearing, whichever shall first occur. If the Planning Commission does not make a recommendation within 30 days after the petition has been referred to it, then the Planning Commission shall be considered to have made a favorable recommendation, unless action was taken to defer.

In making its written recommendation, the Planning Commission shall also advise and comment on whether rezoning petition is consistent with the purposes, goals, and objectives and policies of the adopted "Generalized Land Plan" and any amendment to that plan through an adopted district or area plan covering the subject property.

- (b) Amend Section 6.111, "Action by City Council", subsections (2), (3), and (4) and adding a new subsection (5) to match new state legislation. The current section reads as follows:

Section 6.111. Action by City Council.

- (1) The City Council, after receiving the report and recommendation of the Planning Commission, shall consider the reports and recommendations of the Planning Commission, the Planning Commission staff, and other departments. Within a reasonable time the City Council shall either reject the proposed amendment or adopt an ordinance enacting the proposed amendment with or without modifications.
- (2) In considering any petition to reclassify property, the City Council may consider, although not required to, the following:
 - (a) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of the adopted "Generalized Land Plan" and any

amendment to that plan through an adopted district or area plan covering the subject property;

(b) Whether the proposed reclassification is compatible with the overall character of existing development in the immediate vicinity of the subject property;

(c) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater treatment and garbage services; and

(d) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.

(3) In approving an amendment to reclassify property to a district other than a conditional zoning district, or with the consent of the petitioner in the reclassification to a conditional zoning district, the City Council may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested, to a classification or classifications between the existing and the requested classifications, or to any higher classification in the hierarchy of zoning districts established in Section 9.102. This action may occur without the withdrawal or modification of the petition or further public hearings. In the case where a petitioner requests a text amendment, the City Council may modify any proposed text amendment upon adoption of an ordinance enacting the amendment without the withdrawal or modification of the petition or further public hearings.

The revised section shall read as follows:

Section 6.111. Action by City Council.

(1) The City Council, after receiving the report and recommendation of the Planning Commission, shall consider the reports and recommendations of the Planning Commission, the Planning Commission staff, and other departments. Within a reasonable time the City Council shall either reject the proposed amendment or adopt an ordinance enacting the proposed amendment with or without modifications.

(2) In considering any petition to reclassify property, the City Council shall consider the following items:

(a) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of the adopted "Generalized Land Plan" and any amendment to that plan through an adopted district or area plan covering the subject property;

(3) In considering any petition to reclassify property, the City Council may consider, although is not required to, the following:

(a) Whether the proposed reclassification is compatible with the overall character of existing development in the immediate vicinity of the subject property;

(b) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater treatment and garbage services; and

(c) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.

(4) In approving an amendment to reclassify property to a district other than a conditional zoning district, or with the consent of the petitioner in the reclassification to a conditional zoning district, the City Council may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested, to a classification or classifications between the existing and the requested classifications, or to any higher classification in the hierarchy of zoning districts established in Section 9.102. This action may occur without the withdrawal or modification of the petition or further public hearings. In the case where a petitioner requests a text amendment, the City Council may modify any proposed text amendment upon adoption of an ordinance enacting the amendment without the withdrawal or modification of the petition or further public hearings.

(5) In approving a rezoning petition, the City Council shall adopt a statement describing whether its action is consistent with the purposes, goals, objectives, and **policies of the**

adopted "Generalized Land Plan" and any amendment to that plan through an adopted district or area plan covering the subject property, and provide an explanation why the action taken is reasonable and in the public interest. This statement shall not be subject to judicial review.

- (c) Amend Section 6.113, "Protest Petitions", subsection (1) and (3) to incorporate new legislation regarding protest petitions. Section 6.113 currently reads as follows:

Section 6.113. Protest petitions.

- (1) In the event that the City Council receives a petition protesting any reclassification of property, and signed by the owners of 20 percent or more, either of the area of the lots included in a proposed amendment, or of those immediately adjacent thereto either in the rear thereof or either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, the amendment shall become effective only upon an affirmative vote of three-fourths (3/4) of the members of the City Council, including the Mayor, who are not excused from voting. The protest petition shall include the signature and address of each protesting property owner and a map showing the location of the property of each owner signing the protest petition in relation to the property which is the subject of the amendment being protested.
- (2) No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. § 160A-385, and subsection (1), unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the City Clerk in sufficient time to allow the City at least two normal work days, excluding Saturdays, Sundays and City of Charlotte legal holidays, before the date established for public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. (For example, a petition must be filed by the close of business on a Wednesday for a hearing taking place the following Monday.)
- (3) Any property owner may withdraw their protest at any time prior to the Council's vote on the rezoning petition. Such withdrawal deletes the subject properties from the

computation pursuant to G.S. § 160A-385. In order to effectively withdraw signatures, the withdrawals must be in writing, identify the rezoning petition protested against, and state that the submitted signatures have the purpose of deleting the signers from the protest petition. A withdrawn protest may not be reinstated after the deadline for filing protests set forth in subsection (2).

The revised text shall read as follows:

Section 6.113. Protest petitions.

- (1) In the event that the City Council receives a petition protesting any reclassification of property, and signed by the owners of either 20 percent or more, of the area included in the proposed change, or 5% of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned, the amendment shall become effective only upon an affirmative vote of three-fourths (3/4) of the members of the City Council, including the Mayor, who are not excused from voting.

For the purposes of this subsection, vacant positions on the Council and members who are excused from voting shall not be considered "members of the Council" for calculation of the requisite supermajority.

Street right-of-ways shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. The protest petition shall include the signature and address of each protesting property owner and a map showing the location of the property of each owner signing the protest petition in relation to the property which is the subject of the amendment being protested.

- (2) No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. § 160A-385, and subsection (1), unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the City Clerk in sufficient time to allow the City at least two normal work days, excluding Saturdays, Sundays and City of Charlotte legal holidays, before the date established for a public hearing on the proposed change or amendment to

determine the sufficiency and accuracy of the petition. (For example, a petition must be filed by the close of business on a Wednesday for a hearing taking place the following Monday.)

- (3) Any property owner may withdraw their protest at any time prior to the Council's vote on the rezoning petition. Such withdrawal deletes the subject properties from the computation pursuant to G.S. § 160A-385. In order to effectively withdraw signatures, the withdrawals must be in writing, identify the rezoning petition protested against, and state that the submitted signatures have the purpose of deleting the signers from the protest petition. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the rezoning petition shall trigger the supermajority voting requirement. A withdrawn protest may not be reinstated after the deadline for filing protests set forth in subsection (2).

2. PART 2: CONDITIONAL ZONING DISTRICTS.

- (a) Amend Section 6.205, Conditions to approval of petitions" by updating the text to state that conditions must be mutually approved by the City and the petitioner. The current section reads as follows:

Section 6.205. Conditions to approval of petition.

In approving a petition for the reclassification of property to a conditional zoning district, the Planning Commission may recommend, and the City Council request, that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the City Council may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the City, County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall have reasonable opportunity to consider and respond to any such conditions prior to final action by the City Council.

The revised section shall read as follows:

Section 6.205. Conditions to approval of petition.

In approving a petition for the reclassification of property to a conditional zoning district, the Planning Commission may recommend, and the City Council request, that reasonable and appropriate conditions be attached to approval of the petition. Conditions and site-specific standards shall be limited to those that address the conformance of the development and use of the site to city ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the City Council may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the City, County or State, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the City Council. Only those conditions mutually approved by the Council and the petitioner may be incorporated into the petition.

- (b) Add a new Section 6.209 to provide updated information on protest petitions as they relate to conditional zoning districts. The new language shall read as follows:

Section 6.209. Protest Petitions

Protest petitions shall not be valid for any amendment to an adopted conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the conditional district.

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

Approved as to form:

City Attorney

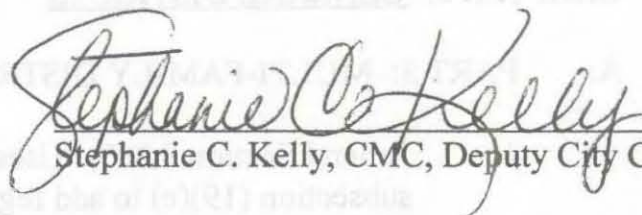
March 20, 2006

Ordinance Book 54, Page 191

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 20th day of March, 2006, the reference having been made in Minute Book 123, as recorded in full in Ordinance Book 54, Page(s) 176-191.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

March 20, 2006

Ordinance Book 54, Page 192

Petition # 2006-018

Petitioner: Charlotte Mecklenburg Planning Commission

APPROVED BY CITY COUNCIL

DATE

3/20/06

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

ORDINANCE NO. 3224

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:

1. CHAPTER 9: GENERAL DISTRICTS

A. PART 3: MULTI-FAMILY DISTRICTS

1. Amend Section 9.303, “Uses permitted under prescribed conditions”, subsection (19)(e) to add regulations to provide a minimum of 20’ distance between the face of a garage and the back of curb or sidewalk. Also add language to allow stoops to overhang into the 15’ area. The current section reads as follows:

- (e) Private streets and surface parking areas on the site will be no closer than 15 feet to any side of a residential building used for entry into the building and will be no closer than 5 feet to any other face of a building. Architectural features such as stairs, chimneys, bay windows, and roof overhangs may extend into this 15-foot area, but in no case may they be closer than 5 feet to the private street and surface parking area.

The revised section shall read as follows:

- (e) Private streets and surface parking areas on the site will be no closer than 15 feet to any side of a residential building used for entry into the building and will be no closer than 5 feet to any other face of a building. Parking pads and driveways shall have a minimum length of 20 feet, measured from the back of the sidewalk, or edge of pavement, whichever is greater.

Architectural features such as stoops, stairs, chimneys, bay windows, and roof overhangs may extend into this 15-foot area, but in no case may they be closer than 5 feet to the private street and surface parking area.

2. Amend Section 9.303, "Uses permitted under prescribed conditions", item number (19), "Planned multi-family and attached developments, a single multi-family or attached building on a lot with more than 12 units in a building", subsection (f) to add the same standards for a project that abuts a public street, other than a thoroughfare. The current section reads as follows:

(f) The following standards shall apply when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:

- (i) All buildings may have a minimum 15-foot separation from the public street right-of-way provided the conditions listed below are met.
- (ii) Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project up to 3 feet into this 15-foot separation area.
- (iii) All garages must have a minimum separation of 22 feet from the public street right of way while the remainder of the structure may be located at the minimum 15-foot separation from the public street right-of-way.
- (iv) All dwelling units with the 15-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
- (v) No parking or maneuvering space is permitted in the 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

On-street parallel parking or recessed parallel parking entirely within the public right-of-way is permitted and encouraged 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.

The revised section shall read as follows:

(f) The following standards shall apply when a public street, other than a thoroughfare abuts the site, or when both sides of a public street, other than a thoroughfare, are located within or runs through the boundaries of a project subject to this Section:

- (i) All buildings may have a minimum 15-foot separation from the public street right-of-way provided the conditions listed below are met.
- (ii) Architectural features such as cornices, eaves, steps, gutter, and fire escapes may project up to 3 feet into this 15-foot separation area.
- (iii) All garages must have a minimum separation of 22 feet from the public street right of way while the remainder of the structure may be located at the minimum 15-foot separation from the public street right-of-way.
- (vi) All dwelling units with the 15-foot minimum street separation must have the building elevation facing the street as a front architectural facade with an entrance doorway. Rear and back facades are not permitted to face the street.
- (vii) No parking or maneuvering space is permitted in the 15-foot separation area, except that common driveways providing access to parking areas may be installed across it. However, parking behind garages is allowed so long as the parking is out of the required planting strip and sidewalk area or the right-of-way, whichever is greater.

On-street parallel parking or recessed parallel parking entirely within the public right-of-way is permitted and encouraged 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.

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

All parallel parking shall have a minimum width of 8 feet and be at least 22 feet in length.

