

Petition No. 2011-047
Petitioner: Neighborhood & Business Services

JUL 18 2011

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

ORDINANCE NO.

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

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

A. CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Add new definitions for “telecommunications and data storage facility” and “satellite dish” and “satellite dish farm” in Section 2.201, “Definitions”. Add the new definitions in alphabetical order. The new definitions shall read as follows:

Telecommunications and Data Storage Facility.

A facility, accessed only by employees, that houses computer systems and associated components, related to the transmittal and receiving of information, including but not limited to telecommunications systems, telecommunication and telephone switching systems, cloud storage systems, and server farms.

Satellite Dish.

Any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shaped as a shallow dish, cone, horn, bowl, or cornucopia and is used to transmit or receive communication/signals from or to satellites or ground transmitters.

Satellite Dish Farm.

A facility consisting of four or more satellite dishes that are roof or ground mounted, excluding satellite dishes used for residential purposes.

B. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Table 9.101, “Table of Uses” by adding “telecommunications and data storage facility” as a permitted use in the following zoning districts, under the “Office and Business Uses” category, and adding “Satellite dish farm” as an accessory use under the “Accessory Uses and Structures” category. Also add “Satellite dish farm” as a use allowed with

prescribed conditions in under the “Other Uses” category for I-2 only. The revised table insertions shall read as follows:

| Office and Business Uses | | | | | | | | | |
|--|------|-----|-----|-----|------|------|-----|-----|----|
| | INST | O-1 | O-2 | O-3 | RE-1 | RE-2 | B-1 | B-2 | BD |
| Telecommunications and data storage facility | X | X | X | X | X | X | X | X | X |

| Office and Business Uses | | | | | | |
|--|----|------|------|----|-----|-----|
| | BP | MUDD | UMUD | UI | I-1 | I-2 |
| Telecommunications and data storage facility | X | X | X | X | X | X |

| Other Uses | |
|---------------------|-----|
| | I-2 |
| Satellite dish farm | PC |

| Accessory Uses and Structures | | | | | | | | | |
|-------------------------------|------|-----|-----|-----|------|------|-----|-----|----|
| | INST | O-1 | O-2 | O-3 | RE-1 | RE-2 | B-1 | B-2 | BD |
| Satellite dish farm | PC | PC | PC | PC | PC | PC | PC | PC | PC |

| Accessory Uses and Structures | | | | | | |
|-------------------------------|----|------|------|----|-----|-----|
| | BP | MUDD | UMUD | UI | I-1 | I-2 |
| Satellite dish farm | PC | PC | PC | PC | PC | PC |

2. PART 5: INSTITUTIONAL DISTRICTS

- a. Amend Section 9.502, “Uses permitted by right”, by adding a new item (12.5) titled, “Telecommunications and data storage facility” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.502. Uses permitted by right.

(12.5) Telecommunications and data storage facility.

- b. Amend Section 9.504, “Permitted accessory uses and structures” by adding a new item (8.5) titled, “Satellite dish farm” as a new accessory use to a telecommunications and data storage facility with prescribed conditions. The new text shall read as follows:

Section 9.504. Permitted accessory uses and structures.

(8.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, subject to the regulations of Section 12.416.

3. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.602, “Uses permitted by right”, by replacing item (22) titled “Telecommunications and telephone switching” as a restricted use, with the term “Telecommunications and data storage facility”. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.602. Uses permitted by right.

(22) Telecommunications and data storage facility.

- b. Amend Section 9.604, “Permitted accessory uses and structures” by adding a new item (12.5) titled, “Satellite dish farm” as a new accessory use to a telecommunications and data storage facility with prescribed conditions, and to a radio station or television station. The new text shall read as follows:

Section 9.604. Permitted accessory uses and structures.

(12.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station, or television station, subject to the regulations of Section 12.416.

4. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.702, “Uses permitted by right”, by adding a new item (29.5) titled, “Telecommunications and data storage facility” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.702. Uses permitted by right.

(29.5) Telecommunications and data storage facility.

