

JUN 21 2010

Petition #: 2010-033

Petitioner: Charlotte-Mecklenburg Planning Commission

ORDINANCE NO. _____

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE – ZONING ORDINANCE**
Revised 05-03-2010

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

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

A. CHAPTER 9: GENERAL DISTRICTS

1. PART 2: Single Family Districts

a. Amend Section 9.205, "Development standards for single family districts", by adding a new footnote 7 to subsection (1), "Density, area, yard and bulk regulations", subsection (b) to reference that parking decks constructed as an accessory use to an institutional use in a single family district are not subject to the FAR requirements, provided they meet other regulations. Add a new footnote 7. All other subsections and footnotes shall remain the same. The revised section and footnote shall read as follows:

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

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

FOOTNOTES TO CHART 9.205(1):

⁷. A parking deck constructed as an accessory use to an institutional use shall not be subject to the F.A.R. requirements, provided that the parking deck meets the requirements of Section 12.212(2).

2. PART 3: Multi-Family Districts

a. Amend Section 9.305, "Development standards for multi-family districts", by adding a new footnote 9 to subsection (1), "Density, area, yard and bulk regulations", subsection (b) to reference that parking decks constructed as an accessory use to an institutional use in a multi-family district are not subject to the FAR requirements, provided they meet other regulations. Add a new footnote 9. All other subsections and footnotes shall remain the same. The revised section and footnote shall read as follows:

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

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

FOOTNOTES TO CHART 9.205(1):

⁹. A parking deck constructed as an accessory use to an institutional use shall not be subject to the F.A.R. requirements, provided that the parking deck meets the requirements of Section 12.212(2).

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 2: Off-street Parking and Loading

a. Amend Section 12.212, "Parking Deck Standards" by reorganizing and renumbering the section, bordering the illustrations, and adding a new subsection (2) related to parking decks constructed as an accessory use to an institutional use in a single family or multi-family district. In addition, tree spacing requirements have been updated to align with standards in the Tree Ordinance. The revised section shall read as follows:

Section 12.212. Parking deck standards.

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

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

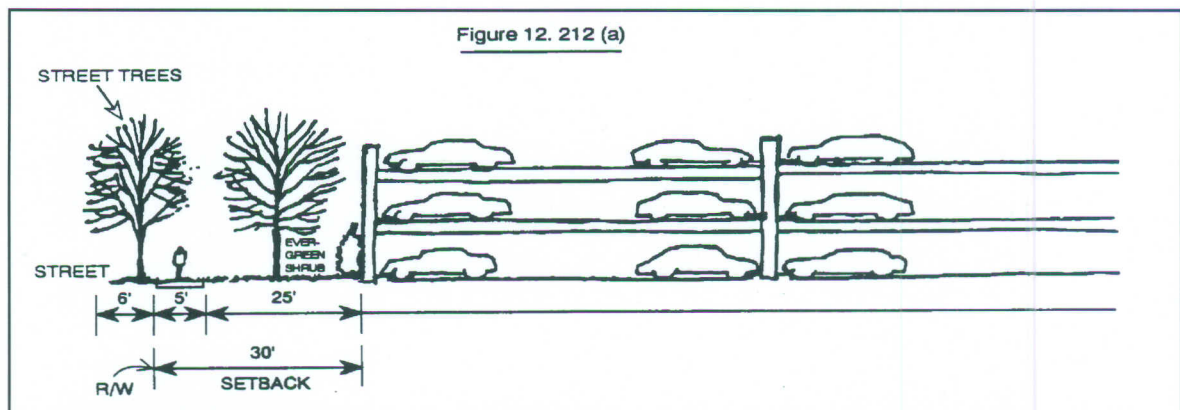
(a) Option A: Parking decks may be constructed to the following minimum standards indicated below and which are illustrated in Figure 12.212(a):

1. Parking decks shall have a minimum setback 30 feet from the public right-of-way and must meet any more restrictive setback or other yard requirements for the district;
2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles;
3. A minimum 25-foot planting area shall be provided between the face of the parking deck and the sidewalk. The planting area shall be planted as follows:

- (i) Large maturing trees shall be planted at a rate of 1 tree per 40 linear feet of street frontage and shall have a minimum caliper of 2 inches measured 6 inches above ground at time of planting.
 - (ii) Evergreen shrubs meeting the requirements of Section 12.302(9)(c) shall be planted along the face of the parking deck with a maximum spacing of 5 feet on center.
 4. A minimum 5-foot wide sidewalk shall be provided with a minimum 6-foot wide planting strip between the sidewalk and the street.
- (b) Option B: Parking decks may be constructed to the following standards, provided that the parking deck is architecturally treated in a manner that avoids a monolithic appearance. This should be accomplished by treating the facade of the deck as a streetwall and articulating it through a variety of building materials and finishing that gives the deck a pedestrian scale. Development standards are as follows:
1. Parking decks shall be setback 20 feet (15 feet from back of curb in Neighborhood Service district) and meet all yard requirements for the district;
 2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles;
 3. The streetwall of the parking deck shall be treated in such a manner as to partially screen street level parking as well as to provide visual interest to the pedestrian. This can be accomplished through the use of articulated precast concrete panels, or ornamental grillwork as illustrated in Figure 12.212(b), or other means such as utilizing a variety of building materials such as brick or stone;
 4. If more than two floors of parking are provided above street level, the third floor above street level and higher floors must be recessed at least 20 feet from the setback of the first and second floors as illustrated in Figure 12.212(c);
 5. A minimum 12-foot wide planting area shall be provided between the sidewalk and the face of the deck. The planting area shall be planted with large maturing trees at a rate of one tree per 40 linear feet of street frontage or small maturing trees at the rate of 1 tree per 30 linear feet of street frontage;
 6. A minimum 5-foot sidewalk shall be provided with a minimum 6-foot wide planting strip between the sidewalk and the street; and
 7. In the Neighborhood Services district, the 15-foot setback from the back of the curb shall consist of a minimum 6 foot wide planting strip and minimum 9-foot wide sidewalk behind the planting strip as illustrated in Figure 12.212(e). The planting strip shall be planted with large maturing trees at a rate of one tree per 40 feet of street frontage. If overhead utilities exist which cannot be relocated or placed underground, then small maturing trees shall be used at a rate of one tree per 30 linear feet of street frontage.

- (c) Option C: Parking decks may be constructed to the following standards, provided that at least 50 percent of the street frontage of the first floor is used for retail or office use, as illustrated in Figures 12.212(d) and 12.212(e):
1. Parking deck shall be setback 20 feet (15 feet in the Neighborhood Service district);
 2. A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vehicles and emergency vehicles.
 3. No more than two floors of parking are allowed above the street level use at the setback and subsequent floors shall be recessed a minimum of 20 feet;
 4. A minimum 12-foot wide planting area shall be provided between the sidewalk and the face of the deck. The planting area shall be planted with large maturing trees at a rate of one tree per 40 linear feet of street frontage or small maturing trees at a rate of 1 tree per 30 linear feet of street frontage; and
 5. In Neighborhood Services District, the 15-foot setback from the back of the curb shall consist of a minimum 6-foot wide planting strip and minimum of 8-foot wide sidewalk. The planting strip shall be planted with large maturing trees at a rate of one tree per 40 linear feet of street frontage. If overhead utilities exist and cannot be relocated or placed underground, then small maturing trees shall be used at a rate of one tree per 30 linear feet of street frontage.

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



STREETWALL TREATMENT OPTIONS

Figure 12. 212 (b)

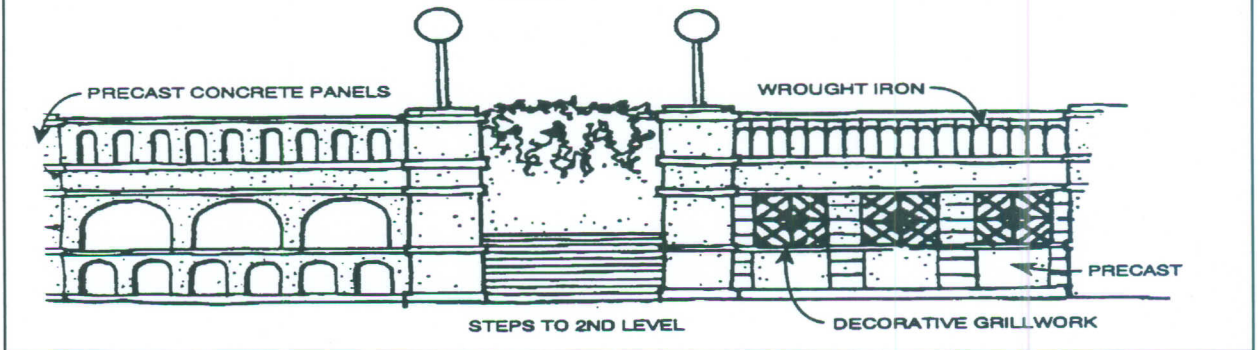


Figure 12. 212 (c)