(Petition No. 2001-129, § 9.303(19)(f), 11-19-01)

3. Amend Section 9.305, Development Standards for Multi-family districts", subsection (1)(g) by adding an additional footnote that permits a reduction in the rear yard requirement when dedication of land is made for incorporation into an abutting park or greenway. The current text reads as follows:

Section 9.305. Development standards for multi-family districts.

All uses and structures permitted in the R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (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>
(a) Maximum Residential Density (Dwelling units per acre) ¹	8.0	12.0	17.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) ²					
- Detached dwellings	3,500	3,500	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500	11,500	11,500
- Multi-family dwellings*	11,500	11,500	11,500	11,500	11,500
- All Other buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Detached dwellings	40	40	40	40	40
- Duplex, triplex and quadraplex dwellings	55	55	55	55	55
- Multi-family dwellings	55	55	55	55	55
- All other buildings	80	80	80	80	80
(e) Minimum setback (feet) ³					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(f))	30	30	30	30	30
(Petition No. 2001-129, § 9.305(1)(e), 11-19-01)					
(f) Minimum side yard (feet) ⁴					
- Detached, duplex, triplex and quadraplex dwellings	5	5	5	5	5
- All other buildings, including planned multi-family developments (except as required below)	10	10	10	5	5
- Planned multi-family developments adjoining single family					

	developed or zoned land ⁵	20	20	10	10	10
(g)	Minimum rear yard (feet)					
	- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
	- All other buildings, including planned multi-family developments (except as required below)	40	40	40	40	40
	- Planned multi-family developments adjoining single family developed or zoned land ⁵	50	50	50	40	40
(h)	Minimum open space (%) ⁶	50	50	45	40	30
(i)	Maximum height (feet) ⁷	40	40	40	40	40

*If land is sold with an attached unit, the minimum subplot size must be sufficient to accommodate the dwelling unit and 400 feet of private open space.

FOOTNOTES TO CHART 9.305(1):

- ¹ The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.
(Petition No. 2001-128, § 9.305(1.1), 11-19-01)
- ² For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
- ³ For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection 9.205(4).
- ⁴ For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection 9.205(4).
- ⁵ Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

- ⁶ Religious institutions may have a minimum open space of 25%.
- ⁷ A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a single family residential use or zoning district, it may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the single family use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. However, any building over 60 feet in height and abutting a single family residential use or zoning district must increase any side and/or rear yard upon which a building shadow is cast 1½ feet for each foot above 60 feet. Height requirements for other permitted structures are set forth in Section 12.108.

The revised text shall read as follows:

Section 9.305. Development standards for multi-family districts.

All uses and structures permitted in the R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

- (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>
(a) Maximum Residential Density (Dwelling units per acre) ¹	8.0	12.0	17.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential buildings	.50	.50	.50	.50	.50
(c) Minimum lot area (square feet) ²					
- Detached dwellings	3,500	3,500	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500	11,500	11,500
- Multi-family dwellings*	11,500	11,500	11,500	11,500	11,500
- All Other buildings	12,000	12,000	12,000	12,000	12,000
(d) Minimum lot width (feet)					
- Detached dwellings	40	40	40	40	40
- Duplex, triplex and quadraplex dwellings	55	55	55	55	55
- Multi-family dwellings	55	55	55	55	55
- All other buildings	80	80	80	80	80
(e) Minimum setback (feet) ³					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as provided for in Section 9.303(f)) (Petition No. 2001-129, § 9.305(1)(e), 11-19-01)	30	30	30	30	30
(f) Minimum side yard (feet) ⁴					
- Detached, duplex, triplex					

and quadraplex dwellings	5	5	5	5	5
- All other buildings, including planned multi-family developments (except as required below)	10	10	10	5	5
- Planned multi-family developments adjoining single family developed or zoned land ⁵	20	20	10	10	10
(g) Minimum rear yard (feet)					
- Detached, duplex, triplex and quadraplex dwellings	20	20	20	20	20
- All other buildings, including planned multi-family developments (except as required below)	40	40	40	40	40
- Planned multi-family developments adjoining single family developed or zoned land ^{5, 8}	50	50	50	40	40
(h) Minimum open space (%) ⁶	50	50	45	40	30
(i) Maximum height (feet) ⁷	40	40	40	40	40

*If land is sold with an attached unit, the minimum subplot size must be sufficient to accommodate the dwelling unit and 400 feet of private open space.

FOOTNOTES TO CHART 9.305(1):

¹ The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.
(Petition No. 2001-128, § 9.305(1.1), 11-19-01)

² For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).

³ For residential subdivisions of 10 or more lots, the minimum setback may be varied subject to the regulations of subsection 9.205(4).

⁴ For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used in lieu of side yards specified, subject to the regulations of subsection 9.205(4).

⁵ Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family

development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.

- 6 Religious institutions may have a minimum open space of 25%.
- 7 A building in any of the designated districts may be erected to a height in excess of 40 feet, provided the minimum side yard is increased 1 foot for every 2 feet in building height in excess of 40 feet. If a building abuts a single family residential use or zoning district, it may not be erected to a height in excess of 40 feet unless the side and/or rear yard abutting the single family use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet. However, any building over 60 feet in height and abutting a single family residential use or zoning district must increase any side and/or rear yard upon which a building shadow is cast 1½ feet for each foot above 60 feet. Height requirements for other permitted structures are set forth in Section 12.108.
- 8 If the property owner of a planned multi-family development dedicates land, having a minimum width of thirty (30) feet, to the city or county for incorporation into an abutting park or greenway, the rear yard requirement along that newly created property line shall be reduced to twenty (20) feet. Such land dedication must be acceptable to the Parks and Recreation Department.

B. PART 4: URBAN RESIDENTIAL DISTRICTS

1. Amend Section 9.408, "Urban Residential Districts: off-street parking and loading standards", subsection (3) to modify the number of loading spaces needed. The current section reads as follows:

- (3) Off-street service/delivery spaces . Buildings and structures within UR-C districts must provide the minimum number of off street service/delivery parking spaces specified below:

<u>Use or building</u>	<u>Off-street service/delivery parking spaces</u>
Multi-family and attached dwellings, 1-24 units	0
Multi-family and attached dwellings, 25-74 units	2
Multi-family and attached dwellings, 75 units or more	1
Nonresidential uses	1

The revised section shall read as follows:

- (3) Off-street service/delivery spaces . Buildings and structures within UR-C districts must provide the minimum number of off-street service/delivery parking spaces specified below:

<u>Use or building</u>	<u>Off-street service/delivery parking spaces</u>
Multi-family and attached dwellings, 1-24 units	0
Multi-family and attached dwellings, 25+ units	1
Nonresidential uses with more than 50,000 sq. ft.	1

C. PART 7: OFFICE DISTRICTS

1. Amend Section 9.705, Development standards for office districts”, subsection (1)(g) by adding a new footnote #7 that permits a reduction in the rear yard requirement for planned multi-family development when dedication of land is made for incorporation into an abutting park or greenway. The current text reads as follows:

Section 9.705. Development standards for office districts.

All uses and structures permitted in the O-1, O-2 and O-3 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

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

	<u>O-1</u>	<u>O-2</u>	<u>O-3</u>
(a) Maximum Residential Density (Dwelling Units Per Acre) ¹	12.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential uses ²	.60	1.0	3.0
(c) Minimum lot area (square feet) ³			
- Detached dwellings	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500
- Quadraplex dwellings*	11,500	11,500	11,500
- Multi-family dwellings and all other residential buildings*	11,500	11,500	11,500
- Nonresidential buildings	15,000	6,000	6,000
(d) Minimum lot width (feet)			

	- Detached dwellings	40	40	40
	- Duplex, triplex & quadraplex dwellings	55	55	55
	- Multi-family dwellings and all other residential buildings	55	55	55
	- Nonresidential buildings	80	50	50
(e)	Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district.)	20	20	20
(f)	Minimum side yard (feet) ⁴			
	- Detached dwellings	5	5	5
	- Other residential dwelling(s) or buildings (except as provided below)	10	5	5
	- Planned multi-family development adjoining single family developed or zoned land ⁵	20	10	10
	- Nonresidential development	10	5	5
(g)	Minimum rear yard (feet)			
	- Detached dwellings	20	20	20
	- Other residential dwelling(s) or buildings (except as provided below)	30	20	20
	- Planned multi-family development adjoining single family developed or zoned land ⁵	50	40	40
	- Nonresidential development	20	20	20
(h)	Minimum open space for residential development (%)	50	40	30
(i)	Maximum height (feet) ⁶	40	40	40

* If land is sold with an attached unit, the minimum subplot size can be sufficient to accommodate dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.705(1):

- ¹ The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.

(Petition No. 2001-128, § 9.705(1.1), 11-19-01)

- ² If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
- ³ For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
- ⁴ For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used subject to subsection 9.205(4).
- ⁵ Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.
- ⁶ A building in a designated 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 in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.

The revised text and the added footnote shall read as follows:

Section 9.705. Development standards for office districts.

All uses and structures permitted in the O-1, O-2 and O-3 districts shall meet the applicable development standards established in this Section and all other requirements of these regulations:

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

	<u>O-1</u>	<u>O-2</u>	<u>O-3</u>
(a) Maximum Residential Density (Dwelling Units Per Acre) ¹	12.0	22.0	43.0
(b) Maximum floor area ratio for nonresidential uses ²	.60	1.0	3.0
(c) Minimum lot area (square feet) ³			
- Detached dwellings	3,500	3,500	3,500
- Duplex dwellings*	6,500	6,500	6,500
- Triplex dwellings*	9,500	9,500	9,500

- Quadraplex dwellings*	11,500	11,500	11,500
- Multi-family dwellings and all other residential buildings*	11,500	11,500	11,500
- Nonresidential buildings	15,000	6,000	6,000
(d) Minimum lot width (feet)			
- Detached dwellings	40	40	40
- Duplex, triplex & quadraplex dwellings	55	55	55
- Multi-family dwellings and all other residential buildings	55	55	55
- Nonresidential buildings	80	50	50
(e) Minimum setback (feet)	20	20	20
(See Section 12.102(1) if abutting a lot in a residential zoning district.)			
(f) Minimum side yard (feet) ⁴			
- Detached dwellings	5	5	5
- Other residential dwelling(s) or buildings (except as provided below)	10	5	5
- Planned multi-family development adjoining single family developed or zoned land ⁵	20	10	10
- Nonresidential development	10	5	5
(g) Minimum rear yard (feet)			
- Detached dwellings	20	20	20
- Other residential dwelling(s) or buildings (except as provided below)	30	20	20
- Planned multi-family development adjoining single family developed or zoned land ^{5,7}	50	40	40
- Nonresidential development	20	20	20
(h) Minimum open space for residential development (%)	50	40	30
(i) Maximum height (feet) ⁶	40	40	40

* If land is sold with an attached unit, the minimum subplot size can be sufficient to accommodate dwelling unit and 400 square feet of private open space.

FOOTNOTES TO CHART 9.705(1):

- ¹ The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the

maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.

(Petition No. 2001-128, § 9.705(1.1), 11-19-01)

- ² If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
- ³ For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
- ⁴ For residential subdivisions of 10 or more lots, minimum building separations or zero lot lines may be used subject to subsection 9.205(4).
- ⁵ Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.
- ⁶ A building in a designated 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 in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108.
- ⁷ If the property owner of a planned multi-family development dedicates land, having a minimum width of thirty (30) feet, to the city or county for incorporation into an abutting park or greenway, the rear yard requirement along that newly created property line shall be reduced to twenty (20) feet. Such land dedication must be acceptable to the Parks and Recreation Department.

D. PART 8: BUSINESS DISTRICTS

1. Amend Section 9.805, "Development standards for business districts" by adding a new footnote to subsection (1)(i) that permits a reduction in the rear yard requirement when dedication of land is made for incorporation into an abutting park or greenway. The current text reads as follows:

Section 9.805. Development standards for business districts.

All uses and structures permitted in the B-1, B-2, B-D, and BP districts shall meet the applicable development standards established in this Section and all other requirements of these regulations.

