

# ZONING ORDINANCE TEXT AMENDMENT APPLICATION

## CITY OF CHARLOTTE

Revised 1-1-09

FY2008 Petition #: <u>2009-011</u> Date Filed: _____ Received By: _____  <i>Office Use Only</i>
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- Section #: **10.802 Uses (PED)**  
**10.803 Development Standards (PED)**  
**10.804 Urban design standards (PED)**  
**10.805 Applicability**

### Purpose of Changes:

The purpose of the PED district is to encourage the reuse of existing buildings that contribute to the unique character or history of the area. Recently, it has come to staff's attention that some of the Pedestrian Overlay District (PED) standards have actually had unexpected consequences, making the use or reuse of existing buildings more difficult. This text amendment will modify the screening and streetscape requirements of PED, as well as modify the applicability section requirements, and clarify that drive-through service windows are not permitted. The requested changes are:

- 1) Provide authority to the Planning Director, or his or her designee, to modify the PED screening and streetscape standards when the developer/owner may not be able to meet the PED requirements, so long as the intent of the Ordinance is met.
- 2) When a change of use from one non-residential use to another non-residential use is requested, clarification has been added to specify which particular sections of the ordinance apply, rather than a broad reference to "the requirements of PED".
- 3) When a change of use from a residential use to a non-residential use is proposed, with no expansion, the following modifications are proposed:
  - The regulations currently require the removal of any non-conforming parking that is located on the site, and that the parking requirements of PED shall be met. This text amendment proposes to modify this requirement to only require the removal of any existing parking that would be in conflict with the provision of the streetscape requirements.
  - Place the parking requirement in a new subsection (4), by itself.
  - Add that a 5' sidewalk connection must be provided between the buildings and the sidewalk on all adjoining public streets.
  - Clarify the specific section numbers where requirements are located, rather than referring to "the PED regulations".
- 4) When a use is expanding more than 5% or 1,000 square feet, whichever is less, the following modifications are proposed:
  - The regulations currently require that all the PED standards must be met. This text amendment would list the specific PED standards that must be met: streetscape, parking, buffering, screening, and parking.
  - If there is any existing parking on the site that may be in conflict with the streetscape requirements, then require it to be removed.
  - A 5' sidewalk connection must be provided between the buildings and the sidewalk on all adjoining public streets.
- 5) When major façade improvements are proposed to existing buildings, the regulations currently require the removal of any non-conforming parking that is located on the site, and that the streetscape and screening requirements of PED shall be met. This text amendment proposes to modify the non-conforming parking requirement to only require the removal of any existing parking that would be in conflict with the provision of the streetscape requirements. The regulations for streetscape and screening still remain. In addition, references to specific section numbers have been added.
- 6) Clarify that restaurants and retail uses are not permitted to have drive-through service windows, whether they are a principal or accessory use.

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