

Petition #: 2019-104

Petitioner: Charlotte Planning, Design and Development Department

**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 9: GENERAL DISTRICTS

1. PART 8.5: Mixed Use Development District

- a. Amend Section 9.8506, "Mixed Use Development District; urban design and development standards", subsection (4), "Urban open spaces" by adding a new sentence in a new paragraph at the end that reads: "For additional tree area and planting requirements, see the Charlotte Tree Ordinance". All other subsections remain unchanged. The revised subsection shall read as follows:

- (4) Urban open spaces. Open space is required for new buildings with a gross floor area greater than 50,000 square feet.

Open space sizes. Such buildings must be provided with open space behind the required setback and on private property proportionate to their bulk according to the following schedule:

<u>Lot Size</u> (Square Feet)	<u>Open Space Required</u> (1 square foot/gross square feet of floor area)
0-20,000 square feet	1 square foot/200 square feet
20,001-40,000 square feet feet	1 square foot/150 square feet
above 40,000 square feet	1 square foot/100 square feet

A maximum of 30 percent of this required open space may be provided on an enclosed ground floor level. This required open space may also be located on the roofs of buildings. The required open space must be accessible to the users of the building and be improved with seating and plantings.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

2. PART 9: Uptown Mixed Use District

- a. Amend Section 9.906, “Uptown Mixed Use Development District; urban design and development standards”, subsection (4), “Urban open spaces”, subsection (a), by adding a new sentence in a new paragraph at the end that reads: “For additional tree area and planting requirements, see the Charlotte Tree Ordinance”. All other subsections remain unchanged. The revised subsection shall read as follows:

- (4) Urban open spaces. Open spaces for public congregation and recreational opportunities are required and must be equipped or designed to allow pedestrian seating and to be easily observed from the street or pedestrian circulation areas. These provisions apply only to new office uses with a gross floor area greater than 20,000 square feet. All urban open spaces must comply with the minimum required design standards of this ordinance. If urban open space is provided but not required it must also meet the minimum urban open space design standards.

- (a) Urban open space sizes. Buildings must be provided with public open space behind the required setback and on private property proportionate to their bulk according to the following schedule:

<u>Lot Size</u>	<u>Open Space Required</u>
(Square Feet)	(1 square foot/gross square feet of floor area for office use.)
0-20,000 square feet	1 square foot/200 square feet
20,001-40,000 square feet	1 square foot/150 square feet
above 40,000 square feet	1 square foot/100 square feet

A maximum of 30 percent of this required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all other requirements of these provisions. If a property line of the site is within 200 feet of the property line of a publicly owned and useable open space, then up to 50% of the required urban open space may be provided on an enclosed ground floor level provided the enclosed space meets all the requirements. The 200 feet shall be measured along the public right-of-way line. If any existing buildings are reused as part of a larger development, all the required urban open space may be provided on an enclosed ground floor level.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

B. CHAPTER 10: OVERLAY DISTRICTS

1. PART 8: Pedestrian Overlay District

- a. Amend Section 10.812, “Development standards”, subsection (7), “Urban open spaces” by adding a new sentence in a new paragraph after Table 10.812(4). The new sentence shall read, “For additional tree area and planting requirements, see the Charlotte Tree Ordinance. All other subsections remain unchanged. The revised subsection shall read as follows:

(7) Urban open spaces.

- (a) All new development on lots one acre or more in size must provide urban open space.
- (b) Private open space is defined as an area that is:
 - (1) Accessible and visible to residents, tenants, and/or users of the development.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Located on the ground floor or first level of the development, a roof or terrace level, balconies, patios, in an interior courtyard area of the development, or a combination of these locations.
 - (4) Out of doors, or in the open air (may be under a roof or canopy).
- (c) Public urban open space is defined as an area that is:
 - (1) Accessible and open to the public.
 - (2) Improved with seating, plantings, or other amenities.
 - (3) Visible and accessible from the street or public pedestrian areas.
 - (4) Located on the ground floor or no more than five feet above or five feet below ground level.
 - (5) Out of doors, or in the open air (may be under a roof or canopy).
- (d) All required open space shall be located behind the sidewalk and on private property.
- (e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