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

	<u>B-1</u>	<u>B-2</u>	<u>B-D</u>	<u>BP</u>
(a) Minimum project area (acres)	--	--	--	20
(b) Maximum Residential Density (Dwelling Units Per Acre) ¹	22.0	22.0	--	--
(c) Maximum floor area ratio for nonresidential development ²	.50	1.0	.70	.80
(d) Minimum lot area (square feet) ³				
- Detached dwelling	3,500	3,500	--	--
- Duplex dwelling*	6,500	6,500	--	--
- Triplex dwelling*	9,500	9,500	--	--
- Quadraplex dwelling*	11,500	11,500	--	--
- Multi-family dwellings and all other residential buildings*	11,500	11,500	--	--
- Nonresidential buildings	8,000	8,000	8,000	43,560
(e) Minimum lot width (feet)				
- Detached dwellings	40	40	--	--
- Duplex, triplex & quadraplex	50	50	--	--
- Multi-family dwellings and all other residential buildings	50	50	--	--
- Nonresidential buildings	50	50	50	--
(f) Minimum project street frontage	--	--	--	100
(g) Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district)	20	20	20	40
(h) Minimum side yard (feet) ⁴				
- Residential buildings (except as provided below)	5	5	--	--
- Planned multi-family developments adjoining single family developed or zoned land ⁵	10	10	--	--
- Nonresidential building	None**	None**	10	20

(i)	Minimum rear yard (feet)				
	- Residential buildings (except as provided below)	20	20	--	--
	- Planned multi-family developments adjoining single family developed or zoned land ⁵	40	40	--	--
	- Nonresidential building	10	10	10	20
(j)	Minimum project edge ⁶	--	--	--	100
(k)	Minimum open space for residential development (%)	40	40	--	--
(l)	Maximum height (feet) ⁷	40	40	40	None***

* If land is sold with an attached unit, the minimum subplot size must be sufficient

to accommodate a dwelling unit and 400 square feet of private open space for each unit.

** In B-1 and B-2 districts, no side yard is required, but if they are provided, the first one must be a minimum of 8 feet and if a second one is provided, it must be a minimum of 4 feet. However, in any combination, there shall be a minimum of 8 feet building separation at the side yards.

***Except no structure may exceed 40 feet in height if located within 200 feet of a residential zoning district.

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.
2. If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
3. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
4. For residential subdivisions, minimum building separations and zero lot lines may be used subject to subsection 9.205(5).

5. Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.
6. Except as provided for in subsection 9.805(6).
7. A building in a 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 in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. Special height requirements for the Business Park District are set forth in subsection 9.805(6).

The revised text shall read as follows:

Section 9.805. Development standards for business districts.

All uses and structures permitted in the B-1, B-2, B-D, and BP districts shall meet the applicable development standards established in this Section and all other requirements of these regulations.

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

	<u>B-1</u>	<u>B-2</u>	<u>B-D</u>	<u>BP</u>
(a) Minimum project area (acres)	--	--	--	20
(b) Maximum Residential Density (Dwelling Units Per Acre) ¹	22.0	22.0	--	--
(c) Maximum floor area ratio for nonresidential development ²	.50	1.0	.70	.80
(d) Minimum lot area (square feet) ³				
- Detached dwelling	3,500	3,500	--	--
- Duplex dwelling*	6,500	6,500	--	--
- Triplex dwelling*	9,500	9,500	--	--
- Quadraplex dwelling*	11,500	11,500	--	--
- Multi-family dwellings and all other residential buildings*	11,500	11,500	--	--
- Nonresidential buildings	8,000	8,000	8,000	43,560

(e)	Minimum lot width (feet)				
	- Detached dwellings	40	40	--	--
	- Duplex, triplex & quadraplex	50	50	--	--
	- Multi-family dwellings and all other residential buildings	50	50	--	--
	- Nonresidential buildings	50	50	50	--
(f)	Minimum project street frontage	--	--	--	100
(g)	Minimum setback (feet) (See Section 12.102(1) if abutting a lot in a residential zoning district)	20	20	20	40
(h)	Minimum side yard (feet) ⁴				
	- Residential buildings (except as provided below)	5	5	--	--
	- Planned multi-family developments adjoining single family developed or zoned land ⁵	10	10	--	--
	- Nonresidential building	None**	None**	10	20
(i)	Minimum rear yard (feet)				
	- Residential buildings (except as provided below)	20	20	--	--
	- Planned multi-family developments adjoining single family developed or zoned land ^{5,8}	40	40	--	--
	- Nonresidential building	10	10	10	20
(j)	Minimum project edge ⁶	--	--	--	100
(k)	Minimum open space for residential development (%)	40	40	--	--
(l)	Maximum height (feet) ⁷	40	40	40	None***

* If land is sold with an attached unit, the minimum subplot size must be sufficient

to accommodate a dwelling unit and 400 square feet of private open space for each unit.

** In B-1 and B-2 districts, no side yard is required, but if they are provided, the first one must be a minimum of 8 feet and if a second one is provided, it must be a minimum of 4 feet. However, in any combination, there shall be a minimum of 8 feet building separation at the side yards.

***Except no structure may exceed 40 feet in height if located within 200 feet of a residential zoning district.

1. The maximum residential density number, when multiplied by the number of acres in a lot, controls the allowable number of dwelling units permitted on a lot. Density is calculated by multiplying the gross land area, minus any existing dedicated rights-of-way incorporated within the property, times the maximum density number established for the zoning district. For lots located on an existing publicly maintained street that does not have any record of right-of-way dedication, the density is calculated by multiplying the gross land area, minus the area within the maintained street (typically ditch to ditch) incorporated within the property, times the maximum density number for the zoning district.
2. If a parking deck is constructed as part of a nonresidential building, the allowable floor area ratio may be increased by 50 percent.
3. For residential subdivisions of 10 or more lots, the minimum lot size may be varied subject to the regulations of subsection 9.205(4).
4. For residential subdivisions, minimum building separations and zero lot lines may be used subject to subsection 9.205(5).
5. Side and rear yards determinations in planned multi-family developments will be based on the orientation of each proposed building to the adjoining project property line, except in a single building planned multi-family development where side and rear yards will be determined based upon the configuration of the lot. If the angle formed by the property line and the front or rear facade of the building is greater than 45 degrees, the area between the building and the property line will be treated as a side yard.
6. Except as provided for in subsection 9.805(6).
7. A building in a 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 in building height in excess of 40 feet. If a building abuts a residential zoning district, it may not be constructed above the 40-foot limit unless the side and/or rear yard which abuts the residential zoning district is increased 1 foot for each foot in building height in excess of 40 feet. Height requirements for other permitted structures are set forth in Section 12.108. Special height requirements for the Business Park District are set forth in subsection 9.805(6).
8. If the property owner of a planned multi-family development dedicates land, having a minimum width of thirty (30) feet, to the city or county for incorporation into an abutting park or greenway, the rear yard requirement along that newly created property line shall be reduced to twenty (20) feet. Such land dedication must be acceptable to the Parks and Recreation Department.

E. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

1. Amend Section 9.8507, "Mixed Use Development District: parking and loading standards", subsection "Loading Standards", subsections (1) (2), (3), (4) and (5) by modifying the number of loading spaces required, and renumbering the remaining subsections. The current section reads as follows:

Loading Standards.

Buildings and structures, excluding parking structures, subject to the provisions of this section, 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 provided in accordance with the following list:

- (1) Multi-family dwellings (0-24 units): None required
- (2) Multi-family dwellings (25-74 units): Two (2) spaces
- (3) Multi-family dwellings (75 or more units): Three (3) spaces
- (4) 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
- (5) If a non-residential use has five (5) or more off-street service/delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

The revised section shall read as follows:

Loading Standards.

Buildings and structures, excluding parking structures, subject to the provisions of this section, 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 provided in accordance with the following list:

- (1) Multi-family dwellings (1-24 units): None required
- (2) Multi-family dwellings (25+ units): One (1) space
- (3) 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
- (4) If a non-residential use has five (5) or more off-street service/delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

F. PART 9: UPTOWN MIXED USE DISTRICT

1. Amend Section 9.907, "Uptown Mixed Use District: parking and loading standards", subsection (2), "Loading standards", by modifying the number of loading spaces required, and relettering the subsections accordingly. The current language reads as follows:

- (2) Loading standards. Buildings and structures, excluding parking structures, subject to the provisions of this section 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 provided in accordance with the following list:

- (a) Multi-family dwellings (0-24 units): None required
- (b) Multi-family dwellings (25-74 units): 2 spaces
- (c) Multi-family dwellings (75 or more units): 3 spaces
- (d) Nonresidential uses with gross floor area:
 - Less than 50,000 sq. ft.: None required
 - 50,000-150,000 sq. ft.: 1 space
 - Each additional 100,000 sq. ft.: 1 space

- (e) If a nonresidential use has 5 or more off-street service/ delivery parking spaces, 40 percent of the spaces must be large enough accommodate vehicles greater than 30 feet long.

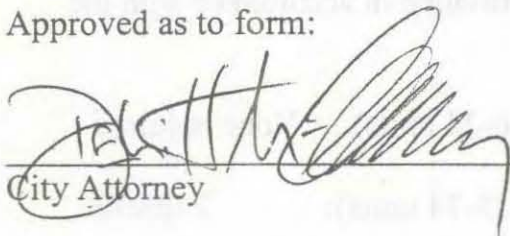
The revised section shall read as follows:

- (2) Loading standards. Buildings and structures, excluding parking structures, subject to the provisions of this section 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 provided in accordance with the following list:
 - (a) Multi-family dwellings (1-24 units): None required
 - (b) Multi-family dwellings (25+ units): 1 space
 - (c) Nonresidential uses with gross floor area:

Less than 50,000 sq. ft.:	None required
50,000-150,000 sq. ft.:	1 space
Each additional 100,000 sq. ft.:	1 space
 - (d) If a nonresidential use has 5 or more off-street service/ delivery parking spaces, 40 percent of the spaces must be large enough to accommodate vehicles greater than 30 feet long.

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

Approved as to form:


City Attorney

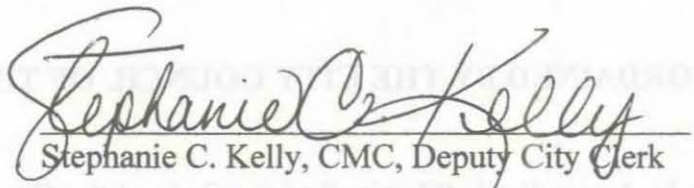
March 20, 2006

Ordinance Book 54, Page 213

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 192-213.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

APPROVED BY
CITY COUNCIL

MAR 20 ~~2007~~ 2006

Petition #: 2006-020
Petitioner: Charlotte Mecklenburg Planning Commission
City of Charlotte

ORDINANCE #3225

**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: SUPPLEMENTAL DEVELOPMENT STANDARDS.

1: Part 4: ACCESSORY USES AND STRUCTURES

- a. Amend Section 12.417, "Outdoor Sales, accessory" to clarify that outdoor sales are permitted in the base zoning districts. The current text reads as follows:

Section 12.417. Outdoor Sales, accessory.
(Petition No. 2004-135, § 12.417, 03/21/05)

Except as provided under subsection 12.417(5), below, outdoor sales are permitted only as an accessory use to a retail establishment located in the NS, CC, MUDD(CD), UMUD(CD), B-1SCD, B-1(CD), B-2(CD) zoning districts, unless noted on the site plan or conditional plan that this use is restricted. An approved, permanent garden center component of a retail use that shares common walls with the principal building is not subject to this section. All outdoor sales shall be clearly incidental to the operation of the principal use, and shall meet the following requirements:

- (1) Outdoor sales shall be operated and maintained under the same ownership, or subject to the control of the property owner, and on the same parcel as the principal use.
- (2) Planning Director approval is required, and an administrative amendment will be required, if the additional outdoor retail sales area is located within the parking or maneuvering area and such outdoor retail sales area is not indicated on an approved conditional plan. The accessory, outdoor retail sales area shall not be counted toward the total allowed square footage.

