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Community Type – applicable to:	Urban; Suburban
Title:	City of Charlotte Transit Oriented Development Districts
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Abstract

Charlotte's Transit Oriented Development (TOD) zoning district and the related overlay districts were created to encourage a compact and high intensity mix of residential, office, retail, institutional, and civic uses in areas with high potential for enhanced transit and pedestrian activity. To achieve the high-density mixed districts, minimum densities and floor area ratios (FAR) increase in areas closest to transit stations. In addition, development standards, such as minimum building setbacks, are implemented to encourage pedestrian friendly sidewalks. To further enhance pedestrian appeal, FAR bonuses are awarded for plazas, arcades, courtyards, gardens, and similar amenities, and all service entrances utility structures, loading docks, dumpsters, recycling containers, and parking areas are required to be screened with approved shrubbery. Urban open spaces are required for all new buildings with a gross floor area greater than 50,000 square feet. Canopies and awnings are encouraged, sidewalks and trees must be installed according to an approved streetscape plan, and all signs and banners must conform to specific requirements. To avoid long expanses of "blank walls," first floor office and retail buildings are required to include transparent windows and doors or sufficient decoration. Connectivity and circulation standards require TOD districts to be integrated with surrounding communities and require an internal circulation system that is lit at night and facilitates a variety of travel modes. Parking provisions detail the minimum and maximum number of spaces for each use, but to encourage creative solutions, maximums may be exceeded if developments include underground parking, shared parking agreements, or rear parking that is not visible from the public right of way. Also, FAR bonuses are also given to structured parking facilities that devote at least 75% of street level frontage to retail, office, or civic uses. To offer flexibility throughout the process, the planning director has the authority to alter any development and urban design standard by five percent.

Selected Specifications for Transit Support and Connectivity

<u>Feature:</u>	<u>Standards:</u>	<u>Source:</u>
Density:	<p>Residential developments minimum density of 20 dwelling units per mile within 1/4 mile walking distance from transit stations, or 15 dwelling units per acre between 1/4 and 1/2 mile.</p> <p>Minimum FAR not less than .75 within 1/4 mile from transit station, or not less than .50 between 1/4 mile and 1/2 mile.</p> <p>FAR credits given for plazas, arcades, courtyards, outdoor cafes, rooftop gardens, widened sidewalks, and specified parking structures.</p>	<p>§ 9.1208(4)(a)</p> <p>§ 9.1208(5)(a)</p> <p>§ 9.1208(5)(c), § 9.1208(d)</p>
Uses:	<p>Residential, office, retail, institutional.</p> <p>B&B's, theatres, stadiums, dorms, frats, buildings for social and civil organizations, transit stations, convention halls, conference centers, exhibition halls, dwellings and multi-family developments, health institutions, hotels and motels, religious institutions, mixed use developments, recreational parks and playgrounds, professional offices, and restaurants.</p> <p>Drive-through establishments are not permitted.</p> <p>Conditional uses include boarding houses, bus stop shelters, emergency shelters, electric and gas substations, child-care centers, nursing homes, and nightclubs.</p>	<p>§ 9.1201, § 9.1205</p> <p>§ 9.1205</p> <p>§ 9.1205(20)</p> <p>§ 9.1206</p>
Proximity to Transit and Connection Between Development and Transit:	<p>In order to qualify for reclassification, the property must be located within 1/2 mile of a rapid transit station that is included in a project for which the Federal Transit Administration (FTA) has issued a Record of Decision or be located adjacent to a TOD zoned property.</p>	<p>§ 9.1203</p>
Parking:	<p>Residential: Maximum of 1.6 per dwelling unit.</p>	<p>§ 9.1208(6)(a)</p>

	Office: Maximum of 1 parking space per 300 square feet of office space.	§ 9.1208(6)(a)
	Restaurant/ Nightclub: Minimum of one parking space per 150 square feet, no more than one space per 75 square feet.	§ 9.1208(6)(a)
	Retail: Minimum of 1 parking space per 250 square feet.	§ 9.1208(6)(a)
	Parking maximums or minimums may be exceeded under specified circumstances.	§ 9.1208(6)(a)(2), § 9.1208(6)(a)(3).
	No surface parking within any required or established setback.	§ 9.1208(6)(c)
	Shared parking permitted and encouraged.	§ 9.1208(6)(h)
	Parking areas to meet screening requirements, urban design standards, and planting requirements of Charlotte Tree Ordinance.	§ 9.1208(6)(e), § 9.1208(6)(j), § 9.1208(6)(k)
	Structured and underground parking permitted, at least 50% of street level frontage of facility must be devoted to retail, office, civic, institutional or residential uses.	§ 9.1208(6)(l)
Other Modes of Circulation: (i.e. Bicycle)	Bicycle parking and storage facilities required	§ 9.1208(6)(i), § 9.1208(11)(b)
	Connectivity and circulation standards designed to integrate a variety of travel modes.	§ 9.1208(11)
Sidewalks:	Internal sidewalk connections required between buildings: Minimum 6' in width.	§ 9.1208(11)(a)(1)
	External sidewalk connections required from all buildings to required sidewalk system and to adjacent trails, parks, and greenways. Connection no longer than 120% of straight line distance, hard surfaced, 6' in width.	§ 9.1208(11)(a)(2)
Pedestrian Amenities:	Pedestrian sidewalk system with required internal and external connections.	§ 9.1208(11)(a)(1), § 9.1208(11)(a)(2)
	On-site pedestrian circulation system must be lit to a level for safe use at night	§ 9.1208(11)(a)(3)

	<p>Retail and office buildings fronting on street must be designed so that first floor includes clear glass windows and doors. No blank walls exceeding 20 continuous feet.</p> <p>At least one entrance must be provided along all building façade(s) fronting all public rights-of-way. Entrances must be provided on facades closets to public open space or closest to required sidewalk.</p>	<p>§ 9.1209(1)(a), § 9.1209(1)(b), § 9.1209(1)(d)</p> <p>§ 9.1209(4)(a)(1), § 9.1209(4)(a)(2), § 9.1209(4)(a)(3)</p>
Legal Technique:	<p>A property may be reclassified to a TOD zoning district if by amendment initiated by the City Council, the Planning Commission, by any owner with a legal interest in the property, or by a non-owner in accordance with specific procedures. The property, however, must be located within 1/2 mile of a rapid transit station.</p> <p>The pedestrian overlay district and the transit supportive overlay district provide additional regulations if added.</p>	
Other Relevant Design Specifications:	<p>All above ground, at ground, or below ground utility structures must be located behind the minimum setback.</p> <p>No walls or fences and no canopies or signs in the minimum setback.</p> <p>Outdoor lighting standards</p> <p>Urban open spaces required for all new buildings with gross floor area greater than 50,000 square feet.</p> <p>For buildings exceeding five stories, the first three floors above street grade shall be distinguished from the remainder of the building with an emphasis on enhancing pedestrian environment.</p> <p>In design of building façade, attention must be</p>	<p>§ 9.1208(1)(e)</p> <p>§ 9.1208(1)(g), § 9.1208(1)(h).</p> <p>§ 9.1208(10)</p> <p>§ 9.1208(12)(a)</p> <p>§ 9.1209(2)(a)</p> <p>§ 9.1209(2)(b)</p>

	<p>paid to the appearance both during the day and night.</p> <p>Signs, banners, flags, and pennants shall conform to specific requirements.</p> <p>Charlotte tree ordinance regulations for tree protection and replacement shall be applicable in the district.</p>	<p>§ 9.1209(7)</p> <p>§ 9.1209(8)(d)</p>
Notes:	<p>There are six Transit Oriented Development Districts (Residential Oriented, Employment Oriented, Mixed Use Oriented, plus any optional zoning district for each of the above three). Each district incorporates slightly different regulations that are designed to encourage a specific type of community development.</p>	

Resource

**Code of Ordinances, City of Charlotte
Appendix A: Zoning
Chapter 9, Part 12: Transit Oriented Development Districts**

Section 9.1201 Purpose.

The purpose of the Transit Oriented Development (TOD) zoning districts is to create a compact, and high intensity mix of residential, office, retail, institutional, and civic uses to promote the creation and retention of uses in areas with high potential for enhanced transit and pedestrian activity. Pedestrian circulation and transit access are especially important and have an increased emphasis in the TOD zoning districts. The development standards are designed to require compact urban growth, opportunities for increased choice of transportation modes, and a safe and pleasant pedestrian environment by ensuring an attractive streetscape, a functional mix of complementary uses, and the provision of facilities that support transit use, bicycling, and walking.

These zoning districts are meant to create high density transit supportive development around transit stations, typically the area within one-half (1/2) mile walking distance from the transit station, which represents a 10-minute walk.

Section 9.1202 Establishment of Transit Oriented Development Districts.

There are six (6) Transit Oriented Development zoning districts:

(1) *Residentially Oriented (TOD-R)*

This transit oriented residential district is established to support high-density residential communities that also accommodate a limited amount of retail, institutional, civic, restaurant, service, and small employment uses within a pedestrian friendly area.

Residential developments and residential components of multi-use developments shall have a minimum density of twenty (20) dwelling units per acre within 1/4 mile walking distance from a transit station or a minimum density of fifteen (15) dwelling units per acre between 1/4 mile and 1/2 mile walking distance from a transit station. The density shall be based on the residential portion of the site. The approved station area plan classifies parcels according to whether they are within the 1/4 mile walking distance or between the 1/4 mile to 1/2 mile walking distance.

Retail, institutional, civic, and office uses are permitted. Only up to 20% of the total development gross square footage that is composed of these uses may be credited toward meeting the minimum residential densities at a ratio of one (1) dwelling unit to 2,000 square feet of development.

(2) *Employment Oriented (TOD-E)*

This transit oriented employment district is established to accommodate high intensity office uses, office support services, or residential uses in a pedestrian oriented setting. High intensity office uses and office support services shall have a minimum FAR of .75 within 1/4 mile walking distance from a transit station, or a minimum FAR of .5 between 1/4 mile to 1/2 mile walking distance from a transit station. The approved station area plan classifies parcels according to whether they are within the 1/4 mile walking distance or between the 1/4 mile to 1/2 mile walking distance. Uses that employ relatively few workers, such as warehousing and distribution, are excluded from this district.

Office uses shall comprise a minimum of 60% of the new development project gross square footage.

Retail, institutional, and/or civic uses are permitted. Only up to 20% of the total development gross square footage that is composed of these uses may be credited toward meeting the minimum FAR standards.

Only up to 20% of the total development gross square footage may be composed of residential uses that meet one of the following standards:

- (a) The density shall be based on the residential portion of the site. The residential component shall have a minimum density of twenty (20) dwelling units per acre within 1/4 mile walking distance from a transit station. Between 1/4 mile to 1/2 mile walking distance from a transit station a

minimum density of fifteen (15) dwelling units per acre, shall be required,
OR

- (b) The residential component shall meet the minimum FAR standards. The minimum floor area shall not be less than .75 square feet of floor area to 1 square foot of the development site (.75 FAR) within 1/4 mile walking distance from a transit station or not less than .50 square feet of floor area to 1 square foot of the development site (.50 FAR) between 1/4 mile to 1/2 mile walking distance from a transit station.

(3) *Mixed-Use Oriented (Including Multi-use Developments) (TOD-M)*

This transit oriented mixed-use district is established to support a blend of high density residential, high intensity employment/office, civic entertainment, and institutional uses, as well as a limited amount of retail uses in a pedestrian friendly area.

High intensity office uses, office support services, civic, entertainment, and institutional uses shall have a minimum FAR of .75 within 1/4 mile walking distance from a transit station, or a minimum FAR of .5 between 1/4 mile to 1/2 mile walking distance from a transit station. The approved station area plan classifies parcels according to whether they are within the 1/4 mile walking distance or between the 1/4 mile to 1/2 mile walking distance.

Retail uses are permitted. Only up to 20% of the total development gross square footage that is composed of retail uses may be credited toward meeting the minimum FAR standards.

Residential uses (as a single use or as a development component) are permitted and shall meet one of the following standards:

- (a) The density shall be based on the residential portion of the site. The residential component shall have a minimum density of twenty (20) dwelling units per acre within 1/4 mile walking distance from a transit station. Between 1/4 mile to 1/2 mile walking distance from a transit station a minimum density of fifteen (15) dwelling units per acre, shall be required,
OR
- (b) The residential component shall meet the minimum FAR standards. The minimum floor area ratio shall not be less than .75 square feet of floor area to 1 square foot of the development site (.75 FAR) within 1/4 mile walking distance from a transit station or not less than .50 square feet of floor area to 1 square foot of the development site (.50 FAR) between 1/4 mile to 1/2 mile walking distance from a transit station.

(4) *TOD-Optional Districts (TOD-RO, TOD-EO, TOD-MO)*

The TOD – Optional zoning district may be applied to any of the above three (3) zoning districts:

TOD-Residentially Oriented – Optional (TOD-RO)

TOD-Employment Oriented – Optional (TOD-EO)

TOD-Mixed-Use Oriented – Optional (TOD-MO)

For more information on TOD-Optional districts, see Section 9.1212.

Section 9.1203. Rezoning to a TOD Zoning District.

As per Section 6.103(1), any amendment for the reclassification of property to a TOD zoning district may be initiated by the City Council, the Planning Commission on its own motion, by any owner with a legal interest in the property, by anyone authorized in writing to act on the owner's behalf, or by any non-owner in accordance with the procedures set forth in Chapter 6. However, the property must be located within 1/2 mile of a rapid transit station that is included in a project for which the Federal Transit Administration (FTA), has issued a Record of Decision or be located adjacent to TOD zoned property. (Petition No. 2004-93 §9.1203 10/18/04)

Section 9.1204. Applicability and Exceptions

The Transit Oriented Development District regulations applies to all property where TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, OR TOD-MO is indicated on the official Charlotte Zoning Map.

New development within all TOD zoning districts shall be subject to the development and urban design standards of Chapter 9, Part 12, with the following exceptions.

(1) *Change of Use, Non-Residential to Non-Residential with No Expansion*

- (a) If the change of use in an existing building does not require more than five (5) additional parking spaces based on the minimum/maximum number of parking spaces required in Section 9.1208(6)(a), then the requirement to provide the additional parking spaces is waived. Parking in excess of the maximum may remain.
- (b) If additional parking spaces are added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 9.1208(6)(b) through (1).
- (c) If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape requirements of Section 9.1209(8) shall be required.

