

**ZONING ORDINANCE**  
**TEXT AMENDMENT APPLICATION**

**CITY OF CHARLOTTE**

Petition #: 2000-47

Date Filed: 10-27-99

Received By: MS

1. Amend Chapter 9: GENERAL DISTRICTS, Part 9: Uptown Mixed Use District (UMUD), Section 9.902. Uptown Mixed use District: uses permitted by right.

~~2. Amend Chapter 11: CONDITIONAL DISTRICTS, PART 2: MIXED USE DISTRICTS (MX-1, MX-2, AND MX-3), Section 11-203: uses permitted under prescribed conditions.~~

3. Amend CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION, PART 2: DEFINITIONS, Section 2.201 Definitions.

Section #: 2. AMEND CHAPTER 9: GENERAL DISTRICTS, PART 8.5: MIXED USE DEVELOPMENT DISTRICT (M4DD), SECTION 9.8503. MIXED USE DEVELOPMENT DISTRICT USE PERMITTED UNDER PRESCRIBED CONDITIONS. (Title)

**Purpose of Change:**

The proposed text amendment to the UMUD and MUD sections of the Zoning Ordinance are to address The "adjacency" requirement for lay down space or construction staging that occurs commensurate with center city urban development.

As the central business district matures (moves towards buildout) and remaining land is consistently developed, the number of "adjacent parcels" available to accommodate construction staging activities are diminishing.

Requiring staging sites to be adjacent" is inconsistent with the buildout assumptions that are occurring in the center city Essentially, this requirement is outdated and will foster unnecessary variances, escalated construction costs or potential unnecessary compliance actions.

As an alternative – this modification recognize this phenomena by offering a solution that is consistent with the intent of the initial purpose for why these code provisions were initially established.

This temporary land use is regulated through requirements regarding site location as it relates to adjacent residential zoning classifications. Impacts are mitigated by establishing requirements (a-h) for screening, access, security, traffic control and site restoration.

The initiative also includes a proposed definition to deal with the ever apparent questions about What is suitable in terms of "site restoration". What does this mean?

A proposed definition has been drafted to help provide guidance to architects, capital project planner, developers/contractors who will be faced with this post construction question. Criteria has been cited to allow someone to apply value (bid on) to what this end use requirement consists of.

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3/10/2020  
Revised

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING  
THE CITY CODE - ZONING ORDINANCE

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

Section 1. The City of Charlotte Zoning Regulations as embodied in the Zoning Ordinance are hereby amended as follows:

1. Amend Chapter 9: GENERAL DISTRICTS, Part 9: Uptown Mixed Use District (UMUD), Section 9.902. Uptown Mixed use District: uses permitted by right., which stipulates:

The following uses are permitted by right in the uptown mixed use district:

(18) Temporary buildings and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon the completion of construction.

This section shall be revised to read as follows:

(18) Temporary buildings and storage of materials in conjunction with construction of a building is allowed on, 1) a lot where construction is taking place, 2) an adjacent lot, or 3) an approved lot under common ownership or lease agreement, subject to administrative approval by the City of Charlotte, Department of Transportation (CDOT) and Engineering and Property Management staff to determine compliance with the following criteria:

- (a) That the storage site is located a distance of at least 200 feet from any residential land use or property with a residential zoning classification.
- (b) Location of approved temporary access to the alternative storage site;
- (c) Installation of temporary opaque screening to mitigate impacts to surrounding less intense land uses;
- (d) Fencing and required signage;
- (e) Leasing of necessary right of way or easements to facilitate safe movement of materials between the two sites during construction;
- (f) A traffic control and associated operational plan for use of the site during the course of construction;
- (g) Timetable for use of the site and the preparation of an approved site restoration plan to be implemented prior to the issuance of a certificate of occupancy for the principal use;
- (h) Posting of any additional surety to guarantee the repair of any public improvements that may be impacted during the construction process.

Such temporary uses shall be terminated upon the completion of construction.

2. Amend Chapter 9: GENERAL DISTRICTS, PART 8.5: MIXED USE DEVELOPMENT DISTRICT MUDD, Section 9.8502. Mixed Use Development District; uses permitted by right.

The following uses are permitted by right in the Mixed Use Development District (MUDD):

Temporary buildings and storage of materials in conjunction with construction of the same building on a lot where construction is taking place or on adjacent lots, such temporary uses to be terminated upon the completion of construction.

This section shall be revised to read as follows:

Temporary buildings and storage of materials provided that:

The use is only allowed in conjunction with construction of the same building on; 1) a lot where construction is taking place, 2) an adjacent lot, or 3) an approved lot under common ownership or lease agreement subject to administrative approval by the City of Charlotte, Department of Transportation (CDOT) and Engineering and Property Management staff to determine compliance with the following criteria:

- (a) That the storage site is located a distance of at least 200 feet from any residential land use or property with a residential zoning classification.
- (b) Location of an approved temporary access to the alternative storage site;
- (c) Installation of temporary opaque screening to mitigate impacts to surrounding less intense land uses;
- (d) Fencing and required signage;
- (e) Leasing of necessary right of way or easements to facilitate safe movement of materials between the two sites during construction;
- (f) A traffic control and associated operational plan for use of the site during the course of construction;
- (g) Timetable for use of the site and the preparation of an approved site restoration plan to be implemented prior to the issuance of a certificate of occupancy for the principal use;
- (h) Posting of any additional surety to guarantee the repair of any public improvements that may be impacted during the construction process.

Such temporary uses shall be terminated upon the completion of construction.

3. Amend CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION, PART 2: DEFINITIONS, Section 2.201 Definitions,

This section shall be revised to include the following definition:

Site Restoration Plan.

A plan, prepared to scale, showing accurately all information necessary to illustrate the return of site conditions to a level and graded state with contours consistent with elevations of adjacent properties. Site shall be free of inorganic debris. Methods for proper grading, soil erosion control, soil stabilization and establishment of approved ground cover vegetation shall be consistent with Chapter

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

\_\_\_\_\_  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, at page \_\_\_\_\_.

\_\_\_\_\_  
City Clerk