- b. Amend Section 9.704, “Permitted accessory uses and structures” by adding a new item (14.5) titled, “satellite dish farm” as a new accessory use to a telecommunications and data storage facility with prescribed conditions, and to radio and television stations. The new text shall read as follows:

Section 9.704. Permitted accessory uses and structures.

(14.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station or television station, subject to the regulations of Section 12.416.

5. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.802, “Uses permitted by right”, by adding a new item (86.5) titled, “Telecommunications and data storage facility” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.802. Uses permitted by right.

(86.5) Telecommunications and data storage facility.

- b. Amend Section 9.804, “Permitted accessory uses and structures” by adding a new item (14.5) titled, “Satellite dish farm” as a new accessory use to a telecommunications and data storage facility with prescribed conditions, and to radio and television stations. The new text shall read as follows:

Section 9.804. Permitted accessory uses and structures.

(14.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station, or television station, subject to the regulations of Section 12.416.

6. PART 8.5: MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.8502, “Uses permitted by right”, by deleting “Telecommunications and telephone switching” and adding a new use titled “Telecommunication and data storage facility”. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.8502. Uses permitted by right.

Telecommunications and data storage facility.

- b. Amend Section 9.8504, “Mixed Use Development District; accessory uses” by adding a new item titled, “Satellite dish farm”, in alphabetical order, as a new accessory use to a telecommunications and data storage facility with prescribed conditions. The new text shall read as follows:

Section 9.8504. Mixed Use Development District; accessory uses.

Satellite dish farm, used in conjunction with a telecommunications and data storage facility, subject to the regulations of Section 12.416.

7. PART 9: UPTOWN MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.902, “Uses permitted by right”, by adding a new item (17.5) titled, “Telecommunications and data storage facility” as a permitted use. Replace item (21) with the term “Reserved”. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.902. Uses permitted by right.

(17.5) Telecommunications and data storage facility.

(21) Reserved.

- b. Amend Section 9.904, “Uptown Mixed Use District; accessory uses” by adding a new item (4.5) titled, “Satellite dish farm”, as a new accessory use to a telecommunications and data storage facility with prescribed conditions. The new text shall read as follows:

Section 9.904. Uptown Mixed Use District; accessory uses.

(4.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio station, or television station, subject to the regulations of Section 12.416.

8. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1002, “Uses permitted by right”, by adding a new item (8) titled, “Telecommunications and data storage facility” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.1002. Uses permitted by right.

(8) Telecommunications and data storage facility.

- b. Amend Section 9.1004, “Urban Industrial District; permitted accessory uses” by numbering the items and reorganizing them in alphabetical order. Add a new item titled, “Satellite dish farm” as a new accessory use to a telecommunications and data storage facility with prescribed conditions. The new text shall read as follows:

Section 9.1004. Urban Industrial District; permitted accessory uses.

(1) Adult care centers and homes, subject to the regulations of Section 12.502(5).

(2) Land clearing and inert landfills (LCID): on-site, are permitted subject to the regulations of Section 12.405.

- (3) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, subject to the regulations of Section 12.416.
- (4) Storage of goods used in or produced by permitted industrial uses or related activities, subject to applicable district regulations.

9. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1102, “Uses permitted by right”, by adding a new item (68.5) titled, “Telecommunications and data storage facility” as a permitted use. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.1102. Uses permitted by right.

(68.5) Telecommunications and data storage facility.

- b. Amend Section 9.1103, “Uses permitted under prescribed conditions”, by adding a new item (44.5) titled, “Satellite dish farms” as a principal use allowed with prescribed conditions. The remaining uses shall remain unchanged. The new text shall read as follows:

Section 9.1103. Uses permitted under prescribed conditions.

(44.4) Satellite dish farms, (I-2 only) subject to the regulations of Section 12.416.

- c. Amend Section 9.1104, “Permitted accessory uses and structures” by adding a new item titled, “Satellite dish farm” as a new accessory use to a telecommunications and data storage facility with prescribed conditions. The new text shall read as follows:

Section 9.1104. Permitted accessory uses and structures.

(10.5) Satellite dish farm, used in conjunction with a telecommunications and data storage facility, radio or television stations, subject to the regulations of Section 12.416.

C. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL STANDARDS

1. PART 2: OFF-STREET PARKING AND LOADING

- a. Amend Section 12.202, “Required number of off-street parking and bicycle spaces, Table 12.202, “Minimum required off-street parking spaces by use”, by adding a new line item for “telecommunications and data storage facilities” in alphabetical order, under the “Office and Business Uses” category. Also add a new line item for “satellite dish farms” under the “Industrial Uses” category. The revised entries shall read as follows:

| Office and Business Uses | | | |
|--|---|--|---|
| Permitted Uses | Number of Auto Parking Spaces Required | Long-term Bicycle Parking Spaces Required | Short-term Bicycle Parking Spaces Required |
| Telecommunications and data storage facility | 1 space per 7,000 square feet, plus 1 space per 300 square feet for accessory office use that exceeds 10% of the total GFA. Accessory office use under 10% shall not require additional parking spaces beyond that required for the facility. | 2 spaces, plus 1 per 10,000 square feet for any accessory office use, that exceeds 10% of the GFA, or 50 maximum spaces. Accessory office use under 10% shall not require additional parking spaces beyond that required for the facility. | 2 spaces, plus 1 per 40,000 square feet for accessory office use, or 30 maximum spaces. |

| INDUSTRIAL | | | |
|-----------------------|---|--|---|
| Other Uses | | | |
| Permitted Uses | Number of Auto Parking Spaces Required | Long-term Bicycle Parking Spaces Required | Short-term Bicycle Parking Spaces Required |
| Satellite dish farm | 1 space, plus 1 space per 300 square feet for any accessory office use. | None, plus 1 space per 10,000 square feet for any accessory office use | None, plus 1 space per 40,000 square feet for any accessory office use. |

2. PART 4: ACCESSORY USES AND STRUCTURES

- a. Amend Section 12.416, “Reserved” by renaming it to “Satellite dish farm” and adding additional requirements. The revised text shall read as follows:

Section 12.416. Satellite dish farm.

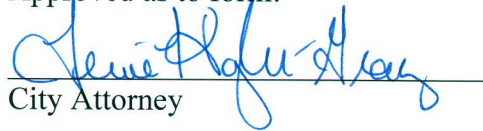
Satellite dish farms are permitted as a principal use only in the I-2 zoning district, with prescribed conditions. Satellite dish farms are also permitted as an accessory use to a telecommunications and data storage facility or as an accessory use to a radio or television station (if permitted in the underlying zoning district), with the following prescribed conditions:

- (1) Satellite dishes shall not be located within the setback area of any lot or within the street side yard of a corner lot.
- (2) Satellite dishes that are ground-mounted shall be screened with a solid wall that blocks the view of the satellite dishes from any public street right-of-way for the full height of the dishes, subject to the review and approval of the Planning Director, or designee. The height of the wall shall be determined by the maximum height of the tallest satellite dish, when the dish is oriented to achieve its maximum vertical height, (not the height when configured for transmission/reception). The wall shall be constructed of materials and colors compatible with the exterior of other buildings on the site, or with surrounding structures.
- (3) All required walls for ground-mounted satellite dishes shall be enhanced with landscaping consisting of trees and shrubs provided along the street side of all required walls. Trees and shrubs shall meet the requirements of Section 12.303 (2)(g).
- (4) No ground-mounted satellite dish shall be located closer than 400 feet to any residential use. The distance shall be measured as the shortest distance between the nearest satellite dish in its widest horizontal configuration (not the width when configured for transmission/reception) to the closest part of the principal residential building.
- (5) The total area of an accessory satellite dish farm shall be less than the ground floor area of the principal building(s). The satellite dish area shall be calculated from the required wall(s) to the furthest edge of the satellite dish array, in their widest horizontal configuration, or by calculating the area using the furthest edge of all dishes in their widest horizontal configuration, whichever is greater. Satellite dish farms that are a principal use in the I-2 zoning district are exempt from this limitation in size.

- (6) A ground-mounted accessory satellite dish farm that legally exists as of 7-18-11 may be expanded. Any satellite dish added to the existing site after 7-18-11 shall meet the requirements of Sections 12.416.

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 18th day of July, 2011, 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 _____, 2011.