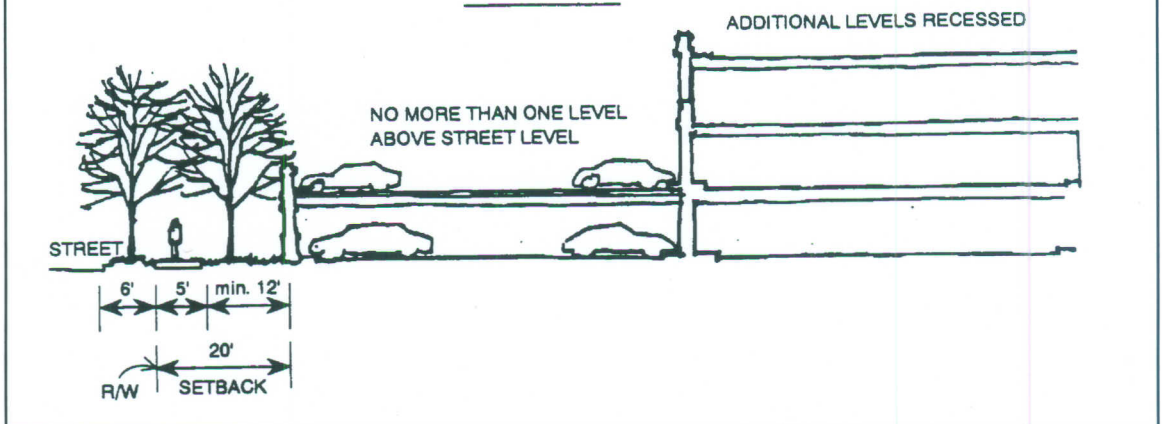
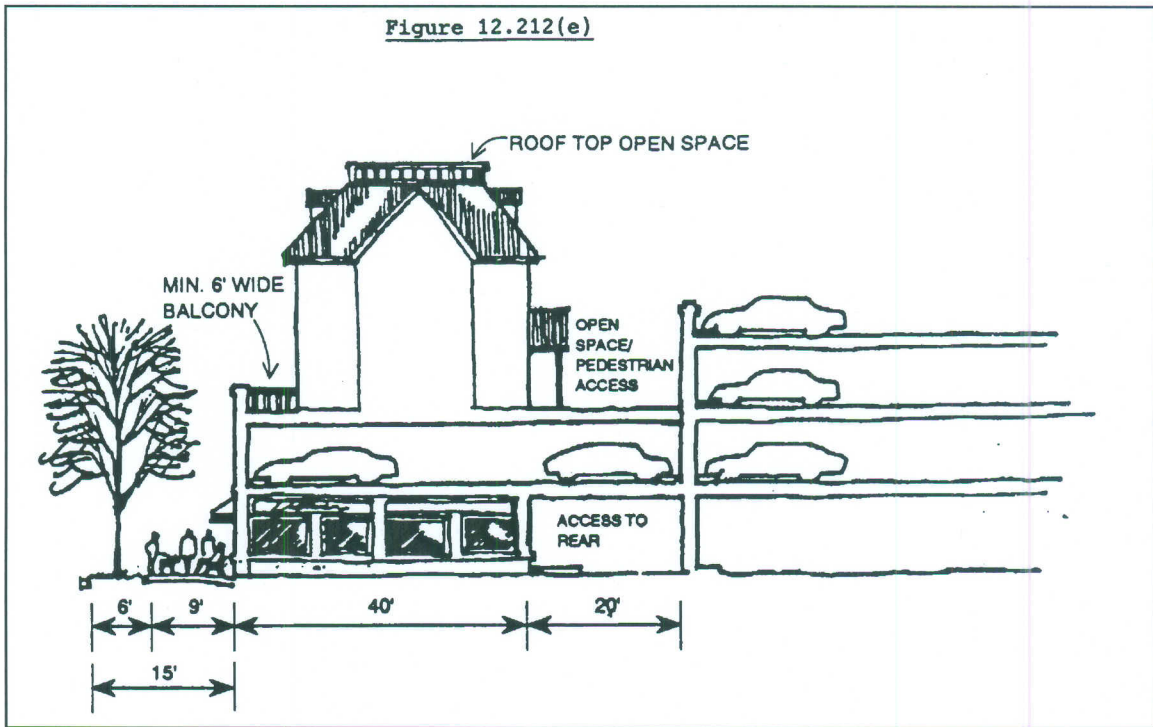


Figure 12. 212 (d)



Figure 12.212(e)



- (2) Parking decks constructed as an accessory use to an institutional use in a single family (R-3, R-4, R-5, R-6, and R-8) or multi-family (R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF) residential district, shall not be subject to the floor area ratio (F.A.R.) requirements provided that the parking deck meets the following standards:
- (a) The parking deck shall have a minimum setback of 50 feet from the edge of the public right-of-way;
 - (b) Any required buffer shall be at least a minimum of 50 feet wide or greater, as per Section 12.302;
 - (c) A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces, and a minimum 7-foot clearance throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles;
 - (d) A minimum 25-foot landscaped area shall be provided between the street facade of the parking deck and the sidewalk. The planting area shall consist of the following:
 - 1. Large maturing trees shall be planted at a rate of 1 tree per 40 linear feet of street frontage and shall have a minimum caliper of 2 inches measured 6 inches above ground at time of planting;
 - 2. Evergreen shrubs that meet the requirements of Section 12.302(9)(c) shall be planted along the street facade of the parking deck with a maximum spacing of 5 feet on center;

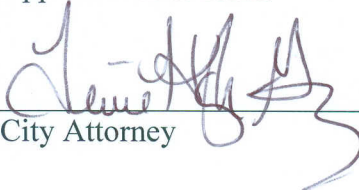
- (e) A minimum 5-foot sidewalk shall be provided with a minimum 6-foot planting strip between the sidewalk and the street;
- (f) The parking deck shall be designed so that motorized vehicles parked on all levels of the facility are screened from the street and from adjacent residentially zoned and/or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

A parking deck shall also be exempt from the F.A.R. requirements if it meets the standards of subsections (a), (c), (d) and (e) above, and at least one of the following conditions are met:

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

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

Approved as to form:



 City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 21st day of June, 2010, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this ___ day of _____, 2010.