- (3) Outdoor sales areas shall be fenced on all sides by a fence not less than 3 feet or no higher than 5 feet in height. The fence must be constructed of wrought iron, tubular aluminum, or other approved fencing material. Fencing is not required to be permanently affixed. The fence must be constructed to allow for 75% surveillance from passing vehicles and/or pedestrian traffic. Spaces between bars or slats shall be no greater than 6 inches apart. In no instance will a chain link or barbed wire fence be acceptable. Fencing shall be removed when the outdoor sales end.
- (4) Sales of retail items is allowed on the sidewalk located in front of the building, but not on the public sidewalk located within any public right-of-way, however, a minimum clear zone of eight (8) feet shall be maintained for pedestrian use. The area used for sales of retail items on the sidewalk shall not exceed 50 square feet in area to be used continuously for the sale of goods and merchandise. No display of merchandise is permitted. No fencing is required for items on the sidewalk. The sales area in front of the building shall be shown on the site plan or conditional plan.
- (5) All equipment rental and leasing must occur within an enclosed building.
- (6) No tractor-trailer trucks, trailers, or other mobile storage containers, shall be used in conjunction with the outdoor sales area. Tractor trailers or other mobile storage containers may only be located near the loading dock area and shall be screened by a decorative fence from on-site parking lot(s).
- (7) The area designated for outdoor sales shall not be located in any minimum required parking area required by this ordinance. The outdoor sales area shall not require additional parking spaces.
- (8) The area(s) designated for outdoor sales shall not exceed 10% of the gross building square footage of the retail establishment for which this is an accessory use.

The revised text shall read as follows:

Section 12.417. Outdoor Sales, accessory.
(Petition No. 2004-135, § 12.417, 03/21/05)

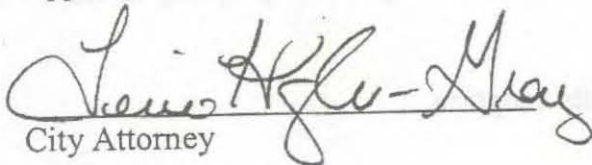
- (1) Retail establishments located in all zoning districts, except as provided in subsection 12.417(2), are permitted to have accessory outdoor sales, subject to the standards of the district.

- (2) In the NS, CC, MUDD(CD), UMUD(CD), B-1SCD, B-1(CD), B-2(CD) zoning districts, outdoor sales are permitted as an accessory use to a retail establishment as long as outdoor sales is not a restricted use on the site plan or conditional plan. An approved, permanent garden center component of a retail use that shares common walls with the principal building is not subject to this section. All outdoor sales shall be clearly incidental to the operation of the principal use, and shall meet the following requirements:
- (1) Outdoor sales shall be operated and maintained under the same ownership, or subject to the control of the property owner, and on the same parcel as the principal use.
 - (2) Planning Director approval is required, and an administrative amendment will be required, if the additional outdoor retail sales area is located within the parking or maneuvering area and such outdoor retail sales area is not indicated on an approved conditional plan. The accessory, outdoor retail sales area shall not be counted toward the total allowed square footage.
 - (3) Outdoor sales areas shall be fenced on all sides by a fence not less than 3 feet or no higher than 5 feet in height. The fence must be constructed of wrought iron, tubular aluminum, or other approved fencing material. Fencing is not required to be permanently affixed. The fence must be constructed to allow for 75% surveillance from passing vehicles and/or pedestrian traffic. Spaces between bars or slats shall be no greater than 6 inches apart. In no instance will a chain link or barbed wire fence be acceptable. Fencing shall be removed when the outdoor sales end.
 - (4) Sales of retail items is allowed on the sidewalk located in front the building, but not on the public sidewalk located within any public right-of-way, however, a minimum clear zone of eight (8) feet shall be maintained for pedestrian use. The area used for sales of retail items on the sidewalk shall not exceed 50 square feet in area to be used continuously for the sale of goods and merchandise. No display of merchandise is permitted. No fencing is required for items on the sidewalk. The sales area in front of the building shall be shown on the site plan or conditional plan.

- (5) All equipment rental and leasing must occur within an enclosed building.
- (6) No tractor-trailer trucks, trailers, or other mobile storage containers, shall be used in conjunction with the outdoor sales area. Tractor trailers may only be located near the loading dock area and shall be screened by a decorative fence from on-site parking lot(s).
- (7) The area designated for outdoor sales shall not be located in any minimum required parking area required by this ordinance. The outdoor sales area shall not require additional parking spaces.
- (8) The area(s) designated for outdoor sales shall not exceed 10% of the gross building square footage of the retail establishment for which this is an accessory use.

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

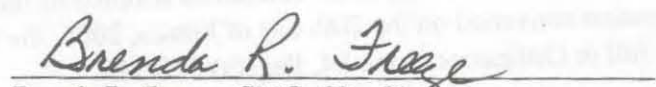
Approved as to form:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the attached 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 214-217.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 23rd day of February, 2007.


Brenda R. Freeze, CMC, City Clerk

March 20, 2006
Ordinance Book 54, Page 218

Petition No. 2006-21
Petitioner: Young Properties of Charlotte

APPROVED BY CITY COUNCIL
DATE 3/20/06

ORDINANCE NO. 3226-Z

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

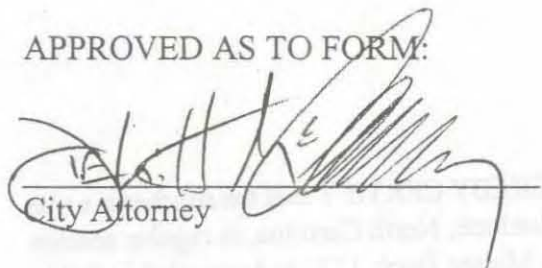
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 R-12MF (CD).

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.

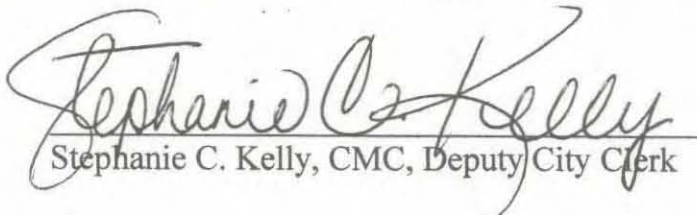
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 218-219.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

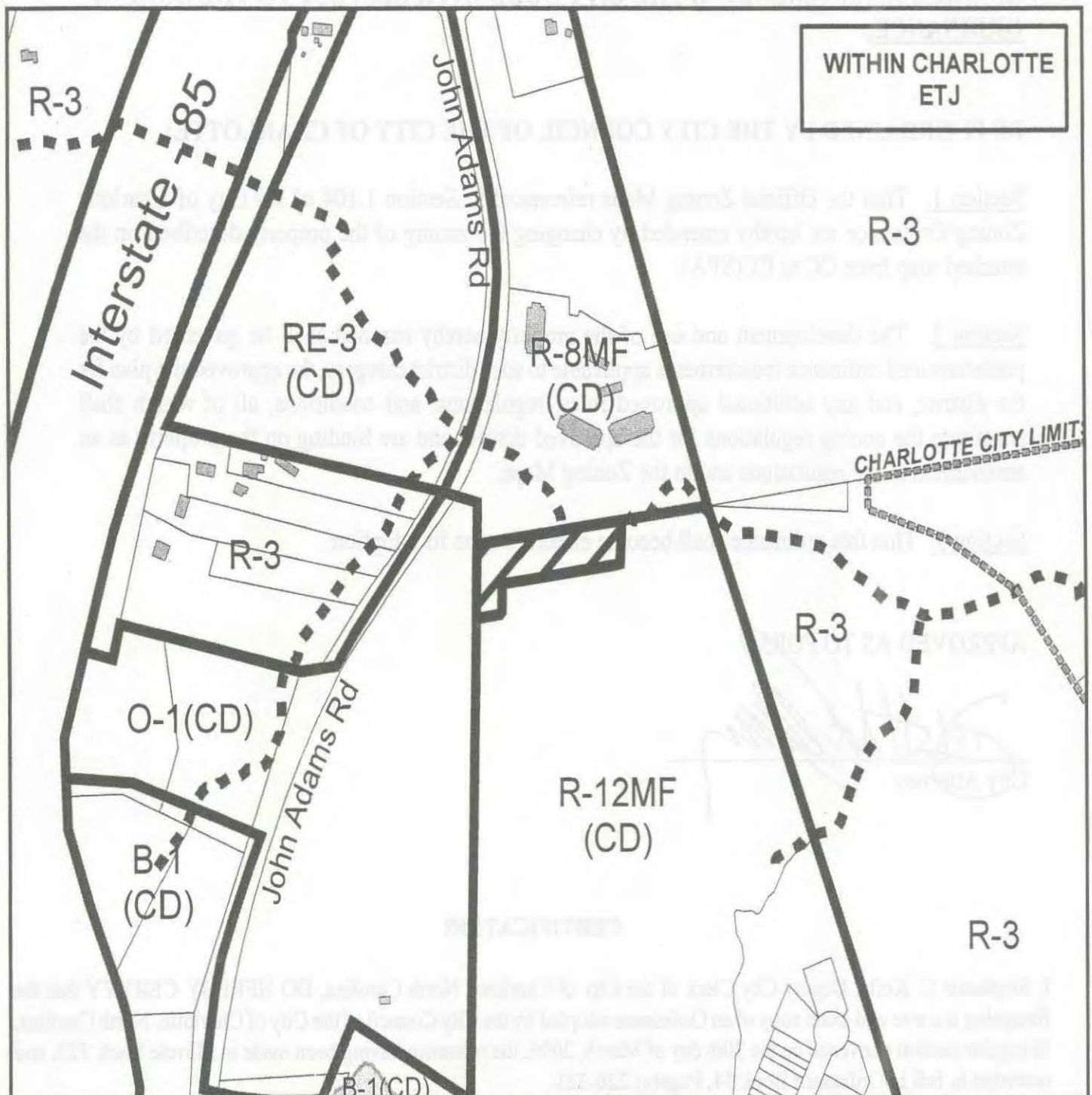
Petition #: **2006-021**

Petitioner: Young Properties of Charlotte, LLC.

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

Zoning Classification (Requested): R-12MF (CD)
(Multi-family Residential, up to 12 dwelling units per acre, Conditional)

Acreage & Location : Approximately 1.12 acres located east of John Adams Rd and I-85.



0 250 500 1,000 Feet

Zoning Map #(s) **54**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
11-28-2005



March 20, 2006
Ordinance Book 54, Page 220

Petition No. 2006-23
Petitioner: Piedmont Companies

APPROVED BY CITY COUNCIL
DATE 3/20/06

ORDINANCE NO. 3227-Z

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

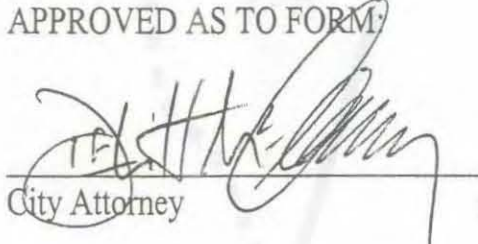
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 CC to CC(SPA).

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.