- (d) The sign, banner, flags, and pennant requirements of Section 9.1209(7) shall apply.
 - (e) The connectivity and circulation requirements of Section 9.1208(11) shall apply.
- (2) *Change from a Residential Use to a Non-Residential Use With No Expansion*
- (a) All the requirements of Chapter 9, Part 12 shall apply with the exception of the urban design standards of Section 9.1209(1) through (4).
 - (b) Any non-conforming parking located in the required setback shall be eliminated and replaced with landscaping, patios, and/or related amenities.
- (3) *Expansions of less than 5% of the building area or 1,000 square feet, whichever is less, for both conforming and non-conforming uses.*
- (a) The building expansion shall meet the minimum setback, yard and height requirements of Section 9.1208(1), (2), and (3).
 - (b) The minimum/maximum parking standards of Section 9.1208(6)(a) shall be met. If there are parking spaces in excess of the maximum permitted, they may remain.
 - (c) No exterior improvements shall make the building non-conforming in any way, or add to its non-conformity.
- (4) *Creation or expansion of outdoor seating*
- (a) Additional parking spaces shall not be required unless such outdoor seating requires more than 5 additional spaces based on the TOD minimum/maximum parking standards of Section 9.1208(6)(a).
 - (b) If additional parking area is provided, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of Section 9.1208(6)(b) through (1).
 - (c) If outdoor seating is located within an existing right-of-way or public sidewalk, an encroachment agreement shall be approved by CDOT.
- (5) *Major facade improvements to existing buildings including buildings with nonconforming uses*

New exterior improvements (beyond paint and general maintenance such as roof or window repair or replacement) whose value exceeds 25% of the current listed tax value of the entire property shall be subject to the following.

- (a) The setback, yard and height requirements of Section 9.1208(1), (2) and (3) shall be met.
 - (b) The urban design standards of Section 9.1209(1) through (4) shall apply to the new façade improvements.
 - (c) The streetscape requirements of Section 9.1209(8) shall be required if sidewalks and a perimeter planting strip with trees are non-existent along street frontages.
 - (d) No exterior improvements shall make the building nonconforming, or more non-conforming in any manner.
 - (e) Any existing, non-conforming parking shall be eliminated from the required setback. Such elimination shall not require any additional parking even if the site is rendered non-conforming.
 - (f) The connectivity and circulation requirements of Section 9.1208(11) shall apply.
- (6) *Additional parking for existing development*
- (a) The additional parking spaces shall not exceed the maximum number of spaces permitted under Section 9.1208(6)(a)
 - (b) The additional parking area shall meet the parking standards of Section 9.1208(6)(b) through (1)
 - (c) The additional parking area shall meet the outdoor lighting standards of Section 9.1208(10)
 - (d) If there is any non-conforming parking located in the required setback, it shall be eliminated and replaced with landscaping, patios, and/or related amenities. Any such elimination shall not require additional parking even
 - (e) If an existing buffer or screening area is removed for more than five (5) additional parking spaces, then a perimeter planting strip, landscaping and sidewalk shall be provided, as per Section 9.1209(8), if they are nonexistent.

Section 9.1205. Uses Permitted by Right

The following uses are permitted by right in all Transit Oriented Development zoning districts:

- (1) Automobile and motorcycle sales, including offices and repair facilities, limited to a maximum of 2,500 square feet, with no outdoor sales, display, or storage. (Petition No. 2004-128 §9.1205(1) 2/21/05)
- (2) Bed and breakfasts (B&B's).
- (3) Buildings for dramatic, musical, or cultural activities, stadiums, and coliseums.
- (4) Buildings for social, fraternal, social service, union and civic organizations, and comparable organizations.
- (5) Transit stations (bus or rail) and parking facilities, including Park-and-Ride and Kiss-and-Ride facilities.
- (6) Colleges, universities, commercial schools, schools providing adult training in any of the arts, sciences, trades and professions, and dormitories for the students of colleges, commercial schools, schools providing adult training and for the staff of hospitals.
- (7) Convention centers and halls, conference centers, exhibition halls, merchandise marts, and other similar uses.
- (8) Dwellings, detached, duplex, triplex, quadruples, attached, multi-family and planned multi-family developments.
- (9) Group Homes, up to 10 residents.
- (10) Health institutions, including hospitals, clinics, and similar uses.
- (11) Hotels and motels
- (12) Institutional uses such as religious institutions, churches, synagogues, parish houses, Sunday school buildings, convents, monasteries, community recreation centers, country and swim clubs, athletic and sports facilities, libraries, museums, theaters, art galleries, police and fire stations, and public and private elementary, junior and senior high schools.
- (13) Mixed-use developments or multi-use developments with a maximum of 30,000 square feet of gross floor area per floor, per single tenant.
- (14) Public and private recreational parks and playgrounds (non-commercial).

- (15) Open air, fresh food market on private or public property, not including the streets and sidewalks, for the selling of fresh food, (not consumed on the premises), and plants, but shall be subject to all applicable State laws and regulations. Such an open air, fresh food market need not comply with the development standards of Section 9.1208.
- (16) Outdoor seasonal sales subject to the requirements of Section 12.519.
- (17) Parking decks
- (18) Parking lots (temporary surface lots), over one (1) acre, subject to the following:
 - (a) Any operator of a temporary parking lot shall apply for a permit from Engineering and Property Management. The Engineering and Property Management staff shall not issue the permit until the Planning Director, or his or her designee has granted approval. The permit shall authorize a temporary parking lot for a period of five (5) years from the date the permit is issued. (Petition No. 2005-78 §9.1205(18)(a),06/20/05)
 - (b) Temporary, surface parking lots shall not be permitted when the lot adjoins a residentially used parcel of land, not zoned TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, or TOD-MO, unless the parking lot will be located on a major thoroughfare.
 - (c) The use shall not require the construction of a permanent building.
 - (d) Any signage, which identifies the use, shall be in accordance with Section 9.1209(7).
 - (e) Parking and maneuvering shall observe the minimum setbacks determined in each approved transit station area plan for particular streets, and be located outside the site distance triangle. When a station area plan does not specify a setback the minimum setback shall be 16 feet.
 - (f) The operator is responsible for the removal of any vestiges upon cessation of the temporary parking lot, including signage.
- (19) Professional business and general offices such as banks, offices, clinics, medical, dental and doctor's offices, government and public utility office buildings, post offices, opticians' offices and similar uses. No more than four (4) drive-through service lanes shall be permitted per individual use.
- (20) Restaurants; including open air or sidewalk cafes. No drive-through service windows permitted.

- (21) Retail sales and service establishments, multi-tenant shopping centers, and personal service establishments with less than 30,000 square feet of gross floor area per floor, per single tenant. No drive through windows or outdoor storage is permitted.
- (22) Services such as beauty shops, barbershops, and dry-cleaning establishments. No drive-through service windows permitted.
- (23) Temporary buildings and storage of materials in conjunction with construction of a building is permitted 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) 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 use of the use 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 guarantee the repair of any public improvements that may be impacted during the construction process,
 - (i) Such temporary uses shall be terminated upon the completion of construction.
- (24) Utility and related facilities such as distribution lines and railroad right-of-way.

Section 9.1206. Uses Permitted Under Prescribed Conditions.

The following uses are permitted subject to the specific conditions governing each use as set out below:

- (1) Beneficial fill sites, subject to the regulations of Section 12.523.
- (2) Boarding houses, subject to regulations of Section 12.520.
- (3) Bus stop shelters, subject to the regulations of Section 12.513.
- (4) Commercial Rooming Houses, subject to the regulations of Section 12.531.
- (5) Child care centers, nursing homes, rest homes and homes for the aged, in accordance with the standards of Mecklenburg County and the State of North Carolina for the licensing and operation of such facilities.
 - (5.01) Emergency Shelter, subject to the regulations of 12.537.
- (6) Entertainment establishments such as lounges, nightclubs, bars, taverns, and cabarets provided they are located at least 200 feet from any residential use located in a residential district, or from a residential district.
- (7) Electric and gas substations, subject to the requirements of Section 12.504.
- (8) Privately owned parking lots (off-street, principal use) under one (1) acre. The combined ownership, interest, or options on adjacent or contiguous property (including parcels across public or railroad right-of way) shall be included in determining the total acreage of any off-street parking lot. Interest in adjoining property is defined as the same person, immediate family, entity, corporation, or any type of ownership pattern or option where at least one person in common has a financial interest or option on adjoining parcels of land.
- (9) Retail sales and service establishment and personal service establishments with more than 30,000 square feet of gross floor area per floor, per single tenant shall meet the following:
 - (a) Transparent, clear glass windows and doors shall be visible from and to the street at least 75% of the first floor street façade of the building, and there shall be at least one entrance per street frontage; or
 - (b) The building is designed to accommodate other single tenant uses along the linear street frontages to create pedestrian interest and activity.
 - (9.5) Short-term care facilities, (TOD-E and TOD-M only) subject to the regulations of Section 12.522.

(Petition No. 2004-96, § 9.1206(9.5),10/18/04)
- (10) Single room occupancy (SRO) residences, subject to the regulations of

Section 12.527.

Section 9.1207. Accessory Uses.

The following are permitted as accessory uses and structures in the TOD zoning districts:

- (1) Accessory residential uses and structures, clearly incidental and related to the permitted principal use or structure.
- (2) Information pillars, subject to the regulations of Section 12.416.

(Petition No. 2004-112 §9.1207(2) 11/15/04)
- (3) Vending machines located within an enclosed building for the convenience of the occupants of the building.
- (4) Signs, bulletin boards, kiosks and similar structures that provide historical information, information for non-commercial activities or space for free use by the general public.
- (5) Land clearing and inert landfills (LCID): on-site, subject to the regulations of Section 12.405.
- (6) Wireless communications facilities are only permitted atop a building or structure (other than a single family structure or other residential structure of less than two stories in height). Such facility shall not exceed 20 feet in height measured from the top of the highest point of the existing structure. Any such facility and any associated antennae located within 400 feet of a residential district shall be indiscernible from the rest of the building or structure.
- (7) Drive-through service lanes are only permitted when associated with professional business and general offices, and only when located between 1/4 to 1/2 mile walking distance from a transit station, as designated on the approved station area plan. Drive-through windows shall only be located on the same site as the principal use, shall be located to the rear or side of the principal use, to minimize visibility along public right-of-way. No more than four (4) drive through service lanes shall be permitted per individual use. Freestanding drive-through lanes are prohibited.

Section 9.1208. Development Standards.

The following requirements apply to all buildings or uses in TOD unless specified otherwise in Section 9.1204:

- (1) *Minimum setback*

- (a) The minimum building setbacks along particular streets shall be determined by the approved transit station area plan for each station. Because station area characteristics vary, setbacks within and between stations may vary. When a station area plan does not specify a setback the minimum setback for all uses shall be sixteen (16) feet.
- (b) The minimum setback shall be measured from the back of all existing or future curbs whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line shall become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest sections. Curb lines are to be determined jointly by the Charlotte Department of Transportation (CDOT) Director, or his designee, and the Planning Director or his designee.
- (c) If the new construction incorporates an existing structure located within the minimum setback, the CDOT Director, or his designee, and the Planning Director or his designee may allow the setback for the addition to be reduced to the established setback.
- (d) For the purposes of this section, the minimum setback applies to all frontages, not just to the street frontage toward which the structure is oriented.
- (e) All above ground, at ground, and below ground utility structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits shall be located behind the minimum setback. This includes air vents, vaults, and backflow preventers.
- (f) No new doors shall be permitted to swing into the minimum setback, except for emergency exit doors.
- (g) Walls and fences are not permitted in the minimum setback, except for outdoor seating areas. Outdoor seating areas may be surrounded with walls or fences, subject to an approved encroachment agreement with CDOT if the wall or fence will be located in the right-of-way or sidewalk, and subject to approval by the Planning Director, if located within the minimum setback.
- (h) No canopies or signs are permitted in the minimum setback, except as provided for Section 9.1209(6) and Section 9.1209(7).
- (i) Driveways may cross the setback, but shall be as near as possible to perpendicular to the street, so as to minimize intrusion into any landscaped area, and for pedestrian safety.

- (j) Balconies may project up to 2' into the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of 10' from grade.
- (k) Sidewalk arcades may be located within the sidewalk portion of the minimum setback, at sidewalk level, subject to an approved sidewalk encroachment agreement with CDOT. Sidewalk arcades shall maintain a minimum 10' clear, unobstructed space between arcade supports, and a minimum overhead clearance of 10'. No arcade support shall be located closer than 14' from the back of the existing or future curb, whichever is greater.
- (l) The transitional setback requirements of Section 12.103 shall not apply in the TOD-R, TOD-E, TOD-M, TOD-RO, TOD-EO, or the TOD-MO zoning districts.

(2) *Minimum side and rear yards*

None required, except if a side and /or rear yard is provided, the minimum width shall be five (5) feet, with the following exceptions:

- (a) When a lot abuts an existing residential structure or a residential zoning district, then a minimum side yard of five (5) feet and/or a minimum rear yard of twenty (20) feet shall be required.
- (b) When a lot abuts a rapid transit corridor, a minimum rear yard setback shall be required, as specified in the approved station area plan. If a station area plan has not been approved, then the minimum rear yard setback from the centerline of the rapid transit corridor shall be a minimum of 35 feet, or the width of the right-of-way, whichever is greater.

(3) *Maximum height*

The permitted maximum height shall be determined by the distance of the structure to the boundary line of the nearest single-family residential districts (R3, R-4, R-5, R-6, and R-8). This distance shall be the shortest measurable distance between the building footprint edges and nearby single-family residential district boundaries.

The base height for all TOD districts shall be 40 feet. Height increases for portions of the building that are a further distance from single-family residential zoning districts, are allowed at a rate of one additional foot of height for every 10 feet of additional distance the portion of the building is from the edges of nearby single-family zoning districts. The intent of this standard is to allow the height of a portion of a structure to increase the further away it is from nearby single-family residential zoning districts, resulting in a building with varying heights. The maximum height shall be 120 feet. (Petition No. 2004-93 §9.1208(3) 10/18/04)

(4) *Minimum residential density*

- (a) Residential developments and the residential component of multi-use developments shall have a minimum density of twenty (20) dwelling units per acre within the 1/4 mile walking distance from a transit station. Between the 1/4 and 1/2 mile walking distance, the minimum density shall be fifteen (15) dwelling units per acre. Densities shall be based on the residential portion of the site.

For large or phased projects, the residential density for each phase shall meet or exceed the minimum density requirements. If phases cannot meet this requirement, but the overall Master Plan meets or exceeds the minimum density requirements, then approval may be granted by the Planning Director for phases that meet at least 80% of the minimum density requirement, or the applicant may choose to rezone to the TOD Optional zoning district, which allows variations in the TOD standards. (See Section 9.1212).

- (b) The residential component of mixed-use developments shall meet the Floor Area Ratio (FAR) requirements of Section 9.1208(5).

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(5) *Floor Area Ratio (FAR)*

- (a) The total minimum floor area ratio of buildings on a development site shall not be less than .75 square feet of floor area to 1 square foot of the development site (.75 FAR) within 1/4 mile walking distance from a transit station or not less than .50 square of the development site (.50 FAR) between 1/4 mile to 1/2 mile walking distance from a transit station, or as indicated on an approved station area plan. The FAR shall apply to the following uses:

(1) All non-residential uses (except those excluded in Section 9.1208(5)(e))

(2) Non-residential uses of multi-use developments.