Table 10.812(4) Open space

Use	Private open space	Public open space
Residential use	1 sq. ft./100 sq. ft. gross floor area <i>or</i> 1 sq. ft./200 sq. ft. lot area, whichever is greater.	None required.
Non-residential use	None required.	1 sq. ft./100 sq. ft. gross floor area <i>or</i> 1 sq. ft./200 sq. ft. lot area, whichever is greater.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

2. PART 9: Transit Supportive Overlay District

- (a) Amend Section 10.907, “Development Standards”, subsection (12), “Urban open spaces” by adding a new sentence in a new paragraph after subsection (g). The new sentence shall read, “For additional tree area and planting requirements, see the Charlotte Tree Ordinance. All other subsections remain unchanged. The revised subsection shall read as follows:

(12) Urban open spaces.

- (a) All new development on lots of greater than 20,000 square feet must provide urban open space. Such open space shall be either private open space and/or public open space.
- (b) Private open space is defined as an area that is:
1. Accessible and visible to residents, tenants, and/or users of the development.
 2. Improved with seating, plantings, and/or other amenities.
 3. Located on the ground floor or first level of the development, or on a roof or terrace level, or in an interior courtyard area of the development, or a combination of these locations.
 4. Out of doors, or in the open air (may be under a roof or canopy).
- (c) Public urban open space is defined as an area that is:
1. Accessible and open to the public.
 2. Improved with seating, plantings, and/or other amenities.
 3. Visible and accessible from the street or public pedestrian areas.
 4. Located on the ground floor or no more than five feet above or five feet below ground level.
 5. Out of doors, or in the open air (may be under a roof or canopy).
- (d) All required open space shall be located behind the sidewalk and on private property.
- (e) Open space requirements are based on the type of use, the lot size, and the gross square footage of building floor area, in accordance with the following schedule:

Use	Private open space	Public open space
Residential use	1 sq. ft./100 sq. ft. gross floor area <i>or</i> 1 sq. ft./200 sq. ft. lot area, whichever is greater.	None required.
Non-residential use	None required.	1 sq. ft./100 sq. ft. gross floor area <i>or</i> 1 sq. ft./200 sq. ft. lot area, whichever is greater.

- (f) For developments on lots in excess of ten acres (435,600 square feet), at least fifty percent (50%) of the required open space must be centrally located on the site in a common area.
- (g) Floor Area Ratio credits are allowed for all new developments as per [Section 9.1208\(5\)\(c\)](#) when the pedestrian space is available for use by the public, including widened sidewalk areas.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

C. CHAPTER 15: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

1. Amend Section 15.4.9, “On-Site Open Space, subsection 15.4.9.A, “Minimum Open Space”, by adding a new sentence in a new paragraph after subsection 15.4.9.A.4. The new sentence shall read, “For additional tree area and planting requirements, see the Charlotte Tree Ordinance. All other subsections remain unchanged. The revised subsection shall read as follows:

15.4.9 On-Site Open Space

Required on-site open space applies to new development.

A. Minimum Open Space

1. All developments are required to provide on-site open space, with the following exception:
 - a. Developments on parcels of one-half acre or less in size.
2. Development shall provide a minimum of on-site open space in accordance with the following:
 - a. 5% of lot area in the TOD-UC District.

- b. 10% of lot are in the TOD-NC, TOD-CC, and TOD-TR Districts.
 - c. In TOD-UC and TOD-CC Districts, half of the required open space area may be provided as a widened sidewalk, greater than eight feet or more in width (in addition to required streetscape). Outdoor dining may be included in this area.
- 3. Development shall provide a minimum of public on-site open space in accordance with the following:
 - a. 50% of required on-site open space for commercial development.
 - b. 25% of required open space for mixed-use development.
 - c. Residential development is not required to provide public on-site open space.
- 4. When located within a required on-site open space area, a nonresidential structure no greater than 500 square feet in gross floor area is allowed within the on-site open space and may be included in the calculation of total on-site open space.

For additional tree area and planting requirements, see the Charlotte Tree Ordinance.

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 _____ day of
_____, 20____, 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 the _____ day
of _____, 20_.