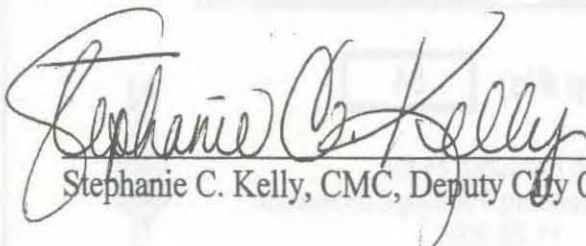
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 220-221.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

March 20, 2006

Ordinance Book 54, Page 221

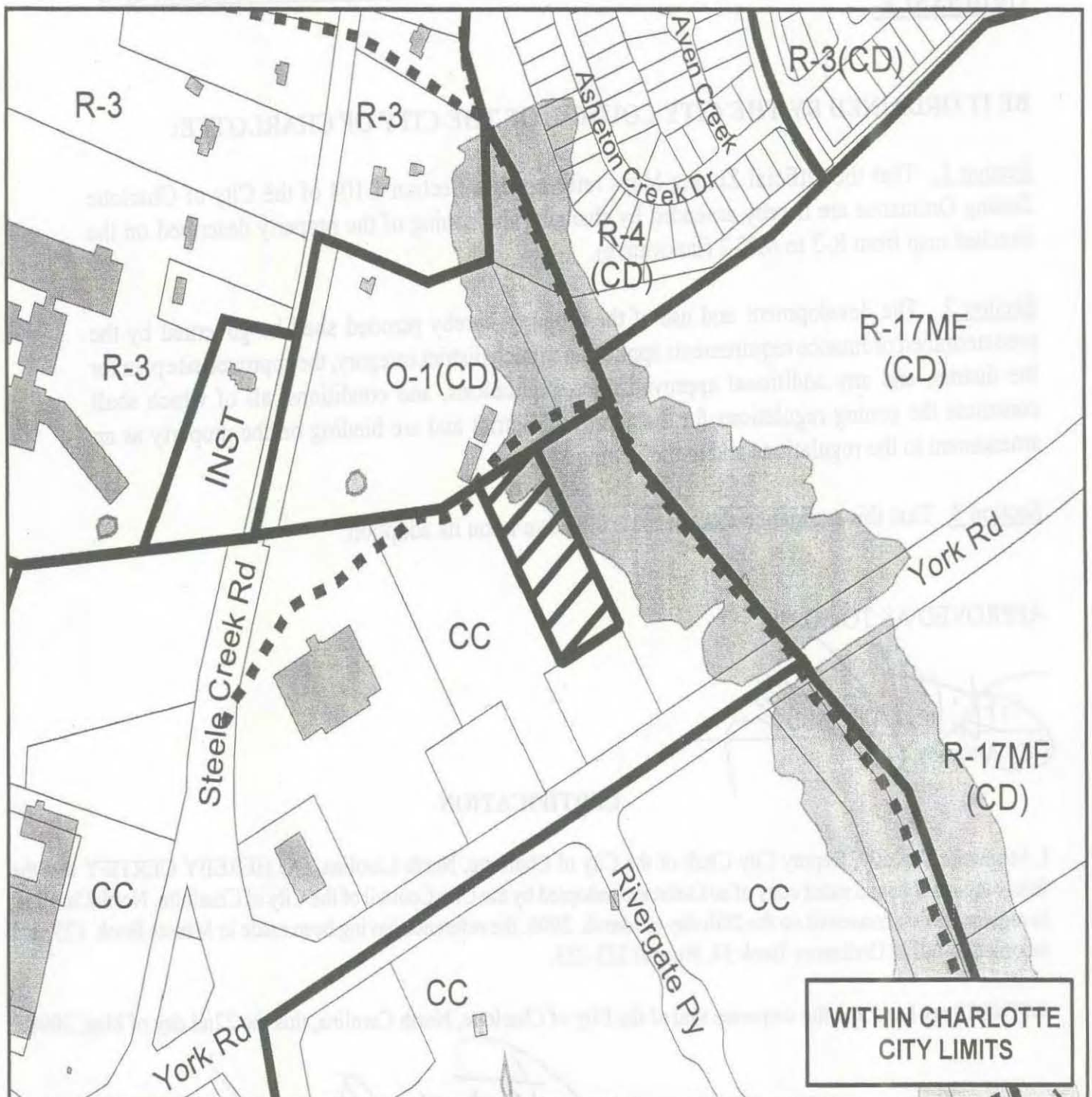
Petition #: **2006-023**

Petitioner: Piedmont Companies, Inc.

Zoning Classification (Existing): CC
(Commercial Center, Conditional)

Zoning Classification (Requested): CC (SPA)
(Commercial Center, Conditional, Site Plan Amendment)

Acreage & Location : Approximately 2.13 acres located east of
Steele Creek Rd and north of York Rd.



0 250 500 1,000 Feet

Zoning Map #(s) **154**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
11-28-2005



Petition No. 2006-24
Petitioner: Pulte Homes

APPROVED BY CITY COUNCIL

DATE 3/20/06

ORDINANCE NO. 3228-Z

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

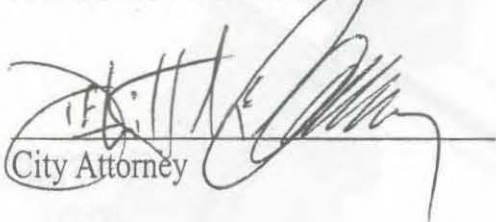
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 MX-2 (Innovative).

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.

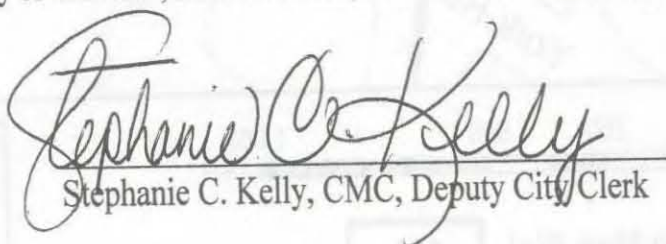
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 222-223.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

Petition #: **2006-024**

Petitioner: Pulte Homes

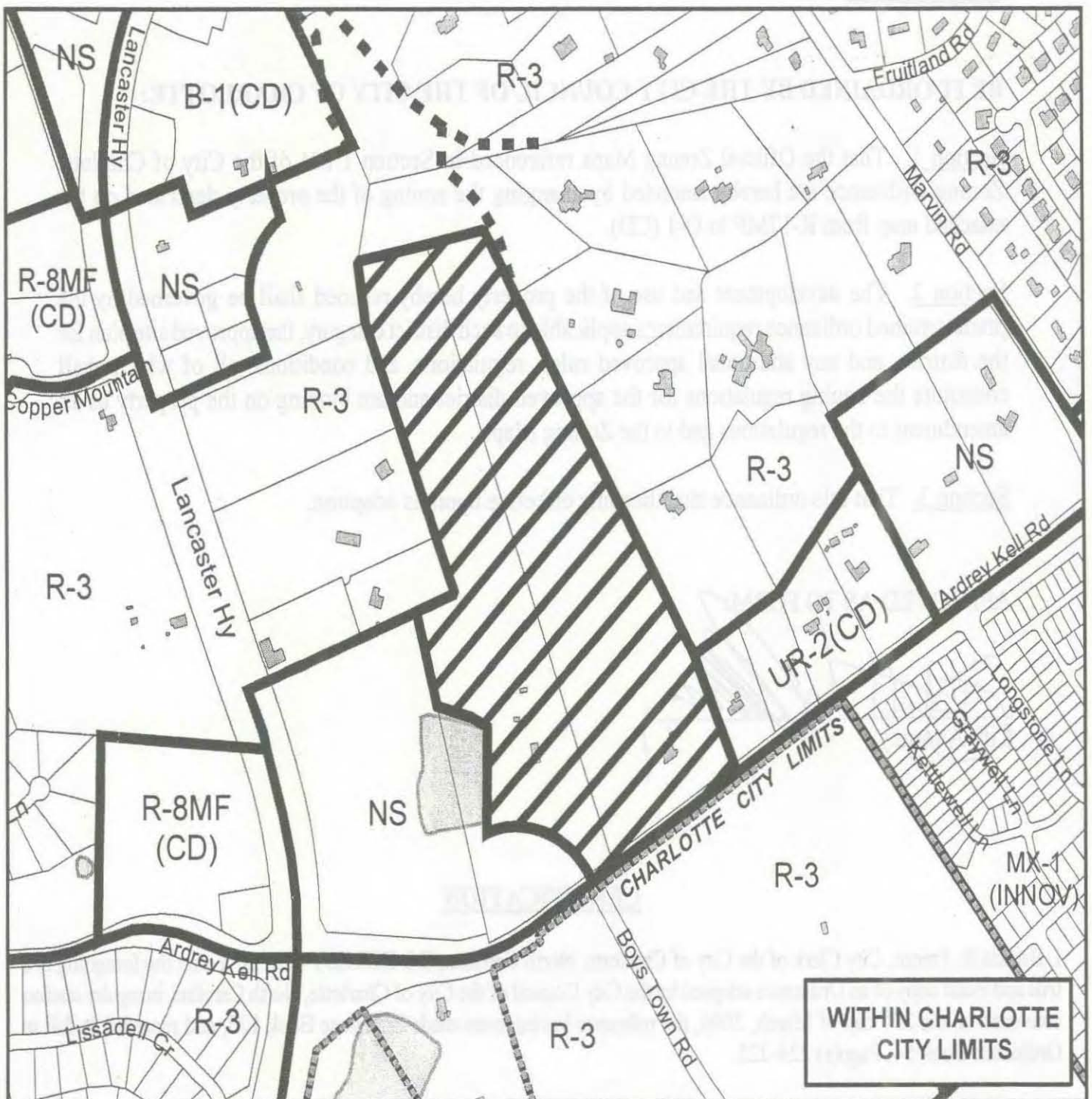
Zoning Classification (Existing): R-3

(Single-family Residential, up to 3 dwelling units per acre)

Zoning Classification (Requested): MX-2 (INNOV)

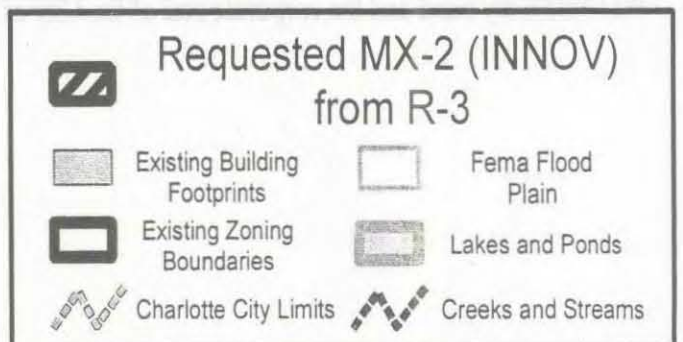
(Mixed-Use Residential, Conditional, Innovative Design Standards)

Acreage & Location : Approximately 37.46 acres north of
Ardrey Kell Rd and east of Lancaster Hy.



Zoning Map #(s) **154**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
11-28-2005



Petition No. 2006-25

Petitioner: Bonnie Stafford & Sylvia Ponce

APPROVED BY CITY COUNCIL

DATE 3/20/06

ORDINANCE #3229-Z

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

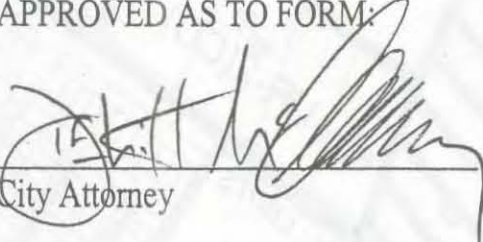
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 to O-1 (CD).

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.

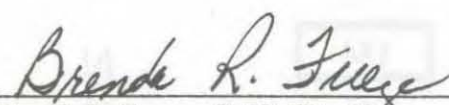
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 224-225.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 12th day of July, 2006.