(3) Residential uses of mixed-use developments.

- (b) For large or phased projects the FAR for each phase shall meet or exceed minimum FAR requirements. If phases cannot meet this requirement, but the overall Master Plan meets or exceeds the minimum FAR requirements, approval may be granted by the Planning Director for phases that meet at least 80% of the minimum FAR requirements, or the applicant may choose to rezone to the optional TOD zoning district, which allows variations in the TOD standards. (See Section 9.1212)

- (c) Plazas, arcades, courtyards, outdoor cafes, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at 100%; if private, then the square footage shall be credited at 50%. In no instance shall more than 20% of the pedestrian area be credited toward the required FAR.
- (d) An FAR credit shall be given for structured parking facilities that devote at least 75% of the linear street level frontage of the building to retail, office, civic, or institutional uses. Similarly, an FAR credit shall also be permitted for structured parking facilities that provide such uses above the street level, and/or on any other side of the building. See Section 9.1208(6)(1) for credit amounts.
- (e) Certain principal uses are exempt from meeting the minimum FAR requirements:
 - (1) Transit stations (bus or rail), parking facilities, and bus shelters.
 - (2) Private parking decks (principal use only) and surface parking facilities.
 - (3) Existing development and expansions of existing developments.
 - (4) Freestanding group homes for up to 10 residents.
 - (5) Public and private recreational parks and playgrounds.
 - (6) Utility and related facilities.
 - (7) Electric and gas substations.

(6) *Parking Standards*

- (a) New permitted uses within this zoning district shall be required to meet the required to meet the minimum/maximum number of off-street parking spaces as follows. All square footage is measured as “gross footage”

USE	MINIMUM/MAXIMUM NUMBER OF PARKING SPACES
Residential	Maximum of 1.6 parking spaces per dwelling unit.

Office	Maximum of one (1) parking space per 300 square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per Section 12.203.
Restaurants/Nightclubs	Minimum of one (1) parking space per 150 square feet of restaurant/nightclub space, but no more than one (1) space per 75 square feet.
Retail	Maximum of one (1) space per 250 square feet.
All Other Non-Residential Uses	The maximum number of parking spaces permitted is listed as the minimum amount required in the Table 12.202, per non-residential use.

- (1) The required /permitted number of parking spaces for any building within the district, including mixed-use buildings, shall be the sum total of the requirements for each use in the building calculated separately.
- (2) Parking maximums may be exceeded by up to a total of 30% of the maximum, under the following circumstances, if one or more of the following is provided:
 - (a) If a structured or underground parking is provided on site, parking maximums may be exceeded by 25%.
 - (b) If a shared parking agreement is executed, the parking maximum may be exceeded by 20%.
 - (c) If all parking spaces are located behind the building and are not visible from the public right-of-way, parking maximums may be exceeded by 10%.
 - (d) If driveways and access points are shared by at least two adjacent properties, parking maximums may be exceeded by 10%.

- (e) If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking maximums may be exceeded by 10%.
- (3) A 25% parking reduction in the minimum number of parking spaces required is allowed if the principal use is located within 800 feet of a parking facility with parking spaces available to the general public, or within 800 feet of public transit park and ride facilities with an approved joint use agreement. This section in combination with Section 12.202(2) allows for no more than a total of 25% parking reduction of the minimum requirements.
- (b) The Provisions for parking standards shall conform to the general requirements of chapter 12, Part 2, OFF STREET PARKING AND LOADING, except as provided for in this section.
 - (c) No surface parking or maneuvering space shall be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible to minimize intrusion into the landscaped area, and for pedestrian safety.
 - (d) On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side of the street as the use, have a dimension of at least 22 feet in length, and be located in areas approved by the Charlotte Department of Transportation (CDOT). However, on street parking directly across the street from the use may be counted if that parking abuts property that is undevelopable because of physical constraints.

In the event that the City or State removes any on-street parking that was allowed to count toward the minimum requirement, the existing use shall not be required to make up the difference and shall not be made non-conforming, with respect to parking.

On-street parking spaces shall not be counted in calculating maximum parking spaces.

- (e) All recessed, on-street parking shall comply with Charlotte's Urban Street Design Guidelines.
- (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to 800 feet from the permitted use. Off-site parking to meet the

requirements of this section may be provided through a lease, subject to the review and approval of Engineering and Property Management (for commercial and planned multi-family projects, change of use permits), or Neighborhood Development (for all other residential projects, change of use permits).

(Petition No. 2005-78 §9.1208(6)(f),06/20/05)

- (g) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking that is located to the side of the primary structure shall not cover more than 35% of the total lot width.
- (h) Shared parking shall be permitted and encouraged pursuant to the regulations of Section 12.203.
- (i) Bicycle parking facilities shall be required as per Chapter 12, Part 2.
- (j) All surface parking shall conform to the internal planting requirements for parking areas in the Charlotte Tree Ordinance.
- (k) All parking areas for more than 10 motorized vehicles (except for parking areas for detached duplex, triplex or quadraplex dwellings on a single lot) shall provide screening which consists of either a 5-foot wide planting strip consisting of evergreen shrubbery to sufficient to visually separate land uses, or a finished masonry wall that is a minimum of 2 1/2 feet in height, up to a maximum height of 3 feet, and that shall be 40% - 50% open for safety and security purposes, or an alternative as approved by the Planning Director. Evergreen shrubbery shall meet the requirements of Section 12.303(g). However, a wall cannot be substituted for the planting strip along any public street or transit-way unless supplemented by landscaping in a minimum 3-foot wide planting strip.

If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance.

The 5' planting strip or the wall may be eliminated if abutting parking lots are combined or interconnected with motor vehicular and pedestrian access.

Shrubs and walls may be reduced in height to 30 inches when located within sight triangles as required by the Charlotte Department of Transportation (CDOT). In no instance shall a chain link fence or a barbed wire fence be permitted.

(Petition No. 2004-128 §9.1208(6)(k) 2/21/05)

(l) Structured parking facilities shall meet the following additional requirements:

- (1) At least fifty (50%) of the linear street level frontage of the facility shall be devoted to retail, office, civic, institutional, or residential uses. If 75% or more of the linear street frontage is devoted to such uses, then the total square footage of the uses shall be credited at 200% toward the required FAR minimums.
- (2) If retail, office, civic, institutional, or residential uses are constructed on the side or rear of the facility, or above the ground floor on the street frontage of the facility, then the total square footage of these uses shall be credited at 200% toward the required FAR minimums.
- (3) Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted, with an 8' clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement with CDOT. No ventilation shall be permitted in the setback.
- (4) A minimum 9-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum 7-foot clearance shall be maintained throughout the remainder of the parking deck to ensure the safe movement of vans and emergency vehicles.

(7) *Loading standards*

- (a) Non-residential buildings and structures, excluding parking structures, subject to the provisions of this Part shall provide a minimum number of off-street service/delivery loading spaces. These spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These loading spaces shall not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by Section 20-29[14-25] of the City Code. These loading spaces shall be a minimum of 10 feet by 25 feet and be provided in accordance with the following:

Non-residential uses with gross floor area:

Less than 50,000 square feet: None required

50,000 – 150,000 square feet: One (1) space

Each additional 100,000 square feet: One (1) space

Existing buildings are exempt from these loading standards.

- (b) No loading spaces shall be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas.

(8) *Screening standards*

(Petition No. 2004-128 §9.1208(8)(a) 2/21/05)

- (a) All service entrances, utility structures associated with a building, and loading docks and/or spaces shall be screened from the abutting property and from public view from a public street or from a transit-way. Such screening shall consist of a 5-foot wide planting strip, consisting of evergreen shrubbery sufficient to visually screen these uses, or an alternative as approved by the Planning Director.

An optional wall or fence may be located in the 5-foot planting strip, but the wall shall be no higher than 2 1/2 feet – 3 feet in height, and shall be constructed to be between 40% - 50% open, for safety and security purposes.

- (1) Any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Zoning Administrator. The finished side of the fence shall face the abutting property. In no instance shall a fence or wall be located within a setback. Nor shall a chain link or barbed wire fence be permitted.

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- (2) The composition of the screening material and its placement on the lot shall be left up to the discretion of the property owner, as long as the intent of this Ordinance is met. However, a wall cannot be substituted for the planting strip along any public street or transit-way unless supplemented by landscaping in a minimum 3-foot wide planting strip.
- (3) Shrubs used for screening shall be evergreen and at least 2 to 2 1/2 feet tall with a minimum spread of 2 feet when planted and no further apart than 5 feet. Shrubs shall be adequately maintained so that an average height of 5 to 6 feet can be expected as normal growth within 4 years of planting. The average expected height may be reduced to 4 feet for screening along public streets. Shrubs and trees shall be on

the approved plant list in Appendix 1. Walls shall be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).

- (4) The minimum height for walls and fences abutting a residential district shall be 6', or whatever is sufficient to visually screen the use. The minimum height for screening shall be whatever is sufficient to visually screen the uses, but not less than 4'.
- (b) Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a minimum 6-foot high solid and finished masonry wall, with closeable gate that shall be 40% - 50% open for safety and security purposes. In no instance shall a chain link fence or a barbed wire fence be permitted. Dumpsters are not permitted in any required setback or yard space. (Petition No. 2004-128 §9.1208(8)(b) 2/21/05)
- (c) Parking areas and structures shall provide screening in accordance with Section 9.1208(6)(k).

(9) *Buffer Standards.*

- (a) All uses, other than single-family detached units, shall provide landscaping along all property lines abutting residentially zoned property (single-family, multi-family and urban residential zoning districts) located adjacent to the Transit Oriented zoning district. This requirement also applies in situations where an alley with a right-of-way width of 25 feet or less separates uses in a TOD zoning district from non-TOD zoned residential property. Landscaping shall be provided along all property lines abutting the alley. However, multifamily developments zoned TOD are exempt from this landscaping requirement when they abut other multi-family uses or undeveloped multifamily zoning districts.
- (b) Such landscaping shall consist of a 10' wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials shall be provided at a minimum of 6 trees and 20 shrubs per 100 linear feet in accordance with Section 12.302(9)(b), (c), (d) and (e). The 10' planting strip may be reduced to 8' and the shrubs need not be planted if a masonry wall with a height of between 6' to 8' in a side yard, or between 8' to 10' in a rear yard is installed. No more than 25% of the wall surface shall be left open. Shrubs and walls may be reduced in height to 30 inches within sight triangles as required by the Charlotte Department of Transportation (CDOT). This landscaping area may be interrupted with a gate/pedestrian access way to an adjacent site, or a driveway to an adjacent alley.

In no instance shall a chain link or barbed wire fence be permitted.

(10) *Outdoor lighting standards.*

- (a) All outdoor lighting fixtures for parking lots, and pedestrian activity areas shall be classified as full cut-off, cutoff or semi-cutoff. In addition, any building light fixtures used to illuminate parking and pedestrian areas, and service areas shall be classified as full cutoff, cutoff or semi-cutoff.
- (b) No outdoor lighting fixture or building light fixtures shall cause glare on public travel lanes or on adjacent residentially used or zoned property. All fixtures shall be screened in such a way that the light source shall not cast light directly on public travel lanes or on adjacent residentially used or zoned property.
- (c) The lighting of signs shall be in accordance with standards of Chapter 13

(11) *Connectivity and circulation standards.*

Transit oriented development uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel modes.

- (a) A pedestrian sidewalk system shall meet the following standards:
 - (1) Internal sidewalk connections are required between buildings and from buildings to all on site facilities (parking areas, bicycle facilities, urban open space, etc.) in addition to the sidewalk requirements of Section 9.1209(8)(e). All internal sidewalks shall be hard surfaced and at least 6' in width.
 - (2) External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system, and to adjacent multi-use trails, parks and greenways.

The connection shall be no longer than 120% of the straight-line distance from all buildings to the existing or proposed sidewalk, or no more than 20' longer than the straight-line distance, whichever is less. Sidewalks shall be hard-surfaced and at least six (6) feet in width. The sidewalk width can be reduced to 4' in width, if the internal sidewalk serves less than four (4) dwelling units.
 - (3) The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night.

- (b) Bicycle parking and storage facilities shall be provided in accordance with Chapter 12, Part 2 of this Ordinance.

(12) Urban open spaces.

- (a) Urban open spaces for public congregation and recreational opportunities shall be required for all new buildings with a gross floor area greater than 50,000 square feet. Such buildings must provide useable open space behind the required setback and on private property proportionate to the building square footage according to the following schedule:

Lot Size	Open Space Requirement
0-20,000 sq. ft.	1 square foot/200 sq. ft. (gross)
20,001 – 40,000 sq. ft.	1 square foot/150 sq. ft. (gross)
40,001+ sq. ft.	1 square foot/100 sq. ft. (gross)

- (b) Open space may be located on the roofs of buildings, or enclosed on the ground floor. A maximum of 30% of the required open space may be provided on an enclosed ground floor level. All open space shall be easily observed from the street or pedestrian areas.
- (c) All required open space shall be accessible to the users of the building and improved with seating, plantings, and amenities, and be visible from the street or pedestrian areas.
- (d) 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.

Section 9.1209. Urban Design Standards

All buildings and uses developed in this zoning district must meet the following minimum standards:

(1) Street Walls.

- (a) All retail and office buildings fronting directly on a street shall be designed so that the first floor street façade of the building(s) along all streets includes clear glass windows and doors to increase pedestrian interest. These

openings shall be arranged so that the uses are visible from and to the street on at least 50% of the length of the first floor street level frontage.

- (b) For all other uses, buildings shall be designed so that the first floor street façade along all streets includes the use of clear glass windows and doors arranged so that the uses are visible from and/or accessible to the street on at least 25% of the length of the first floor street frontage. When this approach is not feasible, a combination of design elements shall be used on the building façade, or included into the site design, to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation; molding; string courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; stoops, landscaping and garden areas; and display areas.
- (c) The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale, interest, and activity.
- (d) Expanses of blank wall shall not exceed 20 continuous feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.
- (e) No reflective surfaces shall be permitted on street level exterior facades.
- (f) Ventilation grates on the building, or emergency exit doors located on the first floor street façade(s) shall be decorative and part of the overall building design.

(2) *Base of High Rise Building.* (Buildings exceeding 5 stories in height)

- (a) The first 3 floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbeling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate shall be provided to add special interest to the base.
- (b) In the design of the building façade, attention shall be paid to the appearance both during the day and at night. Material and color changes alone do not meet the requirements of this section and design elements, which are used to meet the requirements of this section, shall be visually continuous around the building. In the event that a building façade is not visible from a public street or right-of-way then the Planning Director has the option of waiving this requirement.

- (c) Special attention shall be given to the design of windows in the base. Band windows are prohibited. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are permitted.

