

Introduced:
Adopted:
Effective:

CITY OF CHARLOTTE

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 82 ZONING BY AMENDING SECTION 82-288 CONDITIONAL USES TO ESTABLISH MULTIPLE FAMILY DWELLINGS IN NEW BUILDINGS AS A CONDITIONAL USE IN THE CBD CENTRAL BUSINESS DISTRICT AND TO DELETE POOL AND BILLIARD HALLS AS A CONDITIONAL USE

Councilmember _____ moved that the following ordinance be passed to a second reading:

THE CITY OF CHARLOTTE ORDAINS:

SECTION 1. PURPOSE. The purpose of this ordinance is to designate multiple family dwellings as a use subject to special conditions in the CBD Central Business District and to delete references to pool and billiard halls as uses subject to special conditions in the CBD Central Business District.

SECTION 2. Section 82-288 Conditional Uses of the Code of the City of Charlotte is hereby amended to read as follows:

§ 82-288 CONDITIONAL USES.

The following uses may be permitted in the CBD Central Business District subject to the conditions imposed in this section for each use.

(1) Dwelling units within an existing commercial building subject to the following conditions.

(a) It is the intent of subsection (1) to provide for the conversion of the upper floors of existing commercial buildings and to extend their economic life by permitting the construction of one-, two- and multiple family residential dwelling units.

(b) Dwelling units shall not be located below the second floor.

(c) Off-street parking shall be provided at the ratio of not less than one and one-half parking spaces per dwelling unit.

(2) Multiple-family Dwellings subject to the following conditions.

(a) Multiple-family dwellings shall be in structures designed and built for this use on a site of not less than two acres in size.

(b) Off-street parking shall be provided at the ratio of not less than one and one-half parking spaces per dwelling unit.

(c) A greenbelt conforming to the requirements of §82-460 shall be required where a parking lot abuts a public thoroughfare and/or where the site abuts a residential district.

(d) Multiple-family dwellings are permitted upon the granting of a permit for such use by the Planning Commission subject to such other conditions which, in the opinion of the Planning Commission, are necessary to provide adequate protection to the neighborhood and to abutting properties and subject further to a public hearing held pursuant to § 82-34(C).

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective 20 days after adoption.

Second, _____ () Yeas. () Nays.

Dated:

Timothy Lewis, Mayor

Ginger Terpstra, Clerk



City of CHARLOTTE

MEMORANDUM

TO: Mayor Lewis and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: Zoning Ordinance Amendment Regarding Central Business District

DATE: February 10, 2017

Your agenda includes the first reading of an ordinance amending the zoning ordinance provisions related to the Central Business District to permit multiple-family dwellings in new buildings in the CBD as a conditional use. This amendment is necessary to allow for The Edmond Senior Apartments project to move forward.

There are other zoning classifications in which multiple-family dwellings are permitted. The choice to include this use in the CBD was made to maximize the utilization of the site with a development compatible with the CBD. Specifically, the desire is to permit the construction of buildings at the property lines; that is, without setbacks as required in other multiple-family districts.

There are other changes that we are proposing to this section primarily to address what we would consider to be housekeeping issues. First among these is the elimination of the requirement that apartments in existing buildings must receive the approval of both the Planning Commission and the City Council. As you know, we have been encouraging the redevelopment of upper floors of downtown buildings for residential use. We believe it is burdensome to require such actions to receive these approvals if they otherwise comply with all the conditions established in the ordinance. If this amendment is approved, permission could be granted by the administrative staff.

The second housekeeping change is to remove references to pool and billiard halls as conditional uses. The ordinance contains no conditions that such uses should meet. Accordingly, the decision to grant a permit for such a use would be arbitrary. I suspect that this language reflects the fact that, in times past, pool and billiard halls were considered attractive nuisances that needed to be regulated. We do not believe this language serves any useful purpose today.