Brenda R. Freeze, CMC, City Clerk

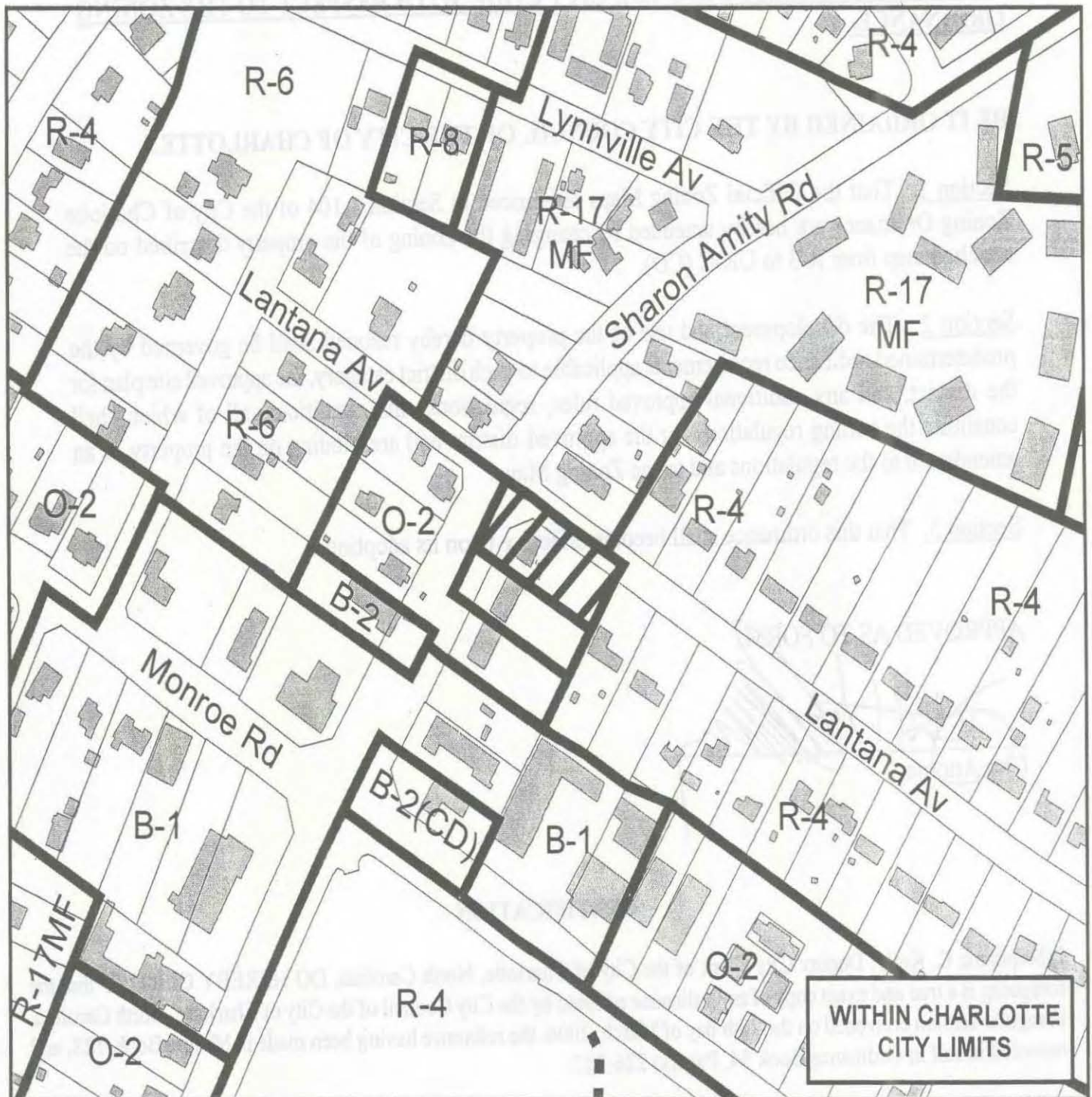
Petition #: **2006-025**

Petitioner: Bonnie Stafford and Sylvia Ponce

Zoning Classification (Existing): R-17 MF
(Multi-family Residential, up to 17 dwelling units per acre)

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

Acreage & Location : Approximately 0.35 acres located south of
Lantana Av and east of Sharon Amity Rd.



0 125 250 500 750 Feet

Zoning Map #(s) **123**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
01-31-2006



Petition No. 2006-27
Petitioner: Jeffrey C. Ross

APPROVED BY CITY COUNCIL
DATE 3/20/06

ORDINANCE NO. 3230-Z

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

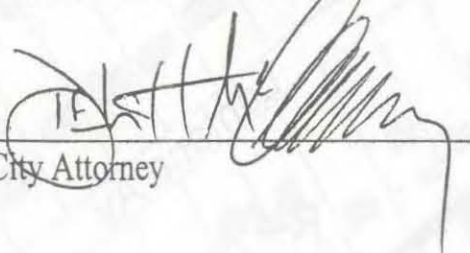
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 UR-C (CD).

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.

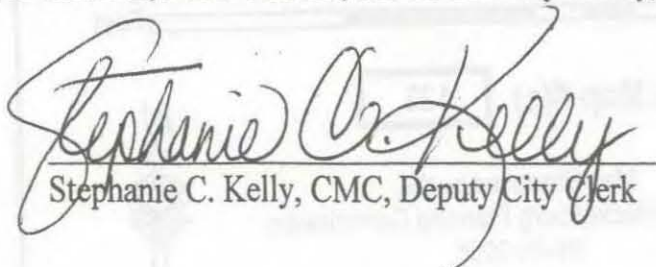
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 226-227.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.


Stephanie C. Kelly, CMC, Deputy City Clerk

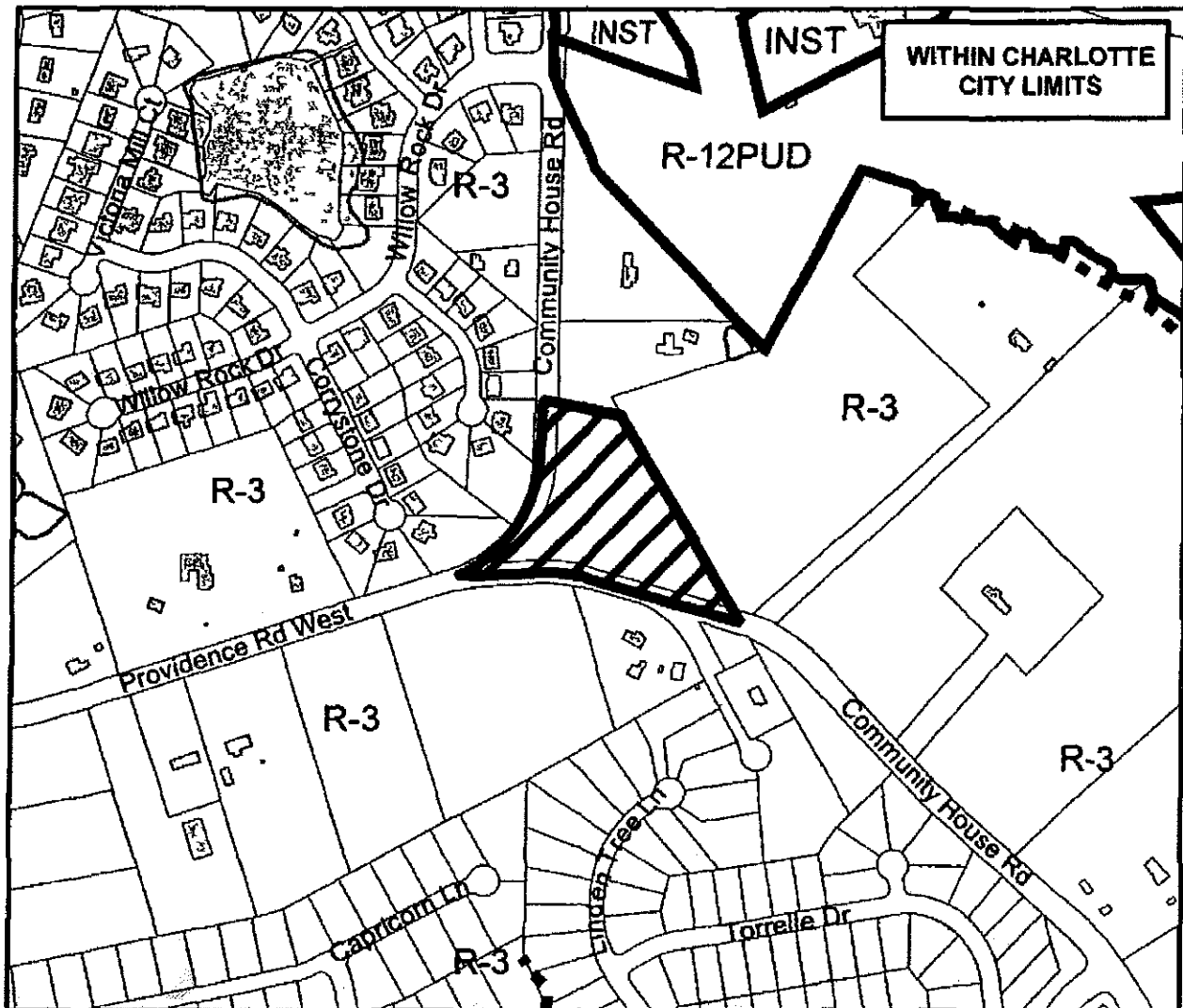
Petition #: **2006-027**

Petitioner: Jeffery C. Ross

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

Zoning Classification (Requested): UR-C (CD)
(Urban Commercial District, Conditional)

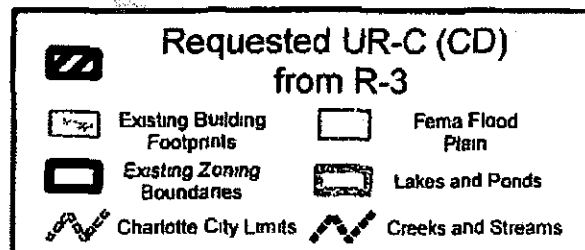
Acreage & Location : Approximately 4.46 acres located at the intersection
of Providence Rd West and Community House Rd



0 250 500 1000
Feet

Zoning Map #(s) **182**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
01-25-2006



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Petition No. 2006-28
Petitioner: Southminster, Inc.

APPROVED BY CITY COUNCIL

DATE 3/20/06

ORDINANCE NO. 3231-Z

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

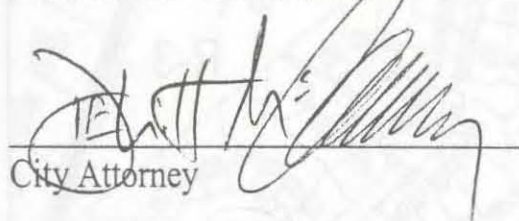
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 INST(CD) to INST(CD) SPA.

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.

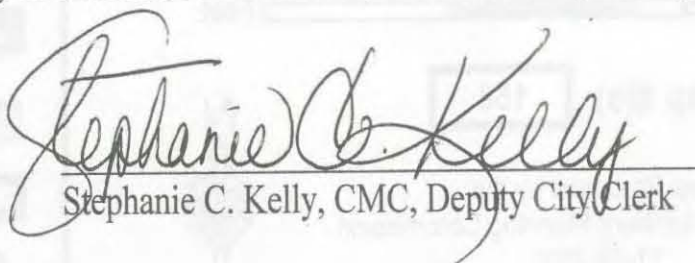
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Stephanie C. Kelly, Deputy 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 228-229.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 22nd day of May, 2006.