(3) *Top of Buildings.*

- (a) All rooftop mechanical equipment on buildings over 60' in height shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, by the use of parapet walls or similar architectural treatments. Buildings under 60' in height shall screen all rooftop mechanical equipment from public view from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible.

(4) *Building Entrances and Orientation.*

- (a) At least one or more operable pedestrian entrances per building shall be provided in at least two of the following circumstances:
 - (1) When a lot abuts a public street right-of-way, at least one entrance(s) shall be provided along all building façade(s) fronting all public rights-of-way.
 - (2) When a lot abuts an existing or proposed public open space system, multi-use trail, or greenway, entrance(s) shall be provided on the building façade closest to public open space, multi-use trail, or greenway.
 - (3) When an approved station area plan depicts a required sidewalk not specified in the subsections above, an entrance(s) shall be provided on the building façade closest to the required sidewalk. If all three (3) of these circumstances exist, only two (2) entrances shall be required, with the third being optional.

Distances shall be measured in a straight line from the closest point of the property line to the closest point of the right-of-way, public open space, transit station, or light rail transit station platform.

- (b) Such entrances shall be distinguishable from the rest of the building to provide a sense of entry and to add variety to the streetscape. No doors shall be permitted to swing into the minimum setback, except for emergency exit doors.

- (c) On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.

(5) *Structured Parking Facilities.*

Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity, and shall be designed so that motorized vehicles parked on all levels of the facility inside are screened from the street, the transit-way, and/or from adjacent residentially zoned and/or used property. Decorative elements such as grillwork or louvers may be utilized to accomplish this objective.

Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All such openings shall be decorative and be an integral part of the overall building design.

(6) *Canopies.*

Canopies, awnings, cornices and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building up to one-half of the width of the setback area in front of the building or 9', whichever is less, and may not be closer than 2' to the back of the curb. In no instance shall such features extend over, or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be 8'. Ground supports for these features are not permitted in the minimum setback, sidewalk or in the public right-of-way. If a canopy, awning, cornice, or other appurtenance extends into the public right-of-way, an encroachment agreement from CDOT or the State shall be required. (Petition No. 2004-93 §9.1209(6) 10/18/04)

(7) *Signs, Banners, Flags and Pennants.*

Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the requirements of Chapter 13, except for the following:

- (a) Wall signs shall meet the specifications of Section 13.108a, with the exception that signs located on any building wall shall have a maximum sign surface area not to exceed 5% of building wall area to which the sign(s) is attached, up to a maximum of 100 total square feet. Wall signs may be increased by 20 square feet per sign in lieu of a ground mounted or monument sign. A bonus of 4 square feet in size (20%) shall be permitted if the sign is lit 100% by neon light.

- (b) Signs are permitted to project up to 6' into the minimum setback as measured from the building. Under no circumstance shall a sign project more than 4' from the back of curb. A minimum overhead clearance of 8' from the sidewalk shall be maintained.
- (c) Marquee signs are permitted.
- (d) Ground mounted or monument signs are permitted as follows:
 - (1) Signs shall not exceed 5 feet in height and 20 square feet in area. A bonus of 4 square feet in size (20%) shall be permitted if the sign is lit 100% by neon light.
 - (2) Signs shall be located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
 - (3) Signs shall be located behind the minimum setback.
 - (e) No freestanding pole signs shall be permitted.
 - (f) No outdoor advertising signs shall be permitted.

(8) *Streetscape Standards.*

- (a) A continuous perimeter-planting strip (excluding driveways) shall be required whenever property abuts a curb. The width of the planting strip shall be determined by the approved station area plan. Because stations will have different characters and unique conditions, planting strips within each station area may vary. When a station area plan does not specify a planting strip width an 8' wide planting strip shall be constructed.

If the station area plan does not adequately define the curb line, then the curb line shall be determined jointly by Charlotte Department of Transportation (CDOT) Director, or his designee, and the Planning Director, or his designee.

- (b) Curbs shall be located adjacent to the perimeter-planting strip, unless specified otherwise in the approved station area plan. If the right-of-way width varies along the street frontage, the planting strip shall be aligned along the widest right-of-way section.
- (c) Trees shall be planted in the continuous perimeter-planting strip, as per the standards found in the Charlotte Tree Ordinance and in the Charlotte-Mecklenburg Land Development Standards Manual. Tree pits with irrigation

and sub-drainage are optional, in lieu of a planting strip, as per the requirements of Section 21-13(C)(2)(a)(2) of the Charlotte Tree Ordinance.

- (d) Charlotte Tree Ordinance regulations for tree protection and replacement shall be applicable within this zoning district.
- (e) Sidewalks shall be located and constructed as specified in the approved station area plan. This may include sidewalks along transit corridor right-of-ways. Typically, sidewalks along public street right-of-ways should abut the perimeter-planting strip, and be located on the side closest to the building to encourage pedestrian activity. The sidewalk width and locations shall be determined by the approved station area plan. If not specified, then the sidewalk shall be 8' in width. Sidewalks shall meet the standards for concrete sidewalks in accordance with the Charlotte-Mecklenburg Land Development Standards Manual.

Sidewalk easements shall be required if the sidewalk is not located within the public right-of-way.

- (f) The Planning Director with the affirmative recommendation of the City Arborist/Senior Urban Forester shall have the authority to modify the requirements of Section 9.1209(8), including the modification of the planting strip, sidewalk location, and width in order to preserve existing trees and to provide flexibility for a hard surface next to the curb, where appropriate for on-street parking (e.g. handicap parking areas, loading zones).

Section 9.1210. Administrative Approval.

To offer some degree of flexibility, the Planning Director has the authority to administratively alter any of the development and urban design standards by 5% in this zoning district. If administrative approval is required for parking, or an item normally subject to approval by CDOT, the Planning Director shall only grant this approval after a determination by CDOT in conjunction with the Planning Director. On matters that do not involve quantitative measurements, the Planning Director may also make minor alterations if he/she determines that such changes would be an innovative design approach to development and/or would be in keeping with the general intent of the TOD.

Any approval shall meet the following criteria:

- (1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the TOD intent; and
- (2) Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the TOD.

Section 9.1211. Board of Adjustment

The Board of Adjustment shall have no jurisdiction to grant variances from the development and urban design standards of Section 9.1208 and Section 9.1209. A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to Section 9.1210. The Board shall have no jurisdiction with respect to an interpretation of, or decision about the development standards found in Section 9.1208 or the urban design standards found in Section 9.1209 except as a result of notice of zoning violation for which an appeal can be filed to the Board.

Section 9.1212. Transit Oriented Development Zoning Districts (Optional)

- (1) *Purpose.* The Transit Oriented Development (TOD) zoning districts establish minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the City Council may evaluate and approve development, which does not meet the minimum standards of TOD.

The Transit Oriented Development (Optional), or TOD-O, is established to provide a mechanism to review and address new development concepts, innovative designs, special problems, public/private ventures, and other unique proposals or circumstances, which cannot be accommodated by the standards of TOD. It also serves as a mechanism for altering or modifying the minimum standards as they relate to a specific development.

The TOD standards are the guidelines that shall be used to evaluate a TOD-O proposal, but any of the standards of TOD may be modified in the approval of the TOD-O application, with the exception that use variances shall not be allowed.

- (2) *Application.* Petitions for a zoning map amendment to establish a TOD-O shall be submitted to the Charlotte-Mecklenburg Planning Commission. In order to expedite the rezoning process, TOD-O applications shall not count toward the maximum number of cases that the City hears each month. A TOD-O classification shall be considered only upon application of the owner of the subject property or his duly authorized agent. Applications shall be accompanied by a schematic plan, which includes pedestrian and bicycle circulation elements, and by any supporting text, that becomes a part of the amending ordinance.
- (3) *Approval.* The establishment of the TOD-Optional zoning district shall be in accordance with the procedures of Chapter 6, Part 2: Conditional Zoning Districts. The City Council shall also consider the extent to which the basic standards of TOD are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications. In no instance shall parking be permitted in the front setback.

- (4) *Alterations.* Changes to approved plans and conditions of development shall be treated the same as changes to the Zoning Map and shall be processed in accordance with the procedures of Section 9.1210 or Section 9.1212.

Section 9.1213. Preliminary review.

Applicants planning any development or redevelopment in a TOD area are required to meet with the staffs of the Charlotte-Mecklenburg Planning Commission, Engineering and Property Management Department, and Charlotte Department of Transportation at two points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and (2) during the design development stage to ensure that the plans meet the desired objectives and the minimum standards for the district.

Building permits shall not be issued until the Planning Commission staff approves the proposal as in conformance with this ordinance.

Code of Ordinances, City of Charlotte

Appendix A: Zoning

Chapter 10, Part 8: Pedestrian Overlay District

Section 10.801. Purpose.

The purpose of the Pedestrian Overlay District (PED) is to reestablish an urban fabric by promoting a mixture of uses in a pedestrian-oriented setting of moderate intensity. The district encourages the reuse of existing buildings that contribute to the unique character or history of the area. The standards also encourage high quality design, mixed use development, the use of public transit, and development which complements adjacent neighborhoods.

(Ord. No. 1470, § 1(1), 3-20-2000)

Section 10.802. Uses.

The uses permitted in the PED shall include those permitted by right and under prescribed conditions in the underlying district, except outdoor storage and outdoor advertising signs. All permitted accessory uses will also be allowed except drive-thru windows for restaurants and retail establishments and outdoor advertising signs.

In addition the following uses shall be permitted subject to the following requirements:

- (1) Dwellings, mixed use, subject to the standards of PED.

- (2) Drive-through service windows for offices must be located to the rear of the building, and are limited to no more than four (4) drive-through stations, including lanes servicing Automatic Teller Machines (ATM's).
- (3) Nightclubs, bars and lounges as a principal use, shall be subject to the standards of this overlay district, and be at least four hundred (400) feet from any residential use in a residential district or from a residential district. This separation distance may be reduced by a streetscape plan approved by the city council.

The following use, which is not permitted in the underlying district, shall be permitted: Residential uses in an underlying industrial district, subject to the standards of this overlay district.

(Ord. No. 1470, § 1(1), 3-20-2000; Ord. No. 2223, § 1(1), 1-21-2003)

Section 10.803. Development standards.

The following PED Overlay standards and requirements have precedence over the underlying zoning district standards and requirements. The PED development standards shall apply to all buildings or uses in PED unless specified otherwise in section 10.805.

- (1) *Minimum lot area.* None required.
- (2) *Floor Area Ratio.* No maximum.
- (3) *Minimum setback.* The minimum building setback will be specified in a streetscape plan approved by the city council. The minimum setback will be measured from the back of all existing or future curbs, whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curbs, the right-of-way line will become the minimum setback. If the existing curblines varies, the setback shall be measured from the widest section. Curblines are to be determined by the Charlotte Department of Transportation (CDOT) in conjunction with the planning commission staff. However, if new construction incorporates an existing structure located within the required setback, the CDOT and the planning commission staff may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb.

The "Charlotte Tree Ordinance" will be applicable in addition to any approved streetscape plan. For the purposes of this section, the setback applies to all street frontages, not just to the street toward which the structure is oriented. All new transformer vaults, utility structures, air vents, backflow preventers, or any other similar devices, including these facilities

when located below grade, must be behind the setback. No new doors shall be allowed to swing into the minimum, setback, except for emergency exit doors.

No walls or fences are permitted in the established setback, except as screening for parking as provided for in section 10.803(8), Screening.

- (4) *Minimum side and rear yards.* None required. However, a five-foot minimum side yard and/or a twenty-foot minimum rear yard is required where the lot abuts an existing residential structure or a residential zoning district. If side and rear yards are provided, the minimum shall be five (5) feet.
- (5) *Maximum height.* The permitted height shall be determined by the distance of the structure from property used and/or zoned for residential purposes. The base height for this district is 40 feet. The building height may increase one foot in height, over 40 feet, for every 10 feet in distance from the property line of the nearest site used and/or zoned for residential purposes, except for property zoned PED, MUDD, or UMUD. For purposes of this Ordinance, distances shall be measured in a straight line from the closest edge of the PED property to the nearest residentially used/zoned property. The intent of this standard is to allow the height of a portion of a structure to increase as the distance from residential properties increases. The maximum height shall be 100 feet.
- (6) *Parking standards.* Provisions for parking and loading shall conform to the general requirements of Chapter 12, Part 2, Off-Street Parking and Loading, except as provided for in this section.
 - (a) Permitted uses within this overlay district shall be required to provide off-street parking spaces for new uses as follows:

Religious institutions:	One space per 8 seats
Residential uses:	One space per dwelling unit
Restaurants/nightclubs:	One space per 125 square feet
Hotels and motels:	0.5 spaces/room
For all other nonresidential uses:	One space per 600 square feet

The required number of parking spaces for any building within the district, including mixed use buildings, is the sum total of the requirements for each use in the building calculated separately.

A twenty-five (25) percent parking reduction is allowed if located within four hundred (400) feet of a parking facility available to the general public. (Such facility must be wholly available for public use.)

This section in combination with section 12.202(2) allows for no more than a total of twenty-five (25) percent parking reduction.

- (b) For new parking, the minimum stall and aisle dimensions must conform with those of the current "Charlotte-Mecklenburg Land Development Standards Manual." At least seventy-five (75) percent of the required spaces must be full-sized spaces.
- (c) No surface parking or maneuvering space is permitted within any required or established setback, nor between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.
- (d) Underground parking structures are permitted, except within any required setback.
- (e) On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side(s) of the street as the use, have a dimension of at least twenty-two (22) feet in length, and be in locations approved by the Charlotte Department of Transportation (CDOT). However, on-street parking directly across the street from the use may be counted if that parking abuts property which is undevelopable because of physical constraints. In the event that the city or state removes any on-street parking that was allowed to count toward the minimum requirement, the existing use will not be required to make up the difference and will not be made nonconforming.
- (f) All recessed on-street parking shall have a minimum width of eight (8) feet, measured from face of curb.
- (g) The parking requirements (for new spaces) of the district may be met on-site or off-site at a distance of up to eight hundred (800) feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of the director of engineering and property management (for commercial and multi-family projects, change of use permits) or the director of neighborhood development (for residential projects, and change of use permits), or their designee(s).
- (h) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required planting

strips. Parking that is located to the side of the primary structure may cover no more than thirty-five (35) percent of the total lot width.

- (i) The five-foot planting strip or wall required under section 10.803(8)(a) may be eliminated if abutting parking lots are combined or interconnected with vehicular and pedestrian access. If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance. Surface parking lots shall conform to the "Charlotte Tree Ordinance".
- (j) Shared parking is permitted and encouraged pursuant to the regulations of section 12.203.
- (k) The bicycle parking standards of section 12.202 and section 12.202A are applicable in this district.

(7) *Loading standards:*

- (a) Nonresidential buildings and structures, excluding parking structures, subject to the provisions of this part must provide a minimum number of off-street service/delivery parking spaces. These spaces must be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These parking spaces must not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by section 20-29 [14-159] of the City Code. These parking spaces must be a minimum of ten feet by twenty-five feet (10' - 25') and be provided in accordance with the following:

Nonresidential uses with gross floor area:

Less than 50,000 square feet:	None required
50,000--150,000 square feet:	One space
Each additional 100,000 square feet:	One space

Existing buildings are exempt from these loading standards.

- (b) No loading spaces may be permitted within any required or established setback, nor between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible.

(8) *Screening:*

- (a) All surface parking lots for more than ten (10) vehicles, service entrances or utility structures associated with a building, loading docks or spaces and outdoor storage of materials, stock and equipment must be screened from the abutting property and view from a public street or from a transitway as designated by an adopted plan. Such screening shall consist of either a five-foot wide planting strip consisting of evergreen shrubbery according to the provisions of section 12.303(2), or a three-foot high minimum to a 3.5-foot high maximum solid and finished masonry wall or alternative as approved by the planning director. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum three-foot wide planting strip. Screening may be reduced in height to thirty (30) inches within sight triangles as required by the CDOT.
- (b) Dumpsters or trash handling areas must always be screened from adjacent property and from public view with a minimum six-foot-high solid and finished masonry wall with a solid and closeable gate. A solid wooden fence may be substituted if the dumpsters or trash handling areas are not visible from a public street or transitway. Dumpsters are not allowed in any required setback or yard space.

(9) *Buffers:*

- (a) All uses in the PED, other than single-family detached units, must provide buffering along all edges abutting residential districts. In addition, uses in PED which are separated from a residential district by an alley of twenty-five (25) feet or less must also provide buffering along all edges abutting the alley. However, multifamily developments abutting multifamily uses or undeveloped multifamily zoning districts are exempt from this buffering requirement.
- (b) Such buffering shall consist of a ten-foot-wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials will be provided at a minimum of six (6) trees and twenty (20) shrubs per one hundred (100) linear feet in accordance with subsections 12.302(9)(b), (c), (d) and (e). The ten-foot-wide planting strip may be reduced to eight (8) feet and the shrubs need not be planted if a masonry wall with a minimum height of six (6) to eight (8) feet in a side yard or eight (8) to ten (10) feet in a rear yard is installed. This buffering area may be interrupted with a gate/pedestrian accessway to an adjacent site.

(10) *Outdoor lighting:*

- (a) The maximum height of the light source (lightbulb) detached from a building shall be twenty (20) feet.
- (b) All outdoor lighting will be screened in such a way that the light source can not be seen from any adjacent residentially used or zoned property. (Ord. No. 1470, § 1(1), 3-20-2000; Ord. No. 2223, § 1(2--6), 1-21-2003; Ord. No. 2916, § 1(8), 3-21-2005; Ord. No. 3017, § 1H6, 6-20-2005)

Section 10.804. Urban design standards.

(1) *Design standards.* All buildings and uses developed in this overlay district must meet the following minimum standards:

- (a) *Street walls.* The first floors of all buildings must be designed to encourage and complement pedestrian-scale interest and activity. The first floor of all buildings designed and/or used for retail or office uses fronting directly to a street must include transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least fifty (50) percent of the length of the first floor building elevation along the first floor street frontage. Expanses of blank walls may not exceed twenty (20) feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain transparent windows or doors or sufficient ornamentation, decoration or articulation.

For all other uses it is intended that this be accomplished principally by the use of transparent windows and doors arranged so that the uses are visible from and/or accessible to the street on at least twenty-five (25) percent of the length of the first floor street frontage. When this approach is not feasible, a combination of design elements must be used on the building facade and/or in relationship to the building at street level to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation; molding; string courses; belt courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; landscaping and garden areas; and display areas.

Ventilation grates or emergency exit doors located at the first floor level in the building facade oriented to any public street must be decorative.

- (b) *Structured parking facilities.* Structured parking facilities must also be designed to encourage and complement pedestrian-scale interest and activity.

Structured parking facilities must be designed so that the only openings at the street level are those to accommodate vehicular entrances and

pedestrian access to the structure. In the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building facade, they must be decorative and must be an integral part of the overall building design. These openings, as well as pedestrian and vehicular entrances, must be designed so that cars parked inside are not visible from the street or transitway.

The remainder of the street or transitway level frontage must be either available for commercial or residential space or an architecturally articulated facade designed to screen the parking areas of the structure and to encourage pedestrian scale activity. If fronting on a Class III (major arterial) or Class IV (minor arterial) street, the portion of the first level along the thoroughfare frontage must be available for retail, office, or residential space.

Cars on all levels of a structured parking facility must be screened from view from the street utilizing decorative elements such as grillwork or louvers.

- (c) *Canopies.* Canopies, awnings and similar appurtenances are encouraged at the entrances to buildings and in open space areas. Such features may be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such facility may extend from the building to within two (2) feet of the back of the curb. Supports for these canopies are not allowed in the minimum setback. If this extension would reach into the public right-of-way, an encroachment agreement from the city or state is required.
- (d) *Building entrances.* At least one operable pedestrian entrance per building must face a street or transitway and be distinguishable from the rest of the building. Such entrances must be recessed into the face of the building with a minimum fifteen (15) square foot area to provide a sense of entry and to add variety to the streetscape. No new doors will be allowed to swing into the minimum setback, except for emergency exit doors.
- (e) *Signs, banners, flags and pennants.* Where signs, banners, flags and pennants for identification or decoration are provided, they must conform to the requirements of Chapter 13, except for the following:
 - (1) Specifications for permanent signs shall be according to section 13.108a, except for signs located on any building wall of a structure shall have a maximum sign surface of all signs on one wall not to exceed five (5) percent of building wall area to which the sign is attached, up to a maximum of one hundred (100) square feet. Wall signs may be increased by ten (10) percent per sign in lieu of a ground-mounted or monument sign.
 - (2) No permanent detached pole signs shall be permitted in PED.

- (3) Ground-mounted or monument signs are allowed as follows:
 - a. Not to exceed five (5) feet in height and twenty (20) square feet in area.
 - b. Located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
 - c. Signs must be located a minimum of 14 feet from the existing or future curb, whichever is greater.
 - (4) No outdoor advertising signs will be permitted.
 - (5) Marquee and message center signs are allowed.
 - (6) Signs are allowed to project nine (9) feet into the required setback or one-half (1/2) the width of the required setback, whichever is less. A minimum overhead clearance of eight (8) feet from the sidewalk must be maintained.
- (f) *Streetscape requirements.* The streetscape requirements of the Pedestrian Overlay District (PED) are as follows:
- (1) Sidewalks and trees will be installed in accordance with a streetscape plan approved by the city council.
 - (2) Trees must be planted in accordance with the "Charlotte Tree Ordinance" as per the "Charlotte-Mecklenburg Land Development Standards Manual."
 - (3) The Planning Director with the affirmative recommendation of the City Arborist/Urban Forester shall have the authority to modify the above streetscape requirements, including the modification of the planting strip, sidewalk location and width in order to preserve existing trees.
- (g) Valet parking may be incorporated into the parking plan, and shall be reviewed on a case-by-case basis. If utilized, the following requirements shall be met:
- (1) Valet parking shall be located at the existing curb.
 - (2) Valet Parking plans shall be submitted to the Charlotte Department of Transportation (CDOT) for review. Approval of the valet parking plan shall be obtained from CDOT.

- (3) Valet parking is not permitted on streets or thoroughfares where on-street parking/loading is not permitted.
- (4) No reduction in the width of the sidewalk or the planting strip is allowed for valet cutouts. If special valet parking is desired, it shall be incorporated into the parking lot or parking structure area. (Ord. No. 1470, § 1(1), 3-20-2000; Ord. No. 2223, § 1(7--9), 1-21-2003)

Section 10.805. Applicability.

The PED will be applied to selected corridors as an overlay to existing zoning districts, but will not be applicable to the Mixed Use Development District (MUDD), Uptown Mixed Use District (UMUD), and the Neighborhood Services District (NS). If the regulations and standards of this Pedestrian Overlay District conflict with those of the underlying district, those of this overlay district shall apply.

A PED is not established until a rezoning petition is approved designating the boundaries for the particular corridor and a streetscape plan is approved by the city council. The designated PED shall be shown on the official zoning maps. The development and urban design standards for a PED are stated in sections 10.804 and 10.805 respectively.

- (1) *Exceptions to applicability.* New development within areas designated as PED is subject to the development and urban design standards of PED, with the following exceptions:
 - (a) Change of use, nonresidential to nonresidential with no expansion:
 - (1) A change of use in an existing building from a nonresidential use to another nonresidential use that does not require more than five (5) additional parking spaces based on the PED parking standards will require screening of existing and expanded parking. However, none of the other PED requirements will apply.
 - (2) A change of use in an existing building from a nonresidential use to another nonresidential use that requires more than five (5) additional parking spaces based on the PED parking standards must provide all of the additional required parking. Existing parking must comply with the parking lot screening requirements of PED. Any additional parking must conform to the requirements of the PED, but none of the other PED requirements are applicable.
 - (b) Change from a residential use to a nonresidential use with no expansion. If a residential use is changed to a nonresidential use with no expansion, the use is exempt from the PED requirements except the following shall apply:
 - (1) Implement streetscape requirements of PED.

- (2) Remove any nonconforming parking and provide required parking of PED.
 - (3) Meet buffering and screening requirements of PED.
- (c) Expansions of less than five (5) percent of the building area or one thousand (1,000) square feet, whichever is less, are exempt from the PED requirements except:
 - (1) Such expansion must meet the minimum setback, yard and height requirements of PED.
 - (2) Provide any required additional parking according to the PED standards.
- (d) Expansions of more than subsection (c) above:
 - (1) The entire site must be brought up to the PED requirements, except any existing building which will become nonconforming may remain.
- (e) Creation or expansion of outdoor seating:
 - (1) Creation or expansion of outdoor seating is not considered an expansion of the building area.
 - (2) Additional parking spaces shall not be required unless such outdoor seating requires more than five (5) additional spaces based on the PED parking standards. Any additional parking must conform to the requirements of the PED, but none of the other PED requirements are applicable.
 - (3) Outdoor seating within an existing right-of-way or public sidewalk easement must have an encroachment agreement approved by the CDOT.
- (f) Major facade improvements to existing buildings. New exterior improvements (beyond paint and general maintenance such as roof or window repair or replacement) that exceed twenty-five (25) percent of the current listed tax value of the entire property shall be subject to the following:
 - (1) Eliminate any nonconforming parking from the required setback. Such elimination will not require any additional parking even if the site is rendered nonconforming.

- (2) Streetscape improvements and screening according to the PED standards will be required.
- (g) Additional parking for existing development. No additional parking areas
- (h) Removal of required buffer for additional parking. If an existing buffer or screening area is removed for more than five (5) additional parking spaces, an equal number of existing nonconforming parking spaces within the established setback must be removed and replaced with landscaping, patios and/or other related amenities, in addition to the requirements of Section 10.804(1)(f). The additional parking must meet the requirements of this overlay district. (Ord. No. 1470, § 1(1), 3-20-2000; Ord. No. 1587, § 1(18), 7-24-2000; Ord. No. 2223, § 1(10, 11), 1-21-2003)

Section 10.806. Administrative approval.

To offer some degree of flexibility the planning director has the authority to administratively alter any of the development and urban design standards by five (5) percent in this overlay district. If administrative approval is for parking, the planning director will only grant this approval after consulting with the CDOT. On matters that do not involve quantitative measurements, the planning director may also make minor alterations if he/she determines that such changes would be an innovative design approach to development and/or would be in keeping with the general intent of the PED.

Any approval must meet the following criteria:

- (1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the PED intent; and
- (2) Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the PED. (Ord. No. 1470, § 1(1), 3-20-2000)

Section 10.807. Board of adjustment.

The board of adjustment shall have no jurisdiction to grant variances from the development and urban design standards of section 10.804. A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to section 10.806 or as a result of a council-approved pedestrian overlay district (optional). The board shall have no jurisdiction with respect to an interpretation of, or decision about, section 10.803 or 10.804 urban design standards except as a result of notice of zoning violation for which an appeal can be filed to the board. (Ord. No. 1470, § 1(1), 3-20-2000)

Section 10.808. Pedestrian overlay district (optional); purpose.

The pedestrian overlay district (PED) establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the city council may evaluate and approve development, which does not meet the minimum standards of the PED.

The pedestrian overlay district (optional), or PED-O, is established to provide a mechanism to review and address new development concepts, innovative designs, special problems, public/private ventures, and other unique proposals or circumstances which cannot be accommodated by the standards of the PED. It also serves as a mechanism for altering or modifying of these minimum standards as they relate to a specific development.

The PED standards form the basic framework as guidelines that will be used to evaluate a PED-O proposal, but any of the standards in the PED may be modified in the approval of the PED-O application.

(Ord. No. 1470, § 1(1), 3-20-2000; Ord. No. 1587, § 1(19), 7-24-2000)

Section 10.809. Pedestrian overlay district (optional); application.

Petitions for a zoning map amendment to establish a PED-O should be submitted to the Charlotte-Mecklenburg Planning Commission. A PED-O classification will be considered only upon application of the owner of the subject property or his duly authorized agent. Applications must be accompanied by a schematic plan and by any supporting text that becomes a part of the amending ordinance.

(Ord. No. 1470, § 1(1), 3-20-2000)

Section 10.810. Pedestrian overlay district (optional); review and approval.

The establishment of the pedestrian overlay district (optional) shall be in accordance with the procedures of Chapter 6, Part 2: Conditional Zoning Districts. The city council will also consider the extent to which the basic standards of the PED are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications. (Ord. No. 1470, § 1(1), 3-20-2000; Ord. No. 1587, § 1(20), 7-24-2000)

Section 10.811. Pedestrian overlay district (optional); effect of approval; alterations.

Changes to approved plans and conditions of development will be treated the same as changes to the zoning map and will be processed in accordance with the procedures section 10.806, Administrative Approval. (Ord. No. 1470, § 1(1), 3-20-2000)

Section 10.812. Preliminary review.

Applicants planning any development or redevelopment in a PED area are required to meet with the Charlotte-Mecklenburg Planning staff, engineering and property management department, and Charlotte Department of Transportation at two (2) points in the design process: (1) during the conceptual design process in order that the staff may offer input into urban design objectives and to interpret the approved streetscape plan for that area, and (2) during the design development stage to insure that the plans meet the desired objectives and the minimum standards for the district. The pedestrian overlay district (optional) process does not exempt applicants from this preliminary review. Building permits will not be issued until the planning commission staff approves the proposal as in conformance with this part.

(Ord. No. 1470, § 1(1), 3-20-2000)

Code of Ordinances, City of Charlotte

Appendix A: Zoning

Chapter 10, Part 9: Transit Supportive Overlay District

Section 10.901. Purpose.