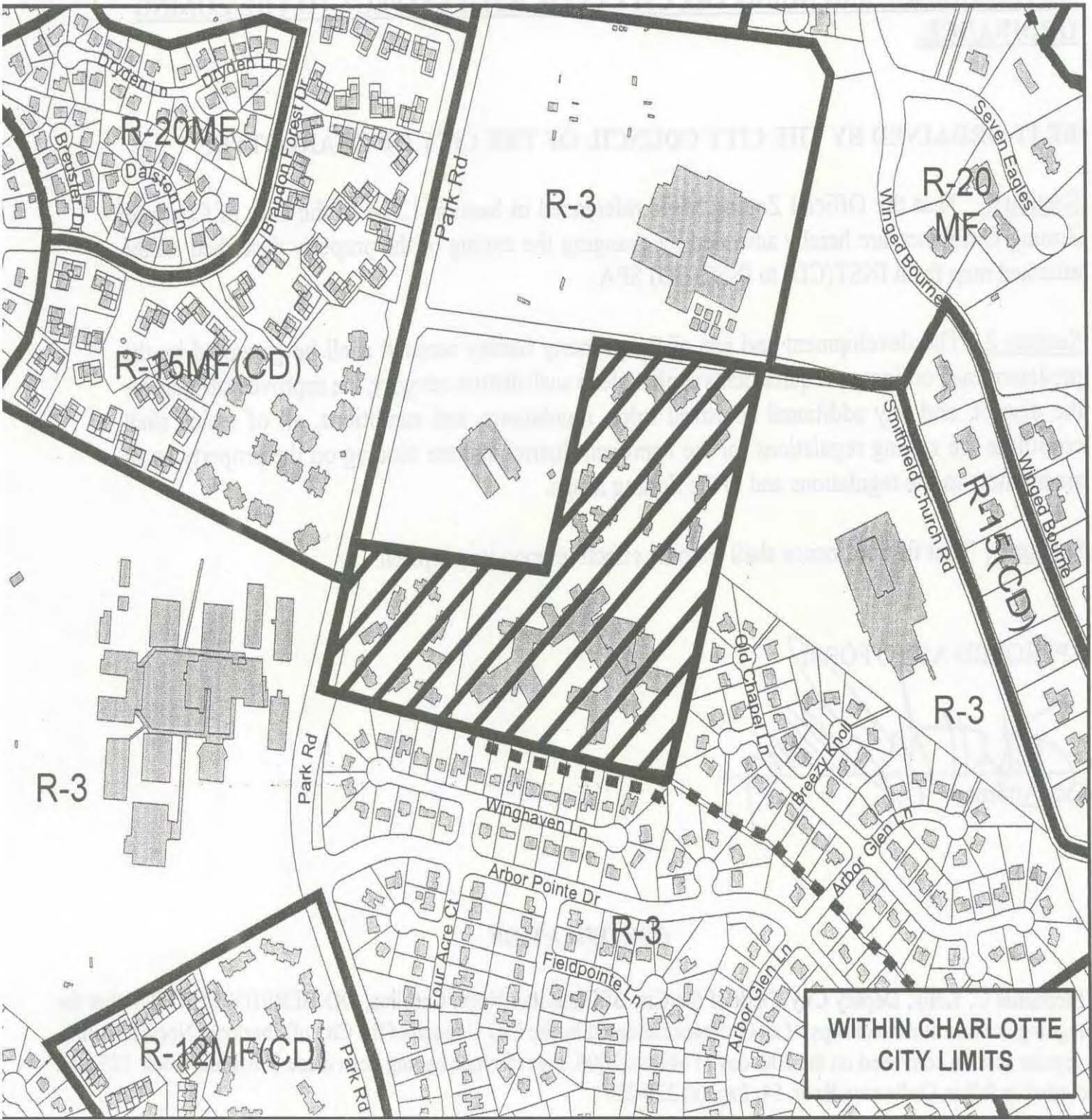

Stephanie C. Kelly, CMC, Deputy City Clerk

Petitioner: Southminster, Inc.

Zoning Classification (Existing): INST (CD)
(Institutional, Conditional)

Zoning Classification (Requested): INST (CD) SPA
(Institutional, Conditional, Site Plan Amendment)

Acres & Location : Approximately 26.0 acres located east of
Park Rd. and south of Smithfield Church Rd.



Zoning Map #(s) **158**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
11-28-2005



**Requested INST (CD) SPA
from INST (CD)**

Existing Building
Footprints

Existing Zoning
Boundaries

Charlotte City Limits

Fema Flood
Plain

Lakes and Ponds

Creeks and Streams

Petition No. 2006-29

Petitioner: Theodore A. Greve

APPROVED BY CITY COUNCIL

DATE 3/20/06

ORDINANCE #3225-Z

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

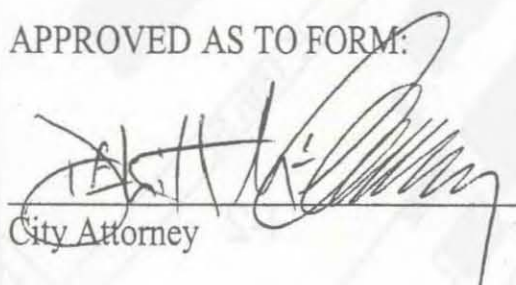
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 I-2 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, Brenda R. Freeze, 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 214-217.

VITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of July, 2006.

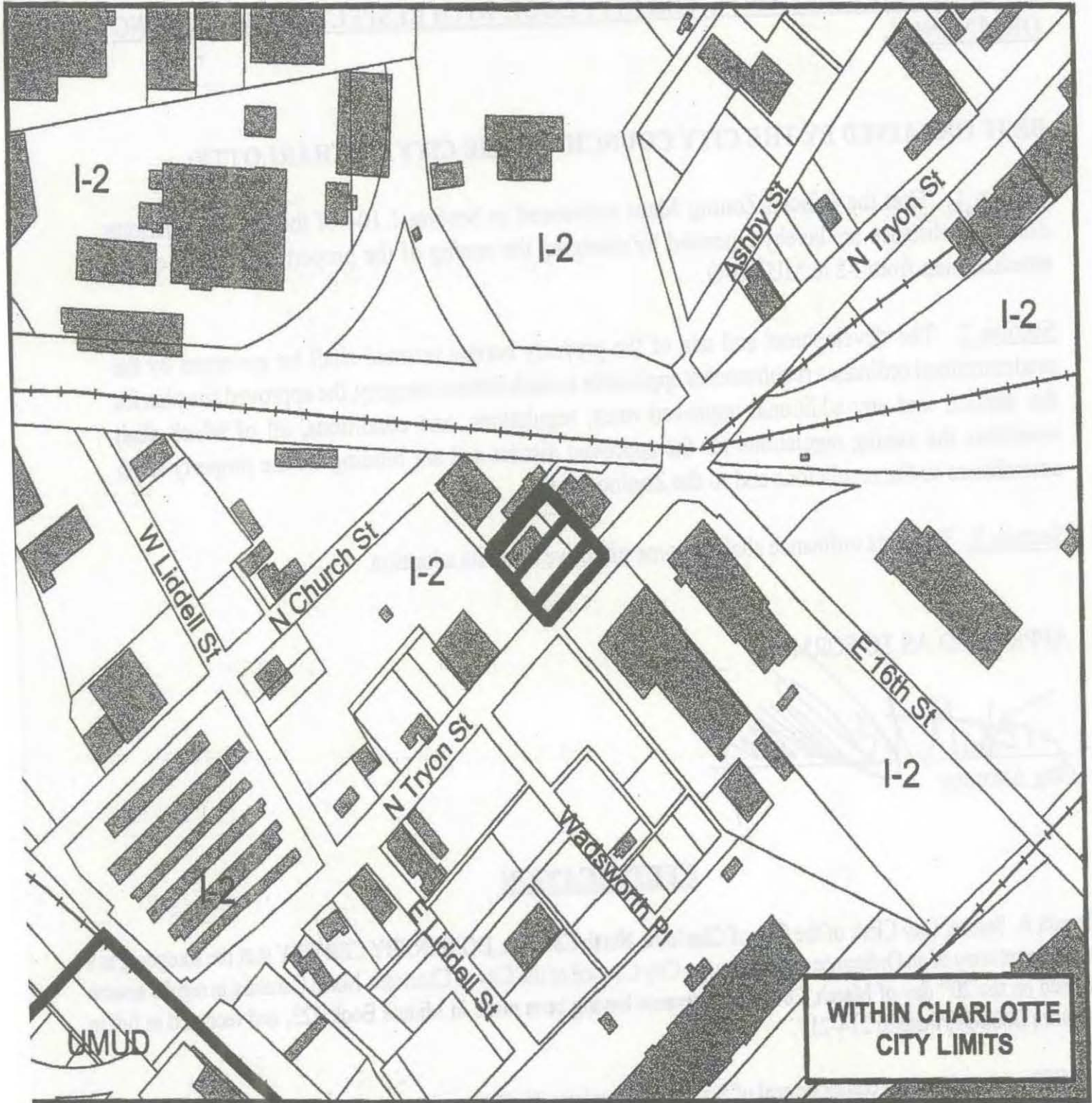

Brenda R. Freeze, CMC, City Clerk

Petitioner: Theodore A. Greve

Zoning Classification (Existing): I-2
(General Industrial)

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

Acreage & Location : Approximately 0.05 acres located north of 0.47
N Tryon St and south of N Church St.



0 125 250 500 750 Feet

Zoning Map #(s) **88**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
11-28-2005



**Requested MUDD (CD)
from I-2**

Existing Building Footprints	Fema Flood Plain
Existing Zoning Boundaries	Lakes and Ponds
Charlotte City Limits	Creeks and Streams

Petition No. 2006-30
Petitioner: Royal Court, LLC

APPROVED BY CITY COUNCIL
DATE 3/20/06

ORDINANCE #3233Z

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

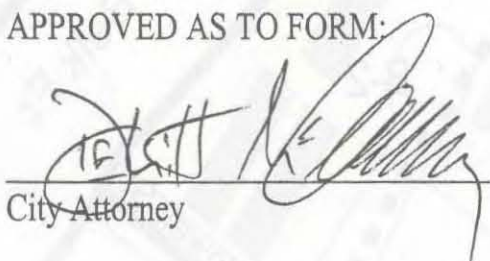
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 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.

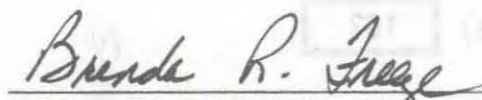
APPROVED AS TO FORM:


City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 232-233.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of July, 2006.


Brenda R. Freeze, CMC, City Clerk

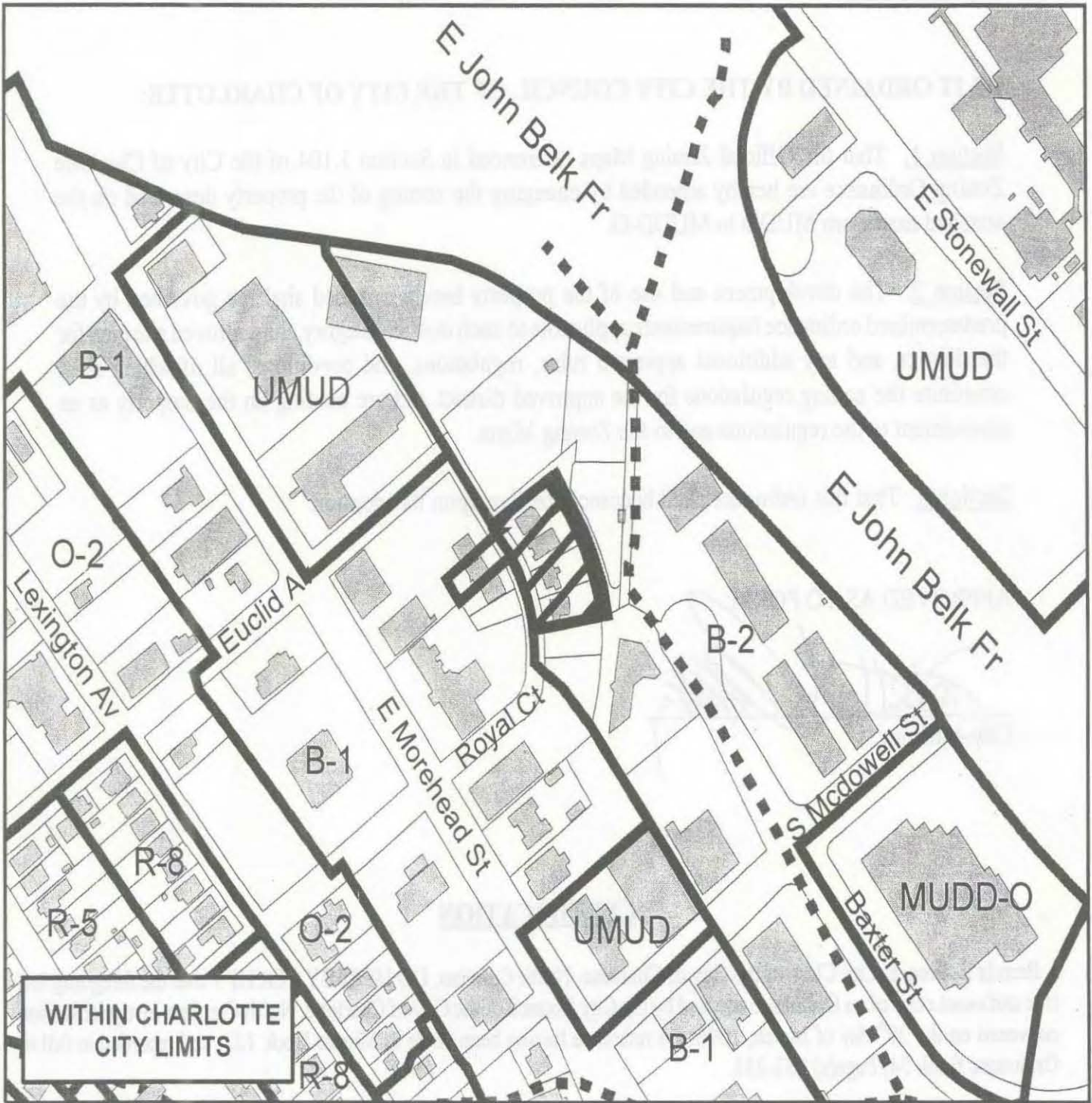
Petition #: **2006-030**

Petitioner: Royal Court, LLC

Zoning Classification (Existing): MUDD
(Mixed-Use Development District)

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

Acreage & Location : Approximately 0.7 acres located southwest of
E John Belk Fr and northeast of E Morehead St.