The transit supportive (TS) overlay district is established to:

- (1) Introduce transit supportive and pedestrian oriented development regulations and uses, [and]
- (2) Encourage properties to transition to more transit supportive development and uses up to one-half (1/2) mile walking distance from a transit station.

The purpose of this overlay district is to create a set of additional standards designed to accommodate the continued existence and minor expansion of existing uses while transitioning to a more compact, high intensity, transit supportive mix of uses that complement adjacent neighborhoods.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.902. Applicability.

The transit supportive (TS) overlay district shall be applied to select transit station areas with an approved station area plan, but shall not be applicable in the mixed use development district (MUDD), uptown mixed use district (UMUD), and the transit oriented development districts (TOD R, TOD-E, TOD-M).

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.903. Conflicts.

If the regulations and standards of this district conflict with those of the underlying district, those of this district shall apply.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.904. Rezoning to a transit supportive overlay district (TS).

Amendment(s) for the reclassification of property to TS may be initiated in a number of ways. The city council or planning commission, on its own motion, or a non-owner may initiate an amendment for reclassification of property to TS after a station area plan has been approved. Any owner with a legal interest in a piece of property, or anyone else authorized in writing to act on the owner's behalf, may initiate an amendment or reclassification to TS prior to the approval of a station area plan, in accordance with the procedures set forth in chapter 6. A city/county department may initiate an amendment for reclassification of property to TS to implement a public project.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.905. Uses.

- (1) All uses permitted in the underlying zoning district by right or under prescribed conditions are permitted with the exception that the following uses are not allowed in the TS overlay district:
 - (a) Automobile or truck washing facilities.
 - (b) Vehicle sales such as tractor-trucks and accompanying trailer units.
 - (c) Boat or ship sales, repairs, dry storage.
 - (d) Body shops, free-standing. (Body shops that are an accessory to automotive sales and service establishments are permitted as an accessory use).
 - (e) Building material sales and service.
 - (f) Cemeteries.
 - (g) Cold storage plants.
 - (h) Contractor storage.
 - (i) Distributive businesses greater than ten thousand (10,000) square feet.
 - (j) Funeral homes, internment services, embalming, and crematories.
 - (k) Hazardous materials storage and treatment.

- (l) Heavy industrial uses permitted by right or under prescribed conditions including, but not limited to: abrasive and asbestos products; aircraft and parts; agricultural chemicals; alcoholic beverages; asphalt paving and roofing materials; brick, tile, and clay products; chemical manufacture, refining and processing; concrete, gypsum and plaster products; construction and related machinery; cut stone and stone products; electrical distribution equipment; electrical industrial apparatus; engines and turbines; fabricated metal products; farm and garden machinery; fats and oils processing; furniture and fixtures; glass and glassware; guided missiles, space vehicles, etc.; industrial machinery; leather tanning; manufactured housing; meat products, including slaughtering and dressing; motorcycles and parts; ordinance and accessories; paper and allied products; petroleum and coal products; plastic and rubber products; railroad equipment; refrigerator and service machinery; sugar refining, textile mill products; tires and inner tubes; wire products; and other similar uses.
 - (m) Jails and prisons.
 - (n) Manufactured home sales and repair.
 - (o) Mining and extraction establishments.
 - (p) Outdoor storage of any type, occupying more than one (1) acre.
 - (q) Quarries.
 - (r) Retail equipment sales, service, rental and/or leasing.
 - (s) Tire recapping and retreading.
 - (t) Towing services.
 - (u) Truck and freight transportation services.
 - (v) Truck stops and/or terminals.
 - (w) Waste incinerators.
 - (x) Wholesale distribution of petroleum products, heating fuel, propane, alternative fuels, etc.
 - (y) Wholesale sales establishments greater than ten thousand (10,000) square feet.
- (2) The following use, which is not permitted in some of the underlying districts, shall be permitted:

- (a) Residential uses, subject to the standards of this overlay district.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.906. Accessory uses.

Accessory uses and structures clearly incidental and related to the principal use or structure on the lot are allowed, with the following exception:

- (1) Drive-through service lanes are only permitted if allowed in the underlying zoning district. Drive-through windows shall only be located on the same site as the principal use, and shall be located to the rear of the principal use, to minimize visibility along public rights-of-way. Freestanding drive-through lanes are prohibited. Principal uses with drive-through service windows shall meet the following requirements:
 - (a) For professional business and general office uses, no more than four (4) drive-through service lanes shall be permitted per individual use.
 - (b) For retail uses, no more than one (1) drive-through service window with no more than two (2) service lanes shall be permitted per individual use.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.907. Development standards.

The following requirements apply to all buildings or uses in TS unless specified otherwise in section 10.909:

- (1) *Minimum setback.*
 - (a) The minimum building setbacks along particular streets shall be determined by the adopted station area plan. When a station area plan does not exist, or does not specify a specific setback, the minimum setback shall be sixteen (16) feet.
 - (b) The minimum setback shall be measured from the back of all existing or future curb lines, whichever is greater. If the existing right-of-way is greater than the minimum setback from the back of existing or future curb lines, the right-of-way line shall become the minimum setback. If the existing curb line varies, the setback shall be measured from the widest section. Curb lines are to be determined jointly by the Charlotte Department of Transportation (CDOT) director, or his designee, and the planning director, or his designee.
 - (c) If new construction incorporates an existing structure located within the required setback, the CDOT director or his designee, and the planning

director or his designee, may allow the setback for the addition to be reduced to the established setback. In no event shall the setback of any portion of the new structure be less than ten (10) feet from the back of the curb line.

- (d) For the purposes of this section, the minimum setback applies to all street frontages, not just to the street toward which the structure is oriented.
 - (e) All above ground, at ground, and below ground structures associated with underground electric, natural gas, telecommunications or cable television distribution lines, pipes, or conduits, shall be located behind the minimum setback. This includes as air vents, vaults, and backflow preventers.
 - (f) No new doors shall be permitted to swing into the minimum setback, except for emergency exit doors.
 - (g) Walls and fences are not permitted in the minimum setback, except for outdoor seating areas. Outdoor seating areas may be surrounded with walls and fences, subject to an approved encroachment agreement with CDOT if the wall or fence will be located in the right-of-way or sidewalk, and subject to approval by the planning director, if located within the minimum setback.
 - (h) No canopies or signs are permitted in the minimum setback, except as provided for in subsections 10.908 (6) and (7).
 - (i) Driveways may cross the setback, but shall be as near as possible to perpendicular to the street, so as to minimize intrusion into any landscaped area, and for pedestrian safety.
 - (j) Balconies may project up to two (2) feet in the minimum setback, subject to an approved sidewalk encroachment agreement with CDOT. Balconies shall have a minimum clearance of ten (10) feet from grade.
 - (k) Sidewalk arcades may be located within the sidewalk portion of the minimum setback, at sidewalk level, subject to an approved sidewalk encroachment agreement with CDOT. Sidewalk arcades shall maintain a minimum ten (10) feet clear, unobstructed space between arcade supports, and a minimum overhead clearance of ten (10) feet. No arcade support shall be located closer than fourteen (14) feet from the back of the existing or future curb line, whichever is greater.
- (2) *Minimum side and rear yards.* None required, except if a side or rear yard is provided, the minimum width shall be five (5) feet, with the following exceptions:
- (a) When a lot abuts an existing residential structure or a single family, multi-family, or urban residential zoning district, (excluding TS or TOD zoned

property) then a minimum side yard of five (5) feet and/or a minimum rear yard of twenty (20) feet shall be required.

- (b) When a lot abuts a rapid transit corridor, a minimum rear yard setback shall be required, as specified in an adopted station area plan. If a station area plan has not been adopted, then the minimum yard setback from the centerline of the rapid transit corridor shall be a minimum of thirty-five (35) feet, or the width of the right-of-way, whichever is greater.
- (3) *Maximum height.* The permitted maximum height shall be determined by the distance of the structure to the boundary line of the nearest single-family residential districts (R-3, R-4, R-5, R-6, and R-8). This distance shall be the shortest measurable distance between the building footprint edges and nearby single-family residential district boundaries.

The base height for the TS district shall be forty (40) feet. Height increases for portions of the building that are a further distance from single-family residential zoning districts, are allowed at a rate of one additional foot of height for every ten (10) feet of additional distance the portion of the building is from the edges of nearby single-family zoning districts. The intent of this standards is to allow the height of a portion of a structure to increase the further away it is from nearby single-family residential zoning districts, resulting in a building with varying heights. The maximum height shall be one hundred twenty (120) feet.

- (4) *Minimum residential density.*

- (a) Residential development, and the residential component of multi-use developments shall have a minimum density of twelve (12) dwelling units per acre if an adopted station area plan exists. When a station area plan has not been adopted, the minimum density shall be ten (10) dwelling units per acre. Densities shall be based on the residential portion of the site.

For large or phased projects, the residential density for each phase shall meet or exceed the minimum density requirements. If phases cannot meet this requirement, but the overall master plan meets or exceeds the minimum density requirements, approval may be granted by the planning director for phases that meet at least eighty (80) percent of the minimum residential density requirements, or the applicant may choose to rezone to the optional TS-O zoning district, which allows variations in the TS standards.(See section 10.912)

- (b) The residential component of mixed-use developments shall meet the floor area ratio (FAR) requirements of subsection 10.907(5).

- (5) *Floor area ratio.*

- (a) The total minimum floor area ratio of buildings on a development site shall not be less than .50 square feet of floor area to one (1) square foot of the development site (.50 FAR) if an adopted transit station area plan exists. If a transit station area plan has not been adopted, development shall have a minimum FAR of .35. The FAR shall apply to the following uses:
1. All non-residential uses (except those excluded in subsection 10.907(5)(e).
 2. Non-residential uses of multi-use developments.
 3. Residential uses of mixed-use developments.
- (b) For large or phased projects, the minimum FAR for each phase shall meet or exceed the minimum FAR requirements. If phases cannot meet this requirement, but the overall master plan meets or exceeds the minimum FAR requirements, approval may be granted by the planning director for phases that meet at least eighty (80) percent of the minimum FAR density requirements, or the applicant may choose to rezone to the optional TS-O zoning district, which allows variations in the TS standards. (See section 10.912.)
- (c) Plazas, arcades, courtyards, galleries, outdoor cafes, rooftop gardens, and widened public sidewalks that enhance pedestrian spaces and amenities can be credited toward meeting the minimum required FAR. If the pedestrian spaces/amenities are available to the public then the square footage shall be credited at one hundred (100) percent; if private, then the square footage shall be credited at fifty (50) percent. In no instance shall more than twenty (20) percent of the pedestrian area be credited toward the required FAR.
- (d) An FAR credit shall be given for structured parking facilities that devote at least seventy-five (75) percent of the linear street level frontage of the building to retail, office, civic, institutional, or residential uses. Similarly, an FAR credit shall be allowed for structured parking facilities that provide such uses above the street level, and/or on any other side of the building. See subsection 10.907(6)(1) for credit amounts.
- (e) Certain principal uses are exempt from meeting the minimum FAR requirements:
1. Transit stations (bus or rail), parking facilities, and bus shelters.
 2. Private parking decks (principal use only) and surface parking facilities.
 3. Existing development and expansions of existing development.

4. Freestanding group homes for up to ten (10) residents.
5. Public and private recreation parks and playgrounds.
6. Utility and related facilities.
7. Electric and gas substations.

(6) *Parking standards.*

- (a) New permitted uses within this zoning overlay district shall be required to meet the minimum/maximum number of off-street parking spaces as follows: All square footage is measured as "gross footage".

USE	MINIMUM/MAXIMUM NUMBER OF PARKING SPACES
Residential	Maximum of two (2) parking spaces per dwelling unit.
Office	Maximum of one parking space per two hundred twenty-five (225) square feet of office space. Mixed-use developments and multi-use developments of residential and office uses may share parking spaces as per section 12.203.
Restaurants/nightclubs	Minimum of one parking space per one hundred twenty-five (125) square feet of restaurant/nightclub space, but no more than one (1) space per seventy-five (75) square feet.
Retail	Maximum of one space per one hundred eighty-five (185) square feet.
All other non-residential uses	The maximum number of parking spaces permitted is the minimum amount required in Table 12.202, per non-residential use, plus twenty-five (25) percent.

1. The required number of parking spaces for any building within the district, including mixed use buildings, shall be the sum total of the requirements for each use in the building calculated separately.
2. Parking maximums may be exceeded by up to a total of thirty (30) percent of the maximum, under the following circumstances, if one or more of the following is provided:
 - a. If structured or underground parking is provided on site, parking maximums may be exceeded by twenty-five (25) percent.

- b. If a shared parking agreement is executed, the parking maximum may be exceeded by twenty (20) percent.
 - c. If all parking spaces are located behind the building and are not visible from the public right-of-way, parking maximums may be exceeded by ten (10) percent.
 - d. If driveways and access points are shared by at least two (2) adjacent properties, parking maximums may be exceeded by ten (10) percent.
 - e. If a provision is made for combining or interconnecting adjacent parking lots and pedestrian access points, parking maximums may be exceeded by ten (10) percent.
3. A twenty-five (25) percent parking reduction in the minimum number of parking spaces required is allowed if the principal use is located within eight hundred (800) feet of a parking facility available to the general public or within eight hundred (800) feet of public transit park-and-ride facilities with an approved joint use agreement. This section in combination with subsection 12.202(2) allows for no more than a twenty-five (25) percent parking reduction of the minimum requirements.
- (b) The provisions for parking standards shall conform to the general requirements of chapter 12, part 2, except as provided for in this section.
 - (c) No surface parking or maneuvering space shall be permitted within any required or established setback, or between the permitted use and the required setback, except that driveways providing access to the parking area may be installed across these areas. It is the intent that these driveways be as nearly perpendicular to the street right-of-way as possible to minimize intrusion into the landscaped area, and for pedestrian safety.
 - (d) On-street parking spaces located along the portion of a public street(s) abutting the use where parking is currently permitted may be counted toward the minimum number of parking spaces as required by this ordinance. Those on-street parking spaces must be located on the same side of the street as the use, have a dimension of at least twenty-two (22) feet in length, and be located in areas approved by the Charlotte Department of Transportation (CDOT). However, on-street parking directly across the street from the use may be counted if that parking abuts property that is undevelopable because of physical constraints.

In the event that the city or state removes any on-street parking that was allowed to count toward the minimum requirement, the existing use shall not

be required to make up the difference and shall not be made non-conforming with respect to parking. On-street parking spaces shall not be counted in calculating maximum parking spaces.