0 125 250 500 750 1,000 Feet

Zoning Map #(s) **102**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
11-28-2005



Requested MUDD-O from MUDD

	Existing Building Footprints		Fema Flood Plain
	Existing Zoning Boundaries		Lakes and Ponds
	Charlotte City Limits		Creeks and Streams

Petition No. 2006-31
Petitioner: Boulevard Centro

APPROVED BY CITY COUNCIL
DATE 3/20/06

ORDINANCE NO. 3234-Z

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

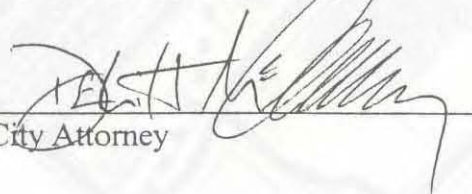
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

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 UMUD to UMUD-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:

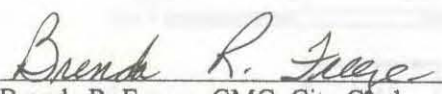


City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 234-235.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 7th day of August, 2006.



Brenda R. Freeze, CMC, City Clerk

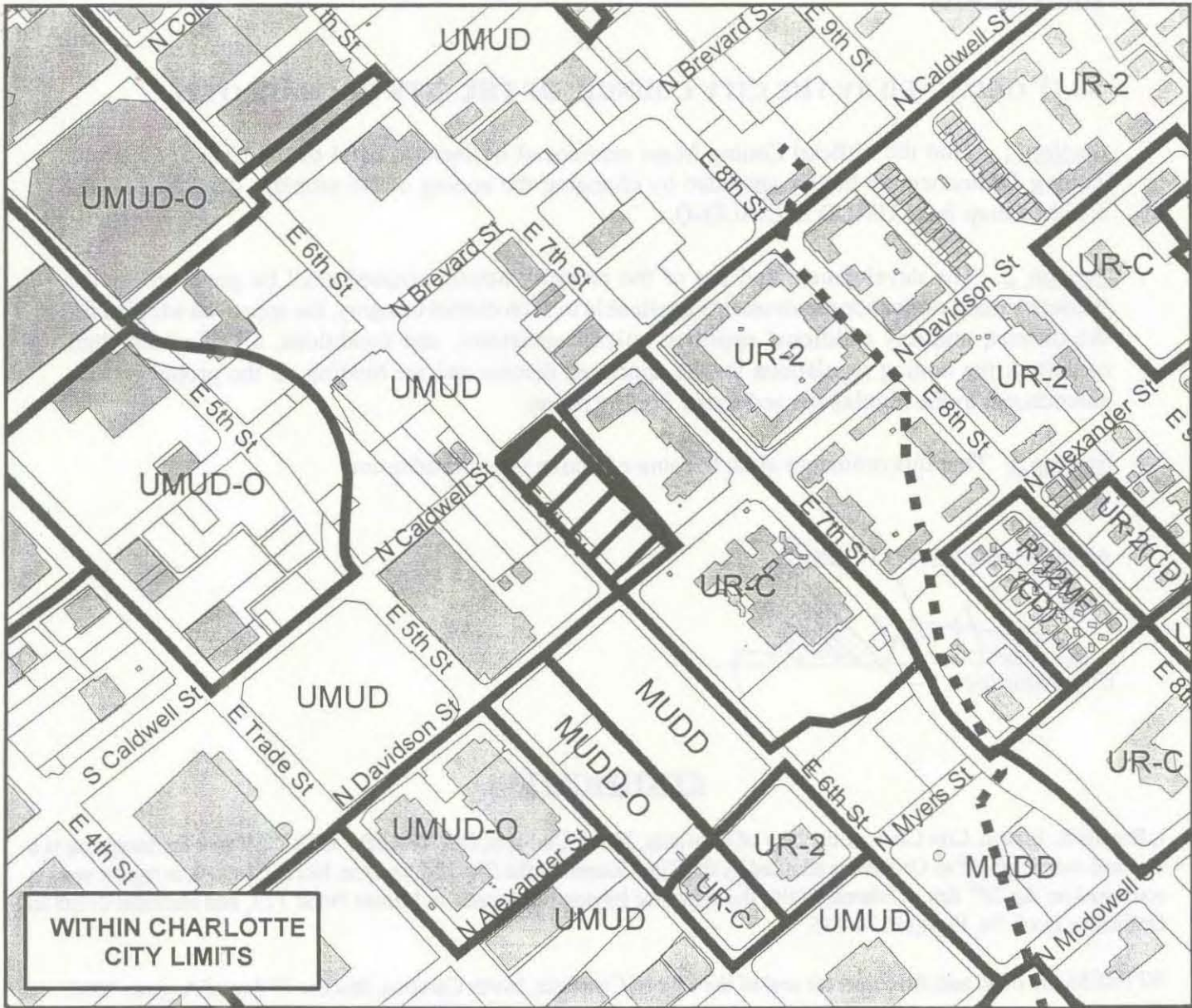
Petition #: **2006-031**

Petitioner: Boulevard Centro

Zoning Classification (Existing): UMUD
(Uptown Mixed Use District)

Zoning Classification (Requested): UMUD-O
(Uptown Mixed Use District, Optional, Conditional)

Acreage & Location : Approximately 1.12 acres located east of the intersection of E 6th St and of N Caldwell St.



0 125 250 500 750 1,000 Feet

Zoning Map #(s) **102**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
12-06-2005



Petition No. 2006-49
Petitioner: Capstone-Fourth Ward, LLC

APPROVED BY
CITY COUNCIL.
MAR 20 2006

ORDINANCE NO. 3235-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 UMUD to UMUD-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.

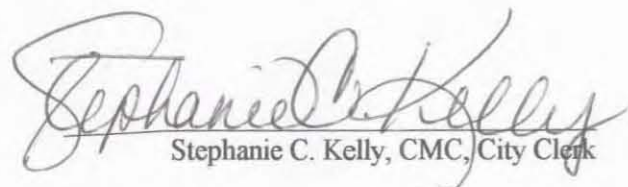
APPROVED AS TO FORM:

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 20th day of March, 2006, the reference having been made in Minute Book 123, and recorded in full in Ordinance Book 54, Page(s) 236-237.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 31st day of December, 2008.


Stephanie C. Kelly, CMC, City Clerk

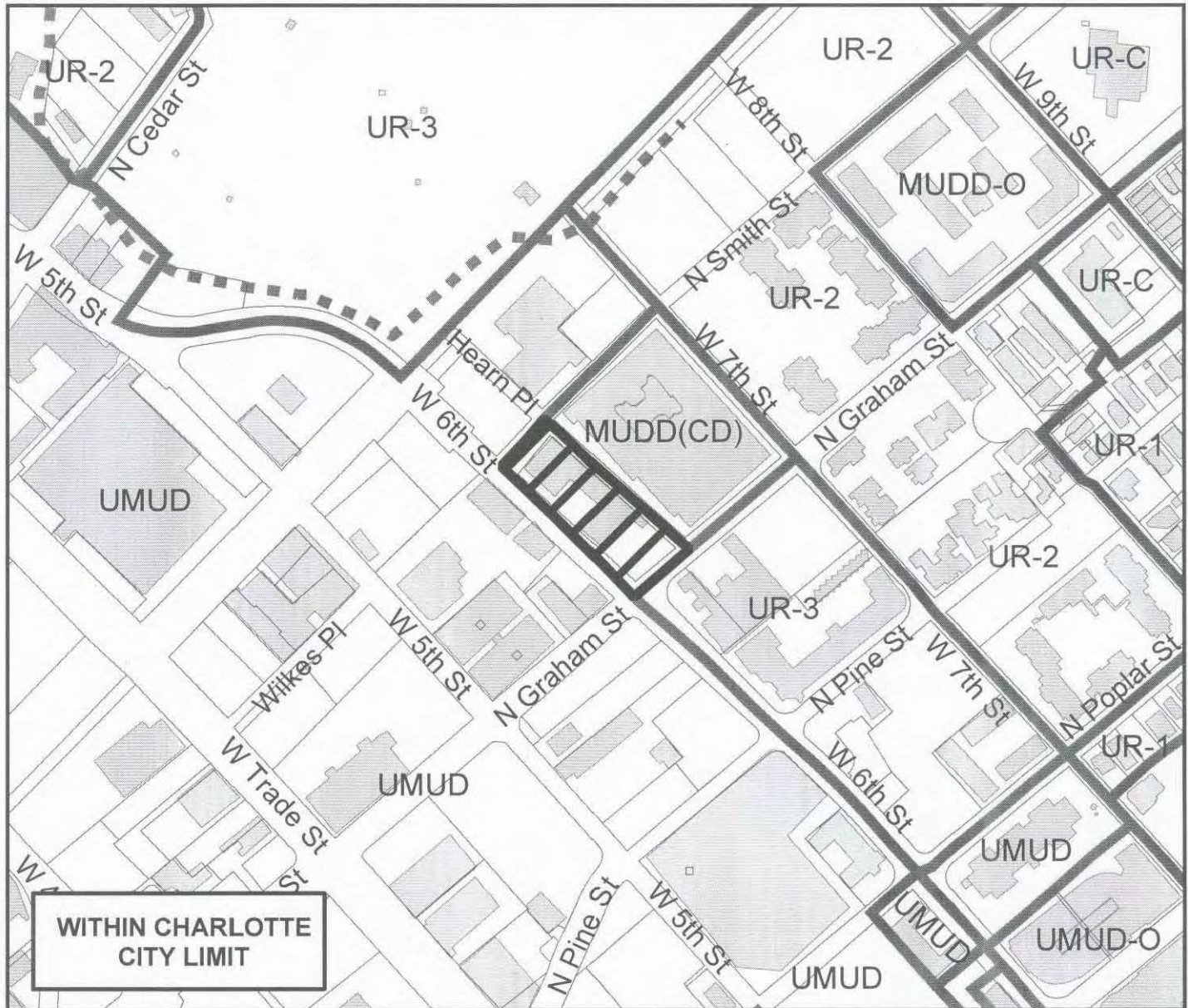
Petition #: **2006-049**

Petitioner: Capstone-Fourth Ward, LLC

Zoning Classification (Existing): UMUD
(Uptown Mixed Use District)

Zoning Classification (Requested): UMUD-O
(Uptown Mixed Use District, Optional, Conditional)

Acreage & Location : Approximately 0.85 acres located northeast of
W 6th St and northwest of N Graham St.



0 250 500 1,000
Feet

Zoning Map #(s) **102**

Map Produced by the
Charlotte-Mecklenburg Planning Commission
01-23-2006