- (e) All recessed on-street parking shall comply with Charlotte's Urban Street Design Guidelines, when adopted.
- (f) The vehicular parking requirements may be met on-site or off-site at a distance of up to eight hundred (800) feet from the permitted use. Off-site parking to meet the requirements of this section may be provided through a lease, subject to the review and approval of engineering and property management (for commercial and planned multi-family projects, change of use permits) or neighborhood development (for all other residential projects, and change of use permits).
- (g) Parking that is located to the rear of the primary structure may extend the entire width of the lot, with the exception of any required screening or landscaped areas. Parking that is located to the side of the primary structure shall not cover more than thirty-five (35) percent of the total lot width.
- (h) Shared parking shall be permitted and encouraged pursuant to the regulations of section 12.203.
- (i) Bicycle parking facilities shall be required as per chapter 12, part 2.
- (j) All surface parking shall conform to the internal planting requirements for parking areas in the city tree ordinance.
- (k) All parking areas for more than ten (10) motorized vehicles (except for parking areas for detached duplex, triplex or quadraplex dwellings on a single lot) shall provide screening which consists of either a five-foot-wide planting strip consisting of evergreen shrubbery according to the provisions of subsection 12.303(2), or a two and one-half (2 1/2) foot minimum to a three-foot maximum masonry wall that shall be forty (40) percent to fifty (50) percent open and finished, or an alternative as approved by the planning director. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum three-foot-wide planting strip.

If a wall is provided, then the area devoted to the wall shall be wide enough to allow for its maintenance.

The five-foot planting strip or the wall may be eliminated if abutting parking lots are combined or interconnected with motor vehicular and pedestrian access.

Shrubs and walls may be reduced in height to thirty (30) inches when located within sight triangles as required by the Charlotte Department of Transportation (CDOT). In no instance shall a chain link fence or a barbed wire fence be permitted.

(l) Any new or expanded structured parking facility shall meet the following requirements:

1. At least fifty (50) percent of the linear street level frontage of the facility shall be devoted to retail, office, civic, institutional, or residential uses. If seventy-five (75) percent or more of the linear street frontage is devoted to such uses, then the total square footage of the uses shall be credited at two hundred (200) percent toward the required FAR minimums.
2. If retail, office, civic, institutional, or residential uses are constructed on the side or rear of the building, or above the ground floor on the street frontage of the building, then the total square footage of these uses shall be credited at two hundred (200) percent toward the required FAR minimums.
3. Underground parking structures are permitted. Subsurface parking located in the minimum setback shall be permitted, with an eight-foot clearance from the top of the subsurface structure to the sidewalk, subject to an approved encroachment agreement with CDOT. No ventilation shall be allowed in the setback.
4. A minimum nine-foot clearance shall be maintained on the first level and any additional level that provides disabled parking spaces. A minimum seven-foot clearance shall be maintained throughout the remainder of the parking structure to ensure the safe movement of vans and emergency vehicles.

(m) Parking lots (temporary surface lots), over one acre, shall meet the following requirements:

1. An operator of a temporary parking lot shall apply for a permit from engineering and property management. A permit shall not be issued until the planning director, or his or her designee has been consulted and supports approval. The permit shall authorize a temporary parking lot for a period of ten (10) years from the date the permit is issued.
2. Temporary, surface parking lots shall not be permitted when the lot adjoins a residentially used parcel of land, not zoned TS, TOD-R, TOD-

E, TOD-M, unless the parking lot will be located on a major thoroughfare.

3. The use shall not require the construction of a permanent building.
4. Any signage, which identifies the use, shall be in accordance with subsection 10.908(7).
5. Parking and maneuvering shall observe the minimum setbacks determined in each adopted station area plan for particular streets, and be located outside the site distance triangle. If an adopted station area plan does not specify a setback, or if there is not an adopted station area plan, the minimum setback shall be twenty (20) feet.
6. The operator is responsible for the removal of any vestiges upon cessation of the temporary parking lot, including signage.

(7) *Loading standards.*

- (a) Non-residential buildings and structures, excluding parking structures, subject to the provisions of this part shall provide a minimum number of off-street service/delivery loading spaces. These spaces shall be designed and constructed so that all parking maneuvers can take place entirely within the property lines of the premises. These loading spaces shall not interfere with the normal movement of vehicles and pedestrians on the public rights-of-way, except as permitted by subsection 20-29[14-25] of the City Code. These loading spaces shall be a minimum of ten (10) feet by twenty-five (25) feet and be provided in accordance with the following:

Non-residential uses with gross floor area:

Less than fifty thousand (50,000) square feet: None required

Fifty thousand (50,000) to one hundred fifty thousand (150,000) square feet:
One space

Each additional one hundred thousand (100,000) square feet: One space

Existing buildings are exempt from these loading standards.

- (b) No loading spaces shall be permitted within any required or established setback, nor between the permitted use and the required setback, except that driveways providing access to the loading area may be installed across these areas.

(8) *Screening standards.*

- (a) All service entrances and utility structures associated with a building and loading docks or spaces shall be screened from the abutting property and from public view from a public street or from a transitway. Such screening shall consist of a five-foot wide planting strip, consisting of evergreen shrubbery sufficient to visually separate these uses, or an alternative as approved by the planning director.

An optional wall or fence may be located in the five-foot planting strip, but shall be no higher than two and one-half (2 1/2) to three (3) feet in height, and shall be constructed to be between forty (40) percent to fifty (50) percent open, for safety purposes. Walls may be reduced in height to thirty (30) inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).

1. Any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the zoning administrator. The finished side of the fence shall face the abutting property. In no instance shall a fence or wall be located within a setback. Nor shall a chain link or barbed wire fence be permitted.
2. The composition of the screening material and its placement on the lot shall be left up to the discretion of the property owner, as long as the intent of this part is met. However, a wall cannot be substituted for the planting strip along any public street or transitway unless supplemented by landscaping in a minimum three-foot-wide planting strip.
3. Shrubs used for screening shall be evergreen, at least two (2) to two and one-half (2 1/2) feet tall with a minimum spread of two (2) feet when planted and no further apart than five (5) feet. Shrubs shall be adequately maintained so that an average height of five (5) to six (6) feet can be expected as normal growth within four (4) years of planting. The average expected height may be reduced to four (4) feet for screening along public streets. Shrubs and trees shall be on the approved plant list in appendix 1. Walls may be reduced in height to thirty (30) inches within sight triangles as required by the Charlotte Department of Transportation (CDOT).
4. The minimum height for walls and fences abutting a residential district shall be six (6) feet. The minimum height for screening shall

be whatever shall be sufficient to visually separate the uses, but not less than four (4) feet.

- (b) Dumpsters, recycling containers, compactors, and solid waste handling areas are not permitted in any setback or yard and shall be screened from adjacent property and from public view with a minimum six-foot-high solid and finished masonry wall, with a closeable gate that shall be forty (40) percent to fifty (50) percent open for safety and security. In no instance shall a chain link fence or a barbed wire fence be permitted. Dumpsters are not allowed in any minimum setback or yard space.
 - (c) Parking areas and structures shall provide screening in accordance with subsection 10.907(6)(k).
- (9) *Buffer standards.*
- (a) All uses, other than single-family detached units, shall provide landscaping along all property lines abutting residentially zoned property (single-family, multi-family and urban residential zoning districts) located adjacent to the transit supportive overlay zoning district. This requirement also applies in situations where an alley with a right-of-way width of twenty-five (25) feet or less, separates uses in the TS district from residential property in other zoning districts other than the TOD and TS districts. Landscaping shall be provided along all property lines abutting the alley. However, multi-family developments zoned TS are exempt from this landscaping requirement when they abut other multi-family uses or undeveloped multi-family zoning districts.
 - (b) Such landscaping shall consist of a ten-foot wide planting strip. The planting strip shall consist of a combination of evergreen trees and evergreen shrubs. Plant materials shall be provided at a minimum of six (6) trees and twenty (20) shrubs per one hundred (100) linear feet in accordance with subsections 12.302(9)(b), (c), (d) and (e). The ten-foot planting strip may be reduced to eight (8) feet and the shrubs need not be planted if a masonry wall with a height of between six (6) feet to eight (8) feet in a side yard or between eight (8) feet to ten (10) feet in a rear yard is installed. No more than twenty-five (25) percent of the wall surface shall be left open. Shrubs and walls may be reduced in height to thirty (30) inches within sight triangles as required by the Charlotte Department of Transportation (CDOT). This landscaping area may be interrupted with a gate/pedestrian access way or a driveway to an adjacent alley.

In no instance shall a chain link or barbed wire fence be permitted.

- (10) *Outdoor lighting standards.*

- (a) All outdoor lighting fixtures for parking lots, and pedestrian activity areas shall be classified as full cut-off, cutoff or semi-cutoff. In addition, any building light fixtures used to illuminate parking and pedestrian areas, and service areas shall be classified as full cutoff, cutoff or semi-cutoff.
 - (b) No outdoor lighting fixture or building light fixtures shall cause glare on public travel lanes or on adjacent residentially used or zoned property. All fixtures shall be screened in such a way that the light source shall not cast light directly on public travel lanes or on adjacent residentially used or zoned property.
 - (c) The lighting of signs shall be in accordance with standards of chapter 13.
- (11) *Connectivity and circulation.* Transit oriented development uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel modes.
- (a) A pedestrian sidewalk system shall meet the following standards:
 - (1) Internal sidewalk connections are required between buildings and from buildings to all on site facilities (parking areas, bicycle facilities, urban open space, etc.) in addition to the sidewalk requirements of subsection 10.908(8)(e). All internal sidewalks shall be hard-surfaced and at least six (6) feet in width.
 - (2) External sidewalk connections are required to provide direct connections from all buildings on site to the existing and/or required sidewalk system, and to adjacent multi-use trails, parks, and greenways. The connection shall be no longer than one hundred twenty (120) percent of the straight-line distance from all buildings to the existing or proposed sidewalk, or no more than twenty (20) feet longer than the straight-line distance, whichever is less. Sidewalks shall be hard-surfaced and at least six (6) feet in width. The sidewalk width can be reduced to four (4) feet in width, if the internal sidewalk serves less than four (4) dwelling units.

The planning director shall have the authority to modify this requirement when unusual circumstances exist, such as topographical problems or compliance with ADA standards.
 - (3) The on-site pedestrian circulation system shall be lighted to a level where employees, residents, and customers can safely use the system at night.
 - (b) Bicycle parking and storage facilities shall be provided in accordance with chapter 12, part 2 of this appendix.

(12) *Urban open spaces.*

- (a) Urban open spaces for public congregation and recreational opportunities shall be required for all new buildings with a gross floor area greater than fifty thousand (50,000) square feet. Such buildings shall provide useable open space behind the required setback and on private property proportionate to the building square footage according to the following schedule:

Lot Size	Open Space Requirement
Zero to twenty thousand (20,000) sq. ft. (gross)	One square foot/two hundred (200) sq. ft.
Twenty thousand one (20,001) to forty thousand (40,000) sq. ft. (gross)	One square foot/one hundred fifty (150) sq. ft.
Forty thousand one (40,001) + sq. ft. (gross)	One square foot/one hundred (100) sq. ft.

- (b) Open space may be located on the roofs of buildings, or enclosed on the ground floor. A maximum of thirty (30) percent of the required open space may be provided on an enclosed ground floor level. All open space shall be easily observed from the street or pedestrian areas.
- (c) All required open space shall be accessible to the users of the building and improved with seating, plantings, and amenities, and be visible from the street or pedestrian areas.
- (d) Floor area ratio credits are allowed for all new developments as per subsection 10.907(5)(c) when the pedestrian space is available for use by the public, including widened sidewalk areas.

(Ord. No. 2881, § 1(2), 2-21-2005; Ord. No. 3017, § 1H7, 6-20-2005)

Section 10.908. Urban design standards.

All buildings and uses developed in this overlay district shall meet the following minimum standards:

(1) *Street walls.*

- (a) All retail and office buildings fronting directly on a street shall be designed so that the first floor street facade of the building(s) along all streets includes clear glass windows and doors. These openings shall be arranged so that the uses are visible from and to the street on at least fifty (50) percent of the length of the first floor street level frontage.

- (b) For all other uses, buildings shall be designed so that the first floor street facade along all streets includes the use of clear glass windows and doors arranged to that the uses are visible from and/or accessible to the street on at least twenty-five (25) percent of the length of the first floor street frontage. When this approach is not feasible, a combination of design elements shall be used on the building facade to animate and enliven the streetscape. These design elements may include but are not limited to the following: ornamentation; molding; string courses; changes in material or color; architectural lighting; works of art; fountains and pools; street furniture; stoops, landscaping and garden areas; and display areas.
 - (c) The first floor facade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity.
 - (d) Expanses of blank wall shall not exceed twenty (20) continuous feet in length. A blank wall is a facade that does not add to the character of the streetscape and does not contain clear glass windows or doors or sufficient ornamentation, decoration or articulation.
 - (e) No reflective surfaces shall be permitted on street level exterior facades.
 - (f) Ventilation grates or emergency exit doors located on the first floor street facade(s) shall be decorative and part of the overall building design.
- (2) *Base of high rise buildings (buildings exceeding five (5) stories).*
- (a) The first three (3) floors above street grade shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment. Such elements as cornices, corbelling, molding, stringcourses, ornamentation, changes in material or color, recessing, architectural lighting and other sculpturing of the base as are appropriate shall be provided to add special interest to the base.
 - (b) In the design of the building facade, attention shall be paid to the appearance both during the day and at night. Material and color changes alone do not meet the requirements of this section and design elements, which are used to meet the requirements of this section, shall be visually continuous around the building. In the event that a building facade is not visible from a public street or right-of-way then the planning director has the option of waiving this requirement.
 - (c) Special attention shall be given to the design of windows in the base. Band windows are prohibited. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged.

(3) *Top of buildings.*

- (a) All rooftop mechanical equipment on buildings over sixty (60) feet in height shall be screened from public view from below by integrating the equipment into the building and roof design to the maximum extent feasible, by the use of parapet walls or similar architectural treatments. Buildings under sixty (60) feet in height shall screen all rooftop mechanical equipment from public view from above or below (based on the type of mechanical equipment utilized) by integrating it into the building and roof design to the maximum extent feasible.

(4) *Building entrances and orientation.*

- (a) At least one (1) or more operable pedestrian entrance per building shall be provided in at least two (2) of the following circumstances:
1. When a lot abuts a public street right-of-way, at least one entrance shall be provided along all building facades fronting all public right-of-ways.
 2. When a lot abuts an existing or proposed public open space, multi-use trail, or greenway, an entrance shall be provided on the building facade closest to public open space, multi-use trail, or greenway.
 3. When an adopted station area plan depicts a required sidewalk not specified in the subsections above, an entrance shall be provided on the building facade closest to the required sidewalk.

If all three (3) of these circumstances exist, only two (2) entrances shall be required, with the third being optional.

Distances shall be measured in a straight line from the closest point of the property line to the closest point of the right-of-way, public open space, transit station platform.

- (b) Such entrances shall be distinguishable from the rest of the building to provide a sense of entry and to add variety to the streetscape. No doors shall be permitted to swing into the minimum setback, except for emergency exit doors.
- (c) On corner lots, buildings may provide one main entrance oriented to the corner or facing either of the streets.
- (5) *Structured parking facilities.* Structured parking facilities shall be designed to encourage and complement pedestrian-scale interest and activity, and shall be designed so that motorized vehicles parked on all levels of the facility inside are

screened from the street or transitway, or abutting residentially zoned and/or used property. Decorative elements such as grillwork or louvers shall be utilized to accomplish this objective.

Openings at the street level are limited to vehicular entrances, pedestrian access to the structure, and ventilation openings. All openings shall be decorative and shall be an integral part of the overall building design.

- (6) *Canopies.* Canopies, awnings, cornices, and similar architectural accents are permitted on exterior building walls. Such features shall be constructed of rigid or flexible material designed to complement the streetscape of the area. Any such feature may extend from the building up to one-half of the width of the setback area in front of the building, or nine (9) feet whichever is less, and may not be closer than two (2) feet to the back of the curb line. In no instance shall such features extend over, or interfere with the growth or maintenance of any required tree plantings. Minimum overhead clearance shall be eight (8) feet. Ground supports for these features are not permitted in the minimum setback, sidewalk, or in the public right-of-way. If a canopy, awning, cornice, or other appurtenance extends into the public right-of-way, an encroachment agreement from CDOT or the state shall be required.
- (7) *Signs, banners, flags and pennants.* Where signs, banners, flags and pennants for identification or decoration are provided, they shall conform to the requirements of chapter 13, except for the following:
 - (a) Wall signs shall meet the specifications of subsection 13.108a, with the exception that signs located on any building wall shall have a maximum sign surface area not to exceed five (5) percent of building wall area to which the sign(s) is attached, up to a maximum of one hundred (100) total square feet. Wall signs may be increased by twenty (20) square feet per sign in lieu of a ground mounted or monument sign. A bonus of four (4) square feet in size (twenty (20) percent) shall be allowed if the sign is lit one hundred (100) percent by neon light.
 - (b) Signs are permitted to project up to six (6) feet into the minimum setback as measured from the building. Under no circumstance shall a sign project more than four (4) feet from the back of the curb line. A minimum overhead clearance of eight (8) feet from the sidewalk shall be maintained.
 - (c) Marquee signs are permitted.
 - (d) Ground mounted or monument signs are allowed as follows:
 1. Signs shall not exceed five (5) feet in height and twenty (20) square feet in area. A bonus of four (4) square feet in size (twenty (20) percent) shall be allowed if the sign is lit one hundred (100) percent by neon light.

2. Signs shall be located behind the right-of-way and out of any sight distance triangle prescribed by the Charlotte Department of Transportation (CDOT).
 3. Signs shall be located behind the minimum setback.
- (e) No free-standing pole signs shall be permitted.
- (f) No outdoor advertising signs shall be permitted.

(8) *Streetscape standards.*

- (a) A continuous perimeter planting strip (excluding driveways) shall be required whenever property abuts a curb line. The width of the planting strip, or alternative amenity zone, shall be determined by the adopted station area plan. If an adopted station area plan does not exist, or if the plan does not specify a planting strip width or amenity zone, an eight (8) feet wide planting strip shall be constructed. The planting strip shall be located between the curb line and sidewalk. If the right-of-way width varies along the street frontage, the planting strip shall be aligned along the widest right-of-way section.

If the adopted station area plan does not adequately define the curb line, then the curb line shall be determined by jointly by the Charlotte Department of Transportation (CDOT) director, or his designee, and the planning director, or his designee.

- (b) Curb lines shall be located adjacent to the perimeter planting strip, unless specified otherwise in an adopted station area plan. If the right-of-way varies along the street frontage, the planting strip shall be aligned along the widest right-of-way section.
- (c) Trees shall be planted in the continuous perimeter planting strip, as per the standards found in the city tree ordinance and in the Charlotte-Mecklenburg Land Development Standards Manual. Tree pits or trees in grates, with irrigation and sub-drainage are optional, in lieu of a planting strip, as per the requirements of subsection 21-14(c)(3)(a)(2) of the city tree ordinance. In instances where a 12-foot perimeter planting strip is required, the trees shall be centered no more than four (4) feet from the edge of the sidewalk.
- (d) City tree ordinance regulations for tree protection and replacement shall be applicable within this overlay district.

- (e) Sidewalks shall be located and constructed as specified in an adopted station area plan. This may include sidewalks along transit corridor right-of-ways. If sidewalk widths are not specified, or if a station area plan has not been adopted, then the sidewalk shall be eight (8) feet in width. Typically, sidewalks along street right-of-ways should abut the perimeter planting strip, and be located on the side closest to the building to encourage pedestrian activity. Sidewalks shall meet the standards for concrete sidewalks in accordance with the Charlotte-Mecklenburg Land Development Standards Manual.

Sidewalk easements shall be required if the sidewalk is not located within the public right-of-way.

- (f) The planning director with the affirmative recommendation of the city arborist/senior urban forester shall have the authority to modify the requirements of subsection 10.908(8), including the modification of the planting strip, sidewalk location, and width in order to preserve existing trees and to provide flexibility for a hard surface next to the curb line, where appropriate for on-street parking (e.g. handicap parking areas, loading zones).

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.909. Exceptions.

All new development in this district shall be subject to the development and urban design standards of sections 10.907 and 10.908, with the following exceptions:

- (1) *Change of use, non-residential to non-residential with no expansion.*
 - (a) If the change of use in an existing building does not require more than five (5) additional parking spaces based on the minimum/maximum number of parking spaces required in subsection 10.907(6)(a), then the requirement to provide the additional parking spaces is waived. Parking in excess of the maximum may remain.
 - (b) If additional parking spaces are added, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of subsections 10.907(6)(b) through (1).
 - (c) If sidewalks and a perimeter planting strip with trees are non-existent along street frontages, the streetscape requirements of subsection 10.908(8) shall be required.

- (d) The sign, banner, flags and pennant requirements of subsection 10.908(7) shall apply.
 - (e) The connectivity and circulation requirements of subsection 10.907(11) shall apply.
- (2) *Change from a residential use to a non-residential use with no expansion.*
- (a) All the requirements of chapter 10, part 9 shall apply with the exception of the urban design standards of subsections 10.908(1) through (4).
 - (b) Any non-conforming parking located in the required setback shall be eliminated and replaced with landscaping, patios, and/or related amenities.
- (3) *Expansions of existing uses.*
- (a) Building expansions (for both conforming and non-conforming uses) are permitted up to ten (10) percent (total) of the gross floor area in existence at the effective date the property was reclassified to TS. Expansions shall be subject to the following:
 - 1. The building expansion shall meet the minimum setback, yard and height requirements of subsections 10.907(1), (2), and (3).
 - 2. The parking standards of subsection 10.907(6)(a) shall be met. If there are parking spaces in excess of the maximum permitted, they may remain. The creation of new parking spaces in excess of the maximum is not permitted.
 - 3. No exterior improvements shall make the building non-conforming in any way, or add to its non-conformity.
 - (b) Building expansions (for both conforming and non-conforming uses) are permitted for between ten (10) percent to twenty (20) percent (total) of the gross floor area in existence at the effective date of the reclassification of the property. Expansions shall be subject to the following:
 - 1. The building expansion shall meet the minimum setback, yard, and height requirements of subsections 10.907(1), (2), and (3).
 - 2. The urban design standards of subsections 10.908(1) through (4) shall apply to the new facade.
 - 3. The expansion shall be located between the existing building and the street, but shall not encroach into the required setback. If the expansion cannot be made without encroachment into the required

setback, then the portion of the expansion that would encroach into the setback can be located elsewhere on the site.

A waiver of the location of the building expansion may be granted by the Planning Director if the expansion meets the intent of the TS district and the following conditions are both met:

- a. Any non-conforming parking located between the building and the setback shall be eliminated. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking, and
 - b. There will be an addition of outdoor cafes, patios, plazas, courtyards, open space, pedestrian seating areas, or other pedestrian oriented amenities on the site.
4. The streetscape requirements of subsection 10.908(8) shall be met.
 5. The connectivity and circulation requirements of subsection 10.907(11) shall apply.
 6. The sign, banner, flags and pennant requirements of subsection 10.908(7) shall apply for any new signs.
- (c) Building expansions over twenty (20) percent, are permitted for conforming uses only, and shall be subject to the development and urban design standards of sections 10.907 and 10.908.
 - (d) Nonconforming uses of land (such as outdoor storage areas or junk yards) shall not enlarge, intensify, increase, or extend the use to occupy any additional lot area than was occupied at the effective date the property was reclassified to TS. Nor shall the use be moved in whole, or in part, to any other portion of the lot or parcel occupied by such use at the effective date the property was reclassified.
 - (e) Conforming uses of land associated with outdoor sales or outdoor storage areas may expand onto abutting properties.
- (4) *Creation or expansion of outdoor seating.*
 - (a) Additional parking spaces shall not be required unless such outdoor seating requires more than five (5) additional spaces based on the TS minimum/maximum parking standards of subsection 10.907(6)(a).

- (b) If additional parking area is provided, the new parking area shall meet the parking standards, internal planting requirements, and parking lot screening of subsections 10.907(6)(b) through (l).
 - (c) If outdoor seating is located within an existing right-of-way or public sidewalk, an encroachment agreement shall be approved by CDOT.
- (5) *Major facade improvements to existing buildings (including buildings with non-conforming uses.* New exterior improvements (beyond paint and general maintenance such as roof or window repair or replacement) whose value exceeds twenty-five (25) percent of the current listed tax value of the entire property shall be allowed for both conforming and non-conforming uses, subject to the following:
- (a) The setback, yard and height requirements of subsections 10.907(1) (2), and (3) shall be met.
 - (b) The urban design standards of sections 10.908(1) through (4) shall apply to the new facade improvements.
 - (c) The streetscape requirements of subsection 10.908(8) shall be required if sidewalks and a perimeter planting strip with trees are non-existent along street frontages.
 - (d) No exterior improvements shall make the building nonconforming, or more non-conforming in any manner.
 - (e) Any existing, non-conforming parking shall be eliminated from the required setback. Such elimination shall not require any additional parking even if the site is rendered non-conforming, with respect to parking.
 - (f) The connectivity and circulation requirements of subsection 10.907(11) shall apply.
- (6) *Additional parking for existing development.*
- (a) The additional parking spaces shall not exceed the maximum number of spaces permitted under subsection 10.907(6)(a).
 - (b) The additional parking area shall meet the parking standards of subsections 10.907(6)(b) through (l), plus structured parking facilities shall meet the urban design requirements of subsection 10.908(5).
 - (c) The additional parking area shall meet the outdoor lighting standards of subsection 10.907(10).

- (d) If there is any non-conforming parking located in the required setback, it shall be eliminated and replaced with landscaping, patios, and/or related amenities. Any such elimination shall not require additional parking even if the site is rendered non-conforming with regard to parking.
- (e) If an existing buffer or screening area is removed for more than five (5) additional parking spaces, then a perimeter planting strip, landscaping and sidewalk shall be provided, as per subsection 10.908(8), if they are non-existent.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.910. Administrative approval.

To offer some degree of flexibility, the planning director has the authority to administratively alter any of the development and urban design standards by five (5) percent in this overlay district. If administrative approval is required for parking, or an item normally subject to approval by CDOT, the planning director shall only grant this approval after a determination by the CDOT director in conjunction with the planning director. On matters that do not involve quantitative measurements, the planning director may also make minor alterations if he/she determines that such changes would be an innovative design approach to development and/or would be in keeping with the general intent of the TS zoning district.

Any approval shall meet the following criteria:

- (1) Incorporates existing buildings, trees, topographic features, or other existing elements consistent with the TS zoning district intent; and
- (2) Provides urban open space, seating, fountains, accent landscaping, or other similar urban pedestrian amenities consistent with the intent of the TS zoning district.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.911. Board of adjustment.

The zoning board of adjustment shall have the following powers and duties to be carried out in accordance with these regulations:

- (1) The board shall have jurisdiction to hear and decide appeals from, and to review any specific order, requirement, decision, interpretation, or determination made by the zoning administrator about the development and urban design standards of sections 10.907 and 10.908.

- (2) The board shall not have jurisdiction to hear and decide petitions for variances from the development and urban design standards of sections 10.907 or 10.908.

A deviation from a development or urban design standard, however, can be obtained as a result of administrative approval pursuant to section 10.910 or as a result of a city council approved rezoning to TS-Optional.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.912. Transit supportive overlay district (optional).

- (1) *Purpose.* The transit supportive (TS) overlay district establishes minimum standards for development. However, circumstances may arise which those regulations do not address or did not foresee. Therefore, this section establishes an alternative process by which the city council may evaluate and approve development, which does not meet the minimum standards of TS.

The optional transit supportive overlay district or TS-O, is established to provide a mechanism to review and address new development concepts, innovative designs, special problems, public/private ventures, and other unique proposals or circumstances, which cannot be accommodated by the standards of TS. It also serves as a mechanism for altering or modifying the minimum standards as they relate to a specific development.

The TS standards are the guidelines that shall be used to evaluate a TS-O proposal, but any of the standards of TS may be modified in the approval of the TS-O application, with the exception that use variances will not be allowed.

- (2) *Application.* Petitions for a zoning map amendment to establish a TS-O shall be submitted to the Charlotte-Mecklenburg Planning Commission. In order to expedite the rezoning process, TS-O applications shall not count toward the maximum number of cases that the city hears each month.

A TS-O classification shall be considered only upon application of the owner of the subject property or his duly authorized agent. Applications shall be accompanied by a schematic plan, which includes pedestrian and bicycle circulation elements, and by any supporting text, that becomes a part of the amending ordinance.

- (3) *Approval.* The establishment of the TS-O shall be in accordance with the procedures of chapter 6, part 2. The city council shall also consider the extent to which the basic standards of TS are proposed to be modified, the impacts of those modifications on existing and future development in the area, and the public purpose to be served by permitting the requested modifications. In no instance shall parking be permitted in the front setback.

- (4) *Alterations.* Changes to approved plans and conditions of development shall be treated the same as changes to the zoning map and shall be processed in accordance with the procedures of section 10.904.

(Ord. No. 2881, § 1(2), 2-21-2005)

Section 10.913. Preliminary review.

Applicants planning any development or redevelopment in a TS area are required to meet with the Charlotte-Mecklenburg Planning staff, Engineering and Property Management Department, and Charlotte Department of Transportation at two (2) points in the design process:

- (1) During the conceptual design process in order that the staff may offer input into urban design objectives, and
- (2) During the design development stage to ensure that the plans meet the desired objectives and the minimum standards for the district.

Building permits shall not be issued until the planning commission staff approves the proposal as in conformance with this part.

(Ord. No. 2881, § 1(2), 2-21-